

STAFF REGULATIONS

Regulations and Rules applicable
to officials and other servants
of the European Communities

December 1993

STAFF REGULATIONS

Regulations and Rules applicable
to officials and other servants
of the European Communities

December 1993

Cataloguing data can be found at the end of this publication.

Luxembourg: Office for Official Publications of the European Communities, 1994

ISBN 92-826-6806-1

© ECSC-EC-EAEC, Brussels • Luxembourg, 1994

Printed in The Netherlands

NOTE

to Parts I and II

The Staff Regulations of officials and the conditions of employment of other servants of the European Communities¹ applicable from 5 March 1968, as laid down by Articles 2 and 3 of Council Regulation (EEC, Euratom, ECSC) No 259/68 of 29 February 1968 (*Official Journal of the European Communities* L 56, 4.3.1968 – Special Edition 1968¹, December 1972), and the following Regulations amending that Regulation are consolidated in this text.² The consolidated text has been produced for information only and is not legally binding.³ The figures in brackets beside certain Articles correspond to the figures listed below and refer to the Regulations by which they were amended.

- | | |
|--|--|
| (1) Regulation (Euratom, ECSC, EEC) No 2278/69 (OJ L 289, 17.11.1969, p. 1) | (16) Regulation (Euratom, ECSC, EEC) No 1601/75 (OJ L 164, 27.6.1975, p. 1) |
| (2) Regulation (ECSC, EEC, Euratom) No 95/70 (OJ L 15, 21.1.1970, p. 1) | (17) Regulation (Euratom, ECSC, EEC) No 2577/75 (OJ L 263, 11.10.1975, p. 1) |
| (3) Regulation (ECSC, EEC, Euratom) No 96/70 (OJ L 15, 21.1.1970, p. 4) | (18) Regulation (ECSC, EEC, Euratom) No 2615/76 (OJ L 299, 29.10.1976, p. 1) |
| (4) Regulation (EEC, Euratom, ECSC) No 16/71 (OJ L 5, 7.1.1971, p. 1) | (19) Regulation (ECSC, EEC, Euratom) No 3177/76 (OJ L 359, 30.12.1976, p. 1) |
| (5) Regulation (EEC, Euratom, ECSC) No 2653/71 (OJ L 276, 16.12.1971, p. 1) | (20) Regulation (ECSC, EEC, Euratom) No 3178/76 (OJ L 359, 30.12.1976, p. 9) |
| (6) Regulation (EEC, Euratom, ECSC) No 2654/71 (OJ L 276, 16.12.1971, p. 6) | (21) Regulation (EEC, Euratom, ECSC) No 1376/77 (OJ L 157, 28.6.1977, p. 1) |
| (7) Regulation (Euratom, ECSC, EEC) No 1369/72 (OJ L 149, 1.7.1972, p. 1) | (22) Regulation (EEC, Euratom, ECSC) No 2687/77 (OJ L 314, 8.12.1977, p. 1) |
| (8) Regulation (Euratom, ECSC, EEC) No 1473/72 (OJ L 160, 16.7.1972, p. 1) | (23) Regulation (EEC, Euratom, ECSC) No 2859/77 (OJ L 330, 23.12.1977, p. 1) |
| (9) Regulation (Euratom, ECSC, EEC) No 2647/72 (OJ L 283, 20.12.1972, p. 1) | (24) Regulation (Euratom, ECSC, EEC) No 912/78 (OJ L 119, 3.5.1978, p. 1) |
| (10) Regulation (ECSC, EEC, Euratom) No 558/73 (OJ L 55, 28.2.1973, p. 1) | (25) Regulation (Euratom, ECSC, EEC) No 914/78 (OJ L 119, 3.5.1978, p. 8) |
| (11) Regulation (ECSC, EEC, Euratom) No 2188/73 (OJ L 223, 11.8.1973, p. 1) | (26) Regulation (Euratom, ECSC, EEC) No 2711/78 (OJ L 328, 23.11.1978, p. 1) |
| (12) Regulation (EEC, Euratom, ECSC) No 2/74 (OJ L 2, 3.1.1974, p. 1) | (27) Regulation (Euratom, ECSC, EEC) No 3084/78 (OJ L 369, 29.12.1978, p. 1) |
| (13) Regulation (EEC, Euratom, ECSC) No 3191/74 (OJ L 341, 20.12.1974, p. 1) | (28) Regulation (Euratom, ECSC, EEC) No 3085/78 (OJ L 369, 29.12.1978, p. 6) |
| (14) Regulation (Euratom, ECSC, EEC) No 711/75 (OJ L 71, 20.3.1975, p. 1) | (29) Regulation (ECSC, EEC, Euratom) No 2955/79 (OJ L 336, 29.12.1979, p. 1) |
| (15) Regulation (Euratom, ECSC, EEC) No 1009/75 (OJ L 98, 19.4.1975, p. 1) | (30) Regulation (EEC, Euratom, ECSC) No 160/80 (OJ L 20, 26.1.1980, p. 1) |

¹ These Staff Regulations and conditions of employment replaced the Staff Regulations of officials and the conditions of employment of other servants of the European Economic Community and the European Atomic Energy Community laid down by Council Regulations No 31 (EEC) and No 11 (EAEC) of 18 December 1961 (OJ 45, 14.6.1962 – Special Edition 1959-62, November 1972) and the Staff Regulations of officials and the conditions of employment of other servants of the European Coal and Steel Community.

² The transitional provisions applicable to officials and other servants of the Communities on entry into force of Regulations (EEC, Euratom, ECSC) Nos 259/68 and 2615/76 are reproduced on p. 77 (officials) and p. 97 (other servants).

³ A consolidation of legal instruments does not have legislative status unless it has been produced by the enacting institution. As the consolidated texts of the Council Regulations in this compendium have been produced by the Commission, in the case of litigation reference must be made to the relevant Council Regulation(s) as originally published in the Official Journal and not to this consolidation.

That said, the compendium has been prepared with the utmost care and it is hoped that it will be a valuable source of information and a useful work tool.

- (31) Regulation (EEC, Euratom, ECSC) No 161/80 (OJ L 20, 26.1.1980, p. 5)
- (32) Regulation (Euratom, ECSC, EEC) No 187/81 (OJ L 21, 24.1.1981, p. 18) and Regulation (Euratom, ECSC, EEC) No 397/81 (OJ L 46, 19.2.1981, p. 1)
- (33) Regulation (Euratom, ECSC, EEC) No 2780/81 (OJ L 271, 26.9.1981, p. 1)
- (34) Regulation (Euratom, ECSC, EEC) No 3821/81 (OJ L 386, 31.12.1981, p. 1)
- (35) Regulation (ECSC, EEC, Euratom) No 371/82 (OJ L 47, 19.2.1982, p. 8)
- (36) Regulation (ECSC, EEC, Euratom) No 372/82 (OJ L 47, 19.2.1982, p. 13)
- (37) Regulation (ECSC, EEC, Euratom) No 3139/82 (OJ L 331, 26.11.1982, p. 1)
- (38) Regulation (EEC, Euratom, ECSC) No 440/83 (OJ L 53, 26.2.1983, p. 1)
- (39) Regulation (EEC, Euratom, ECSC) No 1819/83 (OJ L 180, 5.7.1983, p. 1)
- (40) Regulation (EEC, Euratom, ECSC) No 2074/83 (OJ L 203, 27.7.1983, p. 1)
- (41) Regulation (EEC, Euratom, ECSC) No 3647/83 (OJ L 361, 24.12.1983, p. 1)
- (42) Regulation (ECSC, EEC, Euratom) No 419/85 (OJ L 51, 21.2.1985, p. 1)
- (43) Regulation (ECSC, EEC, Euratom) No 420/85 (OJ L 51, 21.2.1985, p. 6)
- (44) Regulation (ECSC, EEC, Euratom) No 1578/85 (OJ L 154, 13.6.1985, p. 1)
- (45) Regulation (ECSC, EEC, Euratom) No 1915/85 (OJ L 180, 12.7.1985, p. 3)
- (46) Regulation (ECSC, EEC, Euratom) No 2799/85 (OJ L 265, 8.10.1985, p. 1)
- (47) Regulation (ECSC, EEC, Euratom) No 3580/85 (OJ L 343, 20.12.1985, p. 1)
- (48) Regulation (EEC, Euratom, ECSC) No 3855/86 (OJ L 359, 19.12.1986, p. 1)
- (49) Regulation (EEC, Euratom, ECSC) No 3856/86 (OJ L 359, 19.12.1986, p. 5)
- (50) Regulation (Euratom, ECSC, EEC) No 793/87 (OJ L 79, 21.3.1987, p. 1)
- (51) Regulation (Euratom, ECSC, EEC) No 3019/87 (OJ L 286, 9.10.1987, p. 3)
- (52) Regulation (Euratom, ECSC, EEC) No 3212/87 (OJ L 307, 29.10.1987, p. 1)
- (53) Regulation (Euratom, ECSC, EEC) No 3784/87 (OJ L 356, 18.12.1987, p. 1)
- (54) Regulation (ECSC, EEC, Euratom) No 2338/88 (OJ L 204, 29.7.1988, p. 1)
- (55) Regulation (ECSC, EEC, Euratom) No 2339/88 (OJ L 204, 29.7.1988, p. 5)
- (56) Regulation (ECSC, EEC, Euratom) No 3982/88 (OJ L 354, 22.12.1988, p. 1)
- (57) Regulation (EEC, Euratom, ECSC) No 2187/89 (OJ L 209, 21.7.1989, p. 1)
- (58) Regulation (EEC, Euratom, ECSC) No 3728/89 (OJ L 364, 14.12.1989, p. 1)
- (59) Regulation (Euratom, ECSC, EEC) No 2258/90 (OJ L 204, 2.8.1990, p. 1)
- (60) Regulation (Euratom, ECSC, EEC) No 3736/90 (OJ L 360, 22.12.1990, p. 1)
- (61) Regulation (EEC) No 2232/91 (OJ L 204, 22.7.1991, p. 1)
- (62) Regulation (ECSC, EEC, Euratom) No 3830/91 (OJ L 361, 31.12.1991, p. 1)
- (63) Regulation (ECSC, EEC, Euratom) No 3831/91 (OJ L 361, 31.12.1991, p. 7)
- (64) Regulation (ECSC, EEC, Euratom) No 3832/91 (OJ L 361, 31.12.1991, p. 9)
- (65) Regulation (ECSC, EEC, Euratom) No 3833/91 (OJ L 361, 31.12.1991, p. 10)
- (66) Regulation (ECSC, EEC, Euratom) No 3834/91 (OJ L 361, 31.12.1991, p. 13)
- (67) Regulation (EEC, Euratom, ECSC) No 571/92 (OJ L 62, 7.3.1992, p. 1)
- (68) Regulation (EEC, Euratom, ECSC) No 3761/92 (OJ L 383, 29.12.1992, p. 1)
- (69) Regulation (EEC, Euratom, ECSC) No 3947/92 (OJ L 404, 31.12.1992, p. 1)
- (70) Regulation (Euratom, ECSC, EEC) No 3608/93 (OJ L 328, 29.12.1993, p. 1)¹

¹ This Regulation made the most recent adjustment to the remuneration of officials and other servants of the European Communities in accordance with Article 65 of the Staff Regulations.

CONTENTS

	<i>Page</i>
I. Staff Regulations of officials of the European Communities	7
II. Conditions of employment of other servants of the European Communities.....	79
III. Other Council and Commission regulations applicable to officials and other servants of the European Communities	99
IV. Rules applicable to officials and other servants of the European Communities drawn up by agreement between the institutions.....	171

I

Staff Regulations of officials of the European Communities

CONTENTS

	<i>Article</i>	<i>Page</i>
Title I: General provisions	1 to 10a	10
Title II: Rights and obligations of officials	11 to 26	12
Title III: Career of officials		
Chapter 1: Recruitment	27 to 34	14
Chapter 2: Administrative status.....	35	16
Section 1: Active employment	36	16
Section 2: Secondment	37 to 39	16
Section 3: Leave on personal grounds.....	40	17
Section 4: Non-active status.....	41	18
Section 5: Leave for military service.....	42	19
Chapter 3: Reports, advancement to a higher step and promotion	43 to 46	19
Chapter 4: Termination of service	47	20
Section 1: Resignation	48	20
Section 2: Compulsory resignation	49	20
Section 3: Retirement in the interests of the service.....	50	20
Section 4: Dismissal for incompetence.....	51	20
Section 5: Retirement	52 to 53	21
Section 6: Honorary rank	54	21
Title IV: Working conditions of officials		
Chapter 1: Hours of work	55 to 56b	21
Chapter 2: Leave	57 to 60	22
Chapter 3: Public holidays.....	61	22
Title V: Emoluments and social security benefits of officials		
Chapter 1: Remuneration and expenses		
Section 1: Remuneration.....	62 to 70a	23
Section 2: Expenses	71	25
Chapter 2: Social security benefits	72 to 76	25
Chapter 3: Pensions.....	77 to 84	27
Chapter 4: Recovery of undue payment.....	85	30
Chapter 5: Subrogation in favour of the Communities	85a	30
Title VI: Disciplinary measures	86 to 89	30
Title VII: Appeals	90 to 91a	31
Title VIII: Special provisions applicable to officials in the scientific or technical services of the Communities	92 to 101	32
Title VIIIa: Special and exceptional provisions applicable to officials serving in a third country	101a	34
Title IX: Transitional and final provisions		
Chapter 1: Transitional provisions.....	102 to 109	34
Chapter 2: Final provisions.....	110	35

	<i>Page</i>
<i>Annex I:</i>	
A. Basic posts and corresponding career brackets in each Category and in the Language Service, as provided for in Article 5(4) of the Staff Regulations	37
B. Basic posts and corresponding career brackets of officials in the scientific and technical services of the Communities, as provided for in Article 92 of the Staff Regulations	38
<i>Annex II:</i>	
Composition and procedure of the bodies provided for in Article 9 of the Staff Regulations.....	40
<i>Annex III:</i>	
Competitions.....	43
<i>Annex IV:</i>	
Allowance under Articles 41 and 50 of the Staff Regulations	45
<i>Annex IVa:</i>	
Half-time work	47
<i>Annex V:</i>	
Leave	48
<i>Annex VI:</i>	
Compensatory leave and remuneration for overtime.....	50
<i>Annex VII:</i>	
Remuneration and reimbursement of expenses.....	51
<i>Annex VIII:</i>	
Pension scheme	60
<i>Annex IX:</i>	
Disciplinary proceedings.....	68
<i>Annex X:</i>	
Special and exceptional provisions applicable to officials serving in a third country	69
<i>Annex XI:</i>	
Rules for implementing Articles 64 and 65 of the Staff Regulations	73

TITLE I

GENERAL PROVISIONS

Article 1 (21)

For the purposes of these Staff Regulations, 'official of the Communities' means any person who has been appointed, as provided for in these Staff Regulations, to an established post on the staff of one of the institutions of the Communities by an instrument issued by the appointing authority of that institution.

Save as otherwise provided for, the Economic and Social Committee and the Court of Auditors shall, for the purpose of these Staff Regulations, be treated as institutions of the Communities.

Article 2 (69)

Each institution shall determine who within it shall exercise the powers conferred by these Staff Regulations on the appointing authority.

In respect of officials of the Economic and Social Committee, the rules of procedure of that Committee shall determine who shall exercise the powers conferred by these Staff Regulations on the appointing authority.

However, two or more institutions may entrust to one of them or to an interinstitutional body the exercise of the powers conferred on the appointing authority in respect of recruitment and of the social security and pension schemes.

Article 3

The instrument appointing an official shall state the date on which the appointment takes effect; this date shall not be prior to the date on which the official takes up his duties.

Article 4

No appointment or promotion shall be made for any purpose other than that of filling a vacant post as provided for in these Staff Regulations.

Vacant posts in an institution shall be notified to the staff of that institution once the appointing authority decides that the vacancy is to be filled.

If the vacancy cannot be filled by transfer, promotion or an internal competition, it shall be notified to the staff of the three European Communities.

Article 5 (8)

1. The posts covered by these Staff Regulations shall be classified, according to the nature and importance of the duties to which they relate, in four categories A, B, C and D, in descending order of rank.

Category A shall comprise eight grades, divided into career brackets ordinarily containing two grades

each for staff engaged in administrative and advisory duties which require university education or equivalent professional experience.

Category B shall comprise five grades, divided into career brackets ordinarily containing two grades each for staff engaged in executive duties which require an advanced level of secondary education or equivalent professional experience.

Category C shall comprise five grades, divided into career brackets ordinarily containing two grades each for staff engaged in clerical duties which require secondary education or equivalent professional experience.

Category D shall comprise four grades, divided into career brackets ordinarily containing two grades each for staff engaged in manual or service duties which require primary education, if necessary supplemented by some technical training.

By way of derogation from the preceding provisions, however, posts coming within the same specialized professional field may, in accordance with the procedure for revision of these Staff Regulations, be formed into services embracing a number of grades of one or more of the foregoing categories.

2. Posts of translators and interpreters shall be grouped in a Language Service designated by the letters LA, comprising six grades equivalent to Grades 3 to 8 of Category A and divided into career brackets ordinarily containing two grades each.

3. Identical conditions of recruitment and service career shall apply to all officials belonging to the same category or the same service.

4. A table showing basic posts and corresponding career brackets is given in Annex I.

By reference to this table each institution shall, after consulting the Staff Regulations Committee referred to in Article 10, define the duties and powers attaching to each basic post.

Article 6

The list of posts appended to the section of the budget relating to each institution shall indicate, for each category and each service, the number of posts in each grade for each career bracket.

Article 7 (8)

1. The appointing authority shall, acting solely in the interest of the service and without regard to nationality, assign each official by appointment or transfer to a post in his category or service which corresponds to his grade.

An official may apply for a transfer within his institution.

2. An official may be called upon to occupy temporarily a post in a career bracket in his category or service which is higher than his substantive career bracket. From the beginning of the fourth month of such temporary posting, he shall receive a differential allowance equal to the difference between the remuneration carried by his substantive grade and step, and the remuneration he would receive in respect of the step at which he would be classified in the starting grade if he were appointed to the career bracket of his temporary posting.

The duration of a temporary posting shall not exceed one year, except where, directly or indirectly, the posting is to replace an official who is seconded to another post in the interests of the service, called up for military service or absent on protracted sick leave.

Article 8

An official seconded to another institution of the European Communities may, after a period of six months, apply to be transferred to that institution.

If the parent institution of the official and the institution to which he has been seconded both consent to the transfer, the official shall be deemed to have served his entire service career in the Community in the latter institution. He shall not receive by virtue of such transfer any of the financial benefits which an official is entitled to receive under these Staff Regulations on termination of service with one of the institutions of the Communities.

If the decision granting the application involves establishment in a grade higher than that occupied in the parent institution, this shall count as promotion; such decision may be taken only in accordance with the terms of Article 45.

Article 9 (69)

1. There shall be set up:

(a) within each institution:

- a Staff Committee, which may be organized in sections for the different places of employment;
- one or more Joint Committees, as appropriate for the number of officials at the places of employment;
- one or more Disciplinary Boards, as appropriate for the number of officials at the places of employment;
- a Reports Committee, if required

(b) for the Communities:

- an Invalidity Committee,

which shall perform the functions assigned to them by these Staff Regulations.

1a. For the application of certain provisions of these Staff Regulations, a common Joint Committee may be established for two or more institutions.

2. The composition and procedure of the bodies shall be determined by each institution in accordance with the provisions of Annex II.

The members of these bodies shall be listed in the *Monthly Staff Bulletin* of the Communities.

3. The Staff Committee shall represent the interests of the staff *vis-à-vis* their institution and maintain continuous contact between the institution and the staff. It shall contribute to the smooth running of the service by providing a channel for the expression of opinion by the staff.

It shall bring to the notice of the competent bodies of the institution any difficulty having general implications concerning the interpretation and application of these Staff Regulations. It may be consulted on any difficulty of this kind.

The Committee shall submit to the competent bodies of the institution suggestions concerning the organization and operation of the service and proposals for the improvement of staff working conditions or general living conditions.

The Committee shall participate in the management and supervision of social welfare bodies set up by the institution in the interests of its staff. It may, with the consent of the institution, set up such welfare services.

4. In addition to the functions assigned to them by these Staff Regulations, the Joint Committee or Committees may be consulted by the appointing authority or by the Staff Committee on questions of a general nature which either of the latter thinks fit to submit.

5. The opinion of the Reports Committee shall be sought:

- (a) on action following completion of probationary service;
- (b) on dismissals for incompetence; and
- (c) on the selection of staff to be affected by any reduction in the establishment.

The Committee shall ensure that the periodic reports on staff members are made in a uniform manner within any one institution.

Article 10

A Staff Regulations Committee shall be set up consisting of representatives of the institutions of the Communities and an equal number of representatives of their Staff Committees. The procedure for appointing members of the Staff Regulations Committee shall be decided by common accord of the institutions.

In addition to the functions assigned to it by these Staff Regulations, the Committee may formulate suggestions for the revision of the Staff Regulations.

The Committee shall be consulted by the Commission on any proposal for the revision of the Staff Regulations; it shall make known its opinion within such period as may be set by the Commission. The Committee shall meet at the request of its Chairman, an institution or the Staff Committee of an institution.

Minutes of the meetings of the Committee shall be communicated to the appropriate bodies.

Article 10a (8)

The institution shall prescribe the periods within which the Staff Committee, the Joint Committee or the Staff Regulations Committee must deliver opinions requested of them; these periods shall not be less than 15 working days. If no opinion has been delivered within the period prescribed the institution shall take its decision.

TITLE II

RIGHTS AND OBLIGATIONS OF OFFICIALS

Article 11

An official shall carry out his duties and conduct himself solely with the interests of the Communities in mind; he shall neither seek nor take instructions from any government, authority, organization or person outside his institution.

An official shall not without the permission of the appointing authority accept from any government or from any other source outside the institution to which he belongs any honour, decoration, favour, gift or payment of any kind whatever, except for services rendered either before his appointment or during special leave for military or other national service and in respect of such service.

Article 12

An official shall abstain from any action and, in particular, any public expression of opinion which may reflect on his position.

He may neither keep nor acquire, directly or indirectly, in undertakings which are subject to the authority of the institution to which he belongs or which have dealings with that institution, any interest of such kind or magnitude as might impair his independence in the performance of his duties.

An official wishing to engage in an outside activity, whether gainful or not, or to carry out any assignment outside the Communities must obtain permission from the appointing authority. Permission shall be refused if the activity or assignment is such as to impair the official's independence or to be detrimental to the work of the Communities.

Article 13

If the spouse of an official is in gainful employment, the official shall inform the appointing authority of his institution. Should the nature of the employment prove to be incompatible with that of the official and if the official is unable to give an undertaking that it will cease within a specified period, the appointing authority shall, after consulting the Joint Committee, decide whether the official shall continue in his post, be transferred to another post or be required to resign.

Article 14

Any official who in the performance of his duties is called upon to decide on a matter in the handling or outcome of which he has a personal interest such as to impair his independence shall inform the appointing authority.

Article 15

An official who is a candidate for elective public office shall apply for leave on personal grounds for a period not exceeding three months.

The appointing authority shall consider the case of any official elected to such office. The appointing authority shall, having regard to the importance of the office and the duties it entails for the holder, decide whether the official should continue in active employment or should apply for leave on personal grounds. In the latter case, the duration of the leave shall be equal to the term for which the official has been elected.

Article 16

An official shall, after leaving the service, continue to be bound by the duty to behave with integrity and discretion as regards the acceptance of certain appointments or benefits.

Each institution shall, after consulting the Joint Committee, specify what posts debar officials who have held them from engaging in any occupation, whether gainful or not, for a period of three years after leaving the service, except in accordance with the following provisions.

During these three years any official who has held such a post shall be required to inform immediately the institutions to which he belonged during the three years before he left the service of the duties or assignments which he may be called upon to carry out.

The institution shall, after consulting the Joint Committee, notify the person concerned, within 15 days of being so informed, whether it forbids him to accept such duties or assignments.

Article 17

An official shall exercise the greatest discretion with regard to all facts and information coming to his knowledge in the course of or in connection with the performance of his duties; he shall not in any manner whatsoever disclose to any unauthorized person any document or information not already made public. He shall continue to be bound by this obligation after leaving the service.

An official shall not, whether alone or together with others, publish or cause to be published without the permission of the appointing authority, any matter dealing with the work of the Communities. Permission shall be refused only where the proposed publication is liable to prejudice the interests of the Communities.

Article 18

All rights in any writings or other work done by any official in the performance of his duties shall be the property of the Community to whose activities such writings or work relate.

Article 19

An official shall not, without permission from the appointing authority, disclose on any grounds whatever, in any legal proceedings information of which he has knowledge by reason of his duties. Permission shall be refused only where the interests of the Communities so require and such refusal would not entail criminal consequences as far as the official is concerned. An official shall continue to be bound by this obligation after leaving the service.

The provisions of the preceding paragraph shall not apply to an official or former official giving evidence before the Court of Justice of the European Communities or before the Disciplinary Board of an institution on a matter concerning a servant or former servant of one of the three European Communities.

Article 20

An official shall reside either in the place where he is employed or at no greater distance therefrom as is compatible with the proper performance of his duties.

Article 21 (24)

An official, whatever his rank, shall assist and tender advice to his superiors; he shall be responsible for the performance of the duties assigned to him.

An official in charge of any branch of the service shall be responsible to his superiors in respect of the authority conferred on him and for the carrying out of instructions given by him. The responsibility of his subordinates shall in no way release him from his own responsibility.

An official who receives instructions which he considers to be irregular or likely to give rise to serious difficulties shall inform his immediate superior, if necessary in writing. If the official then receives

written confirmation of the instructions from his superior, he shall carry them out unless they constitute a breach of criminal law or of the relevant safety standards.

Article 22

An official may be required to make good, in whole or in part, any damage suffered by the Communities as a result of serious misconduct on his part in the course of or in connection with the performance of his duties.

A reasoned decision shall be given by the appointing authority in accordance with the procedure laid down in regard to disciplinary matters.

The Court of Justice of the European Communities shall have unlimited jurisdiction in disputes arising under this provision.

Article 23 (24)

The privileges and immunities enjoyed by officials are accorded solely in the interests of the Communities. Subject to the Protocol on Privileges and Immunities, officials shall not be exempt from fulfilling their private obligations or from complying with the laws and police regulations in force.

When privileges and immunities are in dispute, the official concerned shall immediately inform the appointing authority.

The *laissez-passer* provided for in the Protocol on Privileges and Immunities shall be issued to officials in Grades A 1 to A 4 and equivalent grades. Where the interests of the service so require, this *laissez-passer* may be issued, by special decision of the appointing authority, to officials in other grades whose place of employment lies outside the territory of the Member States.

Article 24 (8)

The Communities shall assist any official, in particular in proceedings against any person perpetrating threats, insulting or defamatory acts or utterances, or any attack to person or property to which he or a member of his family is subjected by reason of his position or duties.

They shall jointly and severally compensate the official for damage suffered in such cases, in so far as the official did not either intentionally or through grave negligence cause the damage and has been unable to obtain compensation from the person who did cause it.

It shall facilitate such further training and instruction for officials as is compatible with the proper functioning of the service and is in accordance with its own interests.

Such training and instruction shall be taken into account for purposes of promotion in their careers.

Article 24a (8)

Officials shall be entitled to exercise the right of association; they may in particular be members of trade unions or staff associations of European officials.

Article 25 (8)

Officials may submit requests to the appointing authority of their institution.

Any decision relating to a specific individual which is taken under these Staff Regulations shall at once be communicated in writing to the official concerned. Any decision adversely affecting an official shall state the grounds on which it is based.

Specific decisions regarding appointment, establishment, promotion, transfer, determination of administrative status and termination of service of an official shall at once be posted in the premises of the institution to which the official belongs and shall be published in the *Monthly Staff Bulletin* of the Communities.

Article 26

The personal file of an official shall contain:

- (a) all documents concerning his administrative status and all reports relating to his ability, efficiency and conduct;
- (b) any comments by the official on such documents.

Documents shall be registered, numbered and filed in serial order; the documents referred to in subparagraph (a) may not be used or cited by the institution against an official unless they were communicated to him before they were filed.

The communication of any document to an official shall be evidenced by his signing it or, failing that, shall be effected by registered letter.

An official's personal file shall contain no reference to his political, philosophical or religious views.

There shall be only one personal file for each official.

An official shall have the right, even after leaving the service, to acquaint himself with all the documents in his file.

The personal file shall be confidential and may be consulted only in the offices of the administration. It shall, however, be forwarded to the Court of Justice of the European Communities if an action concerning the official is brought before the Court.

TITLE III

CAREER OF OFFICIALS

CHAPTER 1

RECRUITMENT

Article 27

Recruitment shall be directed to securing for the institution the services of officials of the highest standard of ability, efficiency and integrity, recruited on the broadest possible geographical basis from among nationals of Member States of the Communities.

Officials shall be selected without reference to race, creed or sex.

No posts shall be reserved for nationals of any specific Member State.

Article 28

An official may be appointed only on condition that:

- (a) he is a national of one of the Member States of the Communities, unless an exception is authorized by the appointing authority, and enjoys his full rights as a citizen;
- (b) he has fulfilled any obligations imposed on him by the laws concerning military service;

- (c) he produces the appropriate character references as to his suitability for the performance of his duties;
- (d) he has, subject to Article 29(2), passed a competition based on either qualifications or tests, or both qualifications and tests, as provided for in Annex III;
- (e) he is physically fit to perform his duties; and
- (f) he produces evidence of a thorough knowledge of one of the languages of the Communities and of a satisfactory knowledge of another language of the Communities to the extent necessary for the performance of his duties.

Article 29

1. Before filling a vacant post in an institution, the appointing authority shall first consider:

- (a) whether the post can be filled by promotion or transfer within the institutions;
- (b) whether to hold competitions internal to the institution;
- (c) what applications for transfer have been made by officials of other institutions of the three European Communities;

and then follow the procedure for competitions on the basis either of qualifications or of tests, or of both qualifications and tests. Annex III lays down the competition procedure.

The procedure may likewise be followed for the purpose of constituting a reserve for future recruitment.

2. A procedure other than the competition procedure may be adopted by the appointment authority for the recruitment of Grade A 1 or A 2 officials and, in exceptional cases, also for recruitment to posts which require special qualifications.

Article 30

For each competition, a selection board shall be appointed by the appointing authority. This board shall draw up a list of suitable candidates.

The appointing authority shall decide which of these candidates to appoint to the vacant posts.

Article 31

1. Candidates thus selected shall be appointed as follows:

- officials in Category A or the Language Service: to the starting grade of their category or service;
- officials in other categories: to the starting grade for the post for which they have been recruited.

2. However, the appointing authority may make exceptions to the foregoing provisions within the following limits:

(a) in respect of Grades A 1, A 2, A 3 and LA 3,

- up to half the appointments to posts becoming vacant;
- up to two thirds of the appointments to newly created posts;

(b) in respect of other grades,

- up to one third of the appointments to posts becoming vacant;
- up to half the appointments to newly created posts.

Save in respect of Grade LA 3, this provision shall be applied by groups of six posts to be filled in each grade for the purpose of this provision.

Article 32 (8) (69)

An official shall be recruited at the first step in his grade.

However, the appointing authority may, taking account of the training and special experience for the post of the person concerned, allow additional seniority in his grade; this shall not exceed 72 months in Grades A 1 to A 4, LA 3 and LA 4 and 48 months in other grades.

Members of the temporary staff graded in accordance with the grading criteria adopted by the institution shall retain the seniority in the step acquired in that capacity if they are appointed officials in the same grade immediately following the period of temporary service.

Article 33 (24)

Before appointment, a successful candidate shall be medically examined by one of the institution's medical officers in order that the institution may be satisfied that he fulfils the requirements of Article 28(e).

Where a negative medical opinion is given as a result of the medical examination provided for in the first paragraph, the candidate may, within 20 days of being notified of this opinion by the institution, request that his case be submitted for the opinion of a medical committee composed of three doctors chosen by the appointing authority from among the institution's medical officers. The medical officer responsible for the initial negative opinion shall be heard by the medical committee. The candidate may refer the opinion of a doctor of his choice to the medical committee. Where the opinion of the medical committee confirms the conclusions of the medical examination provided for in the first paragraph, the candidate shall pay 50% of the fees and of the incidental costs.

Article 34 (8) (24) (69)

1. Officials other than those in Grades A 1 and A 2 shall serve a probationary period before they can be established. The period shall be nine months for officials in Category A, in the Language Service and in Category B and six months for other officials.

Where, during his probationary period, an official is prevented, by sickness, maternity leave under Article 58, or accident, from performing his duties for a continuous period of at least one month, the appointing authority may extend his probationary period by the corresponding length of time.

2. A report on the probationer may be made at any time during the probationary period if his work is proving obviously inadequate.

This report shall be communicated to the person concerned, who shall have the right to submit his comments in writing within a period of eight days. The report and the comments shall be transmitted immediately by the probationer's immediate superior to the appointing authority, which shall, within a period of three weeks, obtain the opinion of the Joint Reports Committee on the action to be taken. The appointing authority may decide to dismiss the probationer before the end of the probationary period, giving him one month's notice; the period of service may not, however, exceed the normal probationary period.

However, the appointing authority may, in exceptional circumstances, authorize continuation of the

probationary period and assign the official to another department. In this case the new assignment must be for at least six months; it shall be subject to the limits set out in paragraph 4.

3. One month at the latest before the expiry of the probationary period, a report shall be made on the ability of the probationer to perform the duties pertaining to his post and also on his efficiency and conduct in the service. This report shall be communicated to the probationer, who shall have the right to submit his comments in writing within a period of eight days.

Should it recommend dismissal or, in exceptional circumstances, extension of the probationary period, the report and the comments shall be transmitted immediately by the probationer's immediate superior to the appointing authority, which shall, within a period of three weeks, consult the Joint Reports Committee on the action to be taken.

A probationer whose work has not proved adequate for establishment in his post shall be dismissed. However, the appointing authority may, in exceptional circumstances, extend the probationary period for a maximum of six months, and possibly assign the probationer to another department.

4. The total length of the probationary period shall in no circumstances exceed 15 months.

5. Except where he is in a position forthwith to resume employment elsewhere, a dismissed probationer shall receive compensation equal to three months' basic salary if he has completed more than one year's service, two months' basic salary if he has completed at least six months' service and one month's basic salary if he has completed less than six months' service.

6. Paragraphs 2, 3, 4, and 5 shall not apply to officials who resign before the end of their probationary period.

CHAPTER 2

ADMINISTRATIVE STATUS

Article 35

Officials shall be assigned one of the following administrative statuses:

- (a) active employment;
- (b) secondment;
- (c) leave on personal grounds;
- (d) non-active status;
- (e) leave for military service.

Section 1

Active employment

Article 36

An official in active employment is one who is performing the duties pertaining to the post to which he has been appointed or temporarily assigned under the conditions contained in Title IV.

Section 2

Secondment

Article 37 (8) (40) (69)

An official on secondment is an established official who, by decision of the appointing authority:

(a) has been directed in the interests of the service:

- to serve temporarily in a post outside his institution; or
- to assist temporarily a person holding an office provided for in the Treaties establishing the Communities or the Treaty establishing a Single Council and a Single Commission of the Communities, or with an elected President of one of the institutions or organs of the Communities or the elected Chairman of one of the political groups in the European Parliament;
- to serve temporarily in a post which is included in the list of posts financed from the research and investment appropriations and which the budgetary authorities have classified as temporary.

(b) has at his own request:

- been placed at the disposal of another of the institutions of the European Communities; or
- been placed at the disposal of an organization devoted to furthering the Community's interests and included on a list to be drawn up by agreement between the institutions of the Communities after consulting the Staff Regulations Committee.

An official on secondment shall continue to enjoy all his rights under the conditions contained in Articles 38 and 39 and shall remain subject to all his obligations as an official of his parent institution. Subject to the provisions of the third paragraph of Article 77 concerning pension, however, the provisions which apply to the official during the secondment referred to in the second indent of (a) in the first paragraph shall be those applicable to an official of the same grade as that assigned to him in the post to which he is seconded.

Article 38 (8)

Secondment in the interests of the service shall be governed by the following rules:

- (a) the decision on secondment shall be taken by the appointing authority after hearing the official concerned;
- (b) the duration of secondment shall be determined by the appointing authority;
- (c) at the end of every six months, the official concerned may request that this secondment be terminated;
- (d) an official on secondment pursuant to the first indent of Article 37(a) is entitled to receive a differential payment where the total remuneration carried by the post to which he is seconded is less than that carried by his grade and step in his parent institution; he shall likewise be entitled to reimbursement of all additional expenses entailed by his secondment;
- (e) an official on secondment pursuant to the first indent of Article 37(a) shall continue to pay pension contributions based on the salary for active employment carried by his grade and step in his parent institution;
- (f) an official on secondment shall retain his post, his right to advancement to a higher step and his eligibility for promotion;
- (g) when his secondment ends an official shall at once be reinstated in the post formerly occupied by him.

Article 39 (8) (40)

Secondment at an official's own request shall be governed by the following rules:

- (a) the decision on secondment shall be taken by the appointing authority who shall determine its duration;
- (b) within six months of taking up his new duties an official may request that his secondment be terminated; he shall then be reinstated at once in the post formerly occupied by him;
- (c) at the end of this period of six months, another person may be appointed to his post;
- (d) during the period of secondment, pension contributions and any pension rights shall be calculated by reference to the salary for active employment carried by his grade and step in his parent institution. However, an official on secondment under the second indent of Article 37(1)(b) who acquires pension rights in the body to which he is seconded shall cease to be affiliated to the pension scheme in his original institution for the duration of this secondment.

An official who becomes an invalid while on secondment within the meaning of Article 37(1)(b), second indent, and the dependants of an official who dies during the same period, shall be entitled under these Staff Regulations to the invalidity or the survivor's pension less any

amounts paid to them on the same grounds and for the same period by the body to whom the official was seconded.

This provision shall not result in the official or his dependants being entitled to a total pension higher than the maximum amount he would have received pursuant to these Staff Regulations.

- (e) when his secondment ends an official must be reinstated in the first post corresponding to his grade which falls vacant in his category or service provided that he satisfies the requirements for that post. If he declines the post offered to him he shall retain his right to reinstatement when the next vacancy corresponding to his grade occurs in his category or service, subject to the same proviso; if he declines a second time, he may be required to resign after the Joint Committee has been consulted. Until effectively reinstated he shall continue to be on secondment but unpaid.

Section 3

Leave on personal grounds

Article 40 (8) (24) (40)

1. An established official may, in exceptional circumstances and at his own request, be granted unpaid leave on personal grounds.
2. Without prejudice to the provisions of Article 15, the duration of such leave shall not exceed one year.

Leave may be extended for two further periods of one year each.

If, however, an official applies for such leave in order to be able:

- to bring up a child who is under five years old and considered as a dependant of the official within the meaning of Article 2(2) of Annex VII; or
- to bring up a child considered to be a dependant of his within the meaning of Article 2(2) of Annex VII and who suffers from a serious mental or physical handicap recognized by the medical officer of the institution and who requires constant care or supervision,

leave may be extended annually four times, provided that at the time of each extension one or other of the conditions referred to in the above two indents obtains.

If an official applies for such leave in order to be able to accompany his or her spouse, the latter also being an official or other servant of the Communities required in the course of his or her duties to establish his or her habitual residence at such a distance from the place of employment of the applicant

official that the establishment of their conjugal home in such a place would inconvenience the applicant official in the performance of his or her duties, leave may be extended annually five times, provided that, at the time of each extension, the conditions which warranted the grant of the leave obtain. An official may benefit from the latter provision on the extension of leave only once in his or her career.

3. During leave, an official shall not be entitled to advancement to a higher step or promotion in grade; his membership of the social security scheme provided for in Articles 72 and 73 and cover for risks under the scheme shall be suspended.

However, an official who provides evidence that he cannot be covered by any other public scheme of insurance against the risks referred to in Articles 72 and 73 may, not later than one month following that in which his leave on personal grounds begins, apply to continue to be covered in accordance with those Articles, provided that he bears half the cost of the contributions required to cover the risks referred to in Articles 72(1) and 73(1) for the first year of the leave on personal grounds and the full cost during the remainder of such leave; the contributions shall be calculated by reference to the official's last basic salary. Moreover, the official who proves that he cannot acquire pension rights for another pension scheme may apply to continue to acquire further pension rights for a maximum of one year, provided that he bears the cost of the contribution equal to three times the rate laid down in Article 83(2); the contributions shall be calculated by reference to the basic salary for the official's grade and step.

4. Leave on personal grounds shall be governed by the following rules:

- (a) it shall be granted at the request of the official concerned by the appointing authority;
- (b) application for extension shall be made two months before the leave expires;
- (c) another person may be appointed to the post occupied by the official;
- (d) on the expiry of his leave an official must be reinstated in the first post corresponding to his grade which falls vacant in his category or service, provided that he satisfies the requirements for that post. If he declines the post offered to him, he shall retain his right to reinstatement when the next vacancy corresponding to his grade occurs in his category or service, subject to the same proviso; if he declines a second time, he may be required to resign after the Joint Committee has been consulted. Until effectively reinstated he shall remain on unpaid leave on personal grounds.

Section 4

Non-active status

Article 41 (8) (46)

1. An official having non-active status is one who has become supernumerary by reason of reduction in the number of posts in his institution.

2. Reductions in the number of posts in a particular grade shall be decided by the appropriate budgetary authority under the budgetary procedure.

The appointing authority shall, after consulting the Joint Committee, decide what types of post are to be affected by such measures.

The appointing authority shall draw up a list of the officials to be affected by such measures, after consulting the Joint Committee, taking into account the officials' ability, efficiency, conduct in the service, family circumstances and seniority. Any official occupying one of the posts referred to in the preceding subparagraph who expresses the wish to be assigned non-active status shall automatically be entered on this list.

Officials whose names appear on this list shall be assigned non-active status by decision of the appointing authority.

3. While possessing this status an official shall cease to perform his duties and to enjoy his rights to remuneration or advancement to a higher step, but shall continue, for a period not exceeding five years, to accumulate rights to retirement pension based on the salary carried by his grade and step.

For a period of two years from the date of being assigned non-active status, an official shall have priority for reinstatement in any post in his category or service corresponding to his grade which may fall vacant or be created, provided that he has the necessary qualifications.

An official assigned on non-active status shall receive an allowance calculated in accordance with Annex IV.

Income received by the official from any new employment during this period shall be deducted from the allowance provided for in the preceding subparagraph if that income and the allowance together exceed the total remuneration last received by the official, calculated by reference to the table of salaries applicable on the first day of the month for which the allowance is to be paid.

The official shall furnish such written proof as may be required and inform the institution of any facts liable to affect his entitlement.

The allowance and the total remuneration last received, as referred to in the fourth subparagraph, shall be weighted at the rate fixed for the country inside or outside the Communities where the recipient proves he has his residence.

If the recipient established his residence in a country for which no weighting has been fixed, the weighting shall be equal to 100.

The allowance shall be expressed in Belgian francs. It shall be paid in the currency of the country of residence of the recipient.

Allowances paid in a currency other than the Belgian franc shall be calculated at the exchange rates specified in the second paragraph of Article 63.

4. At the end of the period of entitlement of the allowance the official shall be required to resign. He shall, where appropriate, receive a retirement pension as provided for in the pension scheme.

5. An official who before expiry of the two-year period specified in paragraph 3 has been offered a post corresponding to his grade and has declined it without good reason may, after the Joint Committee has been consulted, be deprived of his rights under the foregoing provisions and be required to resign.

Section 5

Leave for military service

Article 42

An official who is called up for military service or for reserve training or is recalled to serve in the armed forces shall be assigned the special status of 'leave for military service'.

An official who is called up for military service shall cease to receive his remuneration but shall retain his right to advancement to a higher step and promotion under these Staff Regulations. He shall also retain his right to enjoy retirement pension if, after completing his military service, he pays up his pension contributions retroactively.

An official who is called up for reserve training or recalled to serve in the armed forces shall, during the period of training or recall, continue to receive his remuneration subject to deduction of an amount equal to his service pay.

CHAPTER 3

REPORTS, ADVANCEMENT TO A HIGHER STEP AND PROMOTION

Article 43

The ability, efficiency and conduct in the service of each official, with the exception of those in Grades A 1 and A 2, shall be the subject of a periodical report made at least once every two years as provided for by each institution in accordance with Article 110.

The report shall be communicated to the official. He shall be entitled to make any comments thereon which he considers relevant.

Article 44

An official who has been at one step in his grade for two years shall automatically advance to the next step in that grade.

Article 45 (69)

1. Promotion shall be by decision of the appointing authority. It shall be effected by appointment of the official to the next higher grade in the category or service to which he belongs. Promotion shall be exclusively by selection from among officials who have completed a minimum period in their grade, after consideration of the comparative merits of the officials eligible for promotion and of the reports on them.

For officials appointed to the starting grade in their service or category, this period shall be six months from the date of their establishment; for other officials it shall be two years.

2. An official may be transferred from one service to another or promoted from one category to another only on the basis of a competition.

3. However, should the particular staffing requirements of an institution so dictate, a derogation may be made from paragraph 2 to allow officials to move from the Language Service to Category A and vice versa by means of a transfer, in accordance with paragraph 4.

4. Should it decide to avail itself of this derogation, the appointing authority shall, taking due account of the opinion of the Joint Committee, determine the number of posts to which this measure may be applied. By the same procedure it shall decide on the criteria and conditions for the transfers contemplated, including consideration of the merits, training and professional experience of the officials concerned.

For officials in whose case the derogation authorized by paragraph 3 has been applied, seniority as referred to in paragraph 1 in the grade to which they transfer shall be calculated as from the date on which the transfer takes effect.

In his new grade an official shall in no case receive a basic salary lower than that which he would have received in his former grade.

Each institution shall adopt general provisions for implementing paragraphs 3 and 4, in accordance with Article 110, as necessary.

Article 46 (8)

An official appointed to a higher grade shall, in his new grade, have the seniority corresponding to the notional step equal to or next above the notional step reached in his former grade, plus the amount of the two-yearly increment for his new grade.

For the purpose of this provision, each grade shall be divided into notional steps corresponding to months of service and notional salaries on rising by one twenty-fourth of the two-yearly increment for

that grade throughout the span of the actual steps. An official appointed to a higher grade shall in no case receive a basic salary lower than that which he would have received in his former grade.

An official appointed to a higher grade shall be classified not lower than the initial step for that grade.

CHAPTER 4

TERMINATION OF SERVICE

Article 47

Service shall be terminated by:

- (a) resignation;
- (b) compulsory resignation;
- (c) retirement in the interests of the service;
- (d) dismissal for incompetence;
- (e) removal from post;
- (f) retirement; or
- (g) death.

Section 1

Resignation

Article 48 (8)

An official who wishes to resign shall state unequivocally in writing his intention to leave the service of the institution definitively.

The appointing authority shall take its decision confirming the resignation within one month of receiving the letter of resignation. The appointing authority may, however, refuse to accept the resignation if disciplinary proceedings against the official are in progress at the date of receipt of the letter of resignation or if such proceedings are started within the following 30 days.

Resignation shall take effect on the date specified by the appointing authority; that date shall not be more than three months after the date proposed by the official in his letter of resignation in the case of officials in Category A and in the Language Service, and not more than one month in the case of officials in the other categories.

Section 2

Compulsory resignation

Article 49 (8)

An official may be required to resign only where he ceases to fulfil the conditions laid down in Article 28 (a), or in the cases provided for in Articles 13, 39, 40 and 41(4) and (5) and in the second paragraph of Article 14 of Annex VIII.

Reasoned decisions requiring officials to resign shall be taken by the appointing authority after consulting the Joint Committee and hearing the official concerned.

Section 3

Retirement in the interests of the service

Article 50 (8) (46)

An official holding a post in Grades A 1 or A 2 may be retired in the interests of the service by decision of the appointing authority.

Such retirement shall not constitute a disciplinary measure.

An official thus retired who is not assigned to another post in his category or service corresponding to his grade shall receive an allowance calculated in accordance with Annex IV.

Income received by the official from any new employment during this period shall be deducted from the allowance provided for in the preceding paragraph if that income and the allowance together exceed the total remuneration last received by the official calculated by reference to the table of salaries applicable on the first day of the month for which the allowance is to be paid.

The fifth to ninth subparagraphs of Article 41(3) shall apply.

When the official's entitlement to the allowance ceases, he shall, provided he has attained the age of 55 years, be entitled to receive payment of pension, no reduction under Article 9 of Annex VIII being made.

Section 4

Dismissal for incompetence

Article 51

1. An official who proves incompetent in the performance of his duties may be dismissed.

The appointing authority may, however, offer to classify the official in a lower grade.

2. Any proposal for the dismissal of an official shall set out the reasons on which it is based and shall be communicated to the official concerned. He shall be entitled to make any comments thereon which he considers relevant.

The appointing authority shall take a reasoned decision, after following the procedure laid down in Annex IX.

Section 5

Retirement*Article 52 (46)*

Without prejudice to the provisions of Article 50, an official shall be retired

- either automatically on the last day of the month in which he reaches the age of 65,
- or at his own request on the last day of the month in respect of which the request was submitted where he is at least 60 years of age or where he is between 50 and 60 years of age and satisfies the requirements for immediate payment of a pension in accordance with Article 9 of Annex VIII.

The second sentence of the second paragraph of Article 48 shall apply by analogy.

Article 53 (46)

An official to whom the Invalidity Committee finds that the provisions of Article 78 apply shall automatically be retired on the last day of the month in which the appointing authority recognizes his permanent incapacity to perform his duties.

Section 6

Honorary rank*Article 54*

On termination of service an official may be given an honorary rank either in his career bracket or in the next higher bracket, by decision of the appointing authority.

No pecuniary benefits shall attach to such honorary rank.

TITLE IV

WORKING CONDITIONS OF OFFICIALS

CHAPTER 1

HOURS OF WORK*Article 55 (7) (8) (16)*

Officials in active employment shall at all times be at the disposal of their institution.

However, the normal working week shall not exceed 42 hours, the hours of the working day to be determined by the appointing authority. Within the same limits the appointing authority may, after consulting the Staff Committee, determine the hours to be worked by certain groups of officials engaged on particular duties.

An official may, moreover, be required because of the exigencies of the service or safety rules to remain on standby duty at his place of work or at home outside normal working hours. The institution shall lay down detailed rules for the application of this paragraph after consulting its Staff Committee.

Article 55a (8)

Exceptionally, the appointing authority may, upon application setting out the reasons therefor, authorize an official to work half-time if it considers that this would be fully in the interests of the institution.

The procedure for granting this authorization is laid down in Annex IVa.

An official authorized to work half-time shall in each month, in the manner provided for by the appointing authority, work half the normal working time.

Article 56 (8)

An official may not be required to work overtime except in cases of urgency or exceptional pressure of work; night work and all work on Sundays or public holidays may be authorized only in accordance with the procedure laid down by the appointing authority. The total overtime which an official may be asked to work shall not exceed 150 hours in any six months.

Overtime worked by officials in Categories A and B and in the Language Service shall carry no right to compensation or remuneration.

As provided for in Annex VI, overtime worked by officials in Categories C and D shall entitle them either to compensatory leave or to remuneration where the requirements of the service do not allow compensatory leave during the month following that in which the overtime was worked.

Article 56a (7) (15)

An official who is expected to work regularly at night, on Saturdays, Sundays or public holidays shall be entitled to special allowances when doing shiftwork which is required by the institution because of the exigencies of the service or safety rules and which is regarded by it as a regular and permanent feature.

Acting on a proposal from the Commission submitted after consulting the Staff Regulations Committee, the Council shall determine the categories of officials entitled to such allowances, and the rates and conditions thereof.

The normal working hours of an official on shift-work must not exceed the annual total of normal working hours.

Article 56b (7) (16)

An official shall be entitled to special allowances when required in accordance with a decision taken by the appointing authority because of the exigencies of the service or safety rules to remain on standby duty at his place of work or at home outside normal working hours.

The Council, acting on a proposal from the Commission submitted after consulting the Staff Regulations Committee, shall determine the categories of officials entitled to such allowances, the conditions for granting the allowances and also the rates thereof.

CHAPTER 2

LEAVE

Article 57

Officials shall be entitled to annual leave of not less than 24 working days nor more than 30 working days per calendar year, in accordance with rules to be laid down by common accord of the institutions of the Communities, after consulting the Staff Regulations Committee.

Apart from this annual leave an official, may, exceptionally on application, be granted special leave. The rules relating to such leave are laid down in Annex V.

Article 58 (8) (24)

Pregnant women shall, in addition to the leave provided for in Article 57, be entitled on production of a medical certificate to leave starting six weeks before the expected date of confinement shown in the certificate and ending 10 weeks after the date of confinement; such leave shall not be for less than 16 weeks.

Article 59 (8)

1. An official who provides evidence of incapacity to perform his duties because of sickness or accident shall automatically be entitled to sick-leave.

The official concerned shall notify his institution of his incapacity, as soon as possible and at the same time state his present address. He shall produce a medical certificate if he is absent for more than three days. He may be required to undergo a medical examination arranged by the institution.

If, over a period of 12 months, an official is absent for up to three days because of sickness for a total of more than 12 days, he shall produce a medical certificate for any further absence because of sickness.

The appointing authority may refer to the Invalidity Committee the case of any official whose sick-leave totals more than 12 months in any period of three years.

2. An official may be required to take leave after examination by the institution's medical officer if his state of health so requires or if a member of his household is suffering from a contagious disease.

3. Cases in dispute shall be referred to the Invalidity Committee for an opinion.

4. Officials shall undergo a medical check-up every year either by the institution's medical officer or by a medical practitioner chosen by them.

In the latter case, the practitioner's fees shall be payable by the institution up to a maximum fixed annually by the appointing authority after consulting the Staff Regulations Committee.

Article 59a (8)

The annual leave of an official who is authorized to work half-time shall, for as long as he is so authorized, be curtailed by half. Portions of days to be deducted shall be disregarded.

Article 60

Except in case of sickness or accident, an official may not be absent without prior permission from his immediate superior. Without prejudice to any disciplinary measures that may apply, any unauthorized absence which is duly established shall be deducted from the annual leave of the official concerned. If he has used up his annual leave, he shall forfeit his remuneration for an equivalent period.

If an official wishes to spend leave elsewhere than at the place where he is employed he shall obtain prior permission from the appointing authority.

CHAPTER 3

PUBLIC HOLIDAYS

Article 61

A list of public holidays shall be drawn up by agreement between the institutions of the Communities after consulting the Staff Regulations Committee.

TITLE V

EMOLUMENTS AND SOCIAL SECURITY BENEFITS OF OFFICIALS

CHAPTER 1

REMUNERATION AND EXPENSES

Section 1

Remuneration

Article 62

In accordance with Annex VII and save as otherwise expressly provided for, an official who is duly appointed shall be entitled to the remuneration carried by his grade and step.

An official may not waive his entitlement to remuneration.

Remuneration shall comprise basic salary, family allowances and other allowances.

Article 63

(28) (31) (32) (36) (38) (41) (42) (43) (47) (49) (53) (56) (58)
(60) (66) (68) (70)

An official's remuneration shall be expressed in Belgian francs. It shall be paid in the currency of the country in which the official performs his duties.

Remuneration paid in a currency other than Belgian francs shall be calculated on the basis of the exchange rates used for the implementation of the general budget of the European Communities on 1 July 1993.

This date shall be changed, at the time of the annual review of remuneration provided for in Article 65, by the Council acting by a qualified majority upon a proposal from the Commission as provided in the first indent of the second subparagraph of Articles 148(2) of the EEC Treaty and of 118(2) of the Euratom Treaty.

Without prejudice to the application of Articles 64 and 65, the weightings fixed pursuant to these Articles shall, whenever the above date is changed, be adjusted by the Council, which, acting in accordance with the procedure mentioned in the third paragraph, shall correct the effect of the variation in the Belgian franc with respect to the rates referred to in the second paragraph.

Article 64

An official's remuneration expressed in Belgian francs shall, after the compulsory deductions set out in these Staff Regulations or in any implementing

regulations have been made, be weighted at a rate above, below or equal to 100%, depending on living conditions in the various places of employment.

These weightings shall be adopted by the Council, acting by a qualified majority on a proposal from the Commission as provided for in the first indent of the second subparagraph of Article 148(2) of the Treaty establishing the European Economic Community and 118(2) of the Treaty establishing the European Atomic Energy Community. The weighting applicable to the remuneration of officials employed at the provisional seats of the Communities shall be equal to 100% as at 1 January 1962.

Article 65

1. The Council shall each year review the remunerations of the officials and other servants of the Communities. This review shall take place in September in the light of a joint report by the Commission based on a joint index prepared by the Statistical Office of the European Communities in agreement with the national statistical offices of the Member States; the index shall reflect the situation as at 1 July in each of the countries of the Communities.

During this review the Council shall consider whether, as part of economic and social policy of the Communities, remuneration should be adjusted. Particular account shall be taken of any increases in salaries in the public service and the needs of recruitment.

2. In the event of a substantial change in the cost of living, the Council shall decide, within two months, what adjustments should be made to the weightings and if appropriate to apply them retrospectively.

3. For the purposes of this Article, the Council shall act by a qualified majority on a proposal from the Commission as provided for in the first indent of the second subparagraph of Articles 148(2) of the Treaty establishing the European Economic Community and 118(2) of the Treaty establishing the European Atomic Energy Community.

Article 65a (62)

The rules for implementing Articles 64 and 65 are set out in Annex XI.

Article 66

(1) (2) (4) (5) (9) (11) (12) (13) (19) (23) (27) (30) (31) (32) (35) (36) (37) (38) (41) (42) (43) (45)
(47) (48) (49) (53) (54) (56) (57) (58) (59) (60) (65) (66) (68) (70)

Basic monthly salaries are determined for each grade and step as provided for in the following table:

Grade	Step							
	1	2	3	4	5	6	7	8
A 1	412 056	433 946	455 836	477 726	499 616	521 506		
A 2	365 667	386 555	407 443	428 331	449 219	470 107		
A 3 / LA 3	302 840	321 110	339 380	357 650	375 920	394 190	412 460	430 730
A 4 / LA 4	254 416	268 677	282 938	297 199	311 460	325 721	339 982	354 243
A 5 / LA 5	209 757	222 183	234 609	247 035	259 461	271 887	284 313	296 739
A 6 / LA 6	181 267	191 157	201 047	210 937	220 827	230 717	240 607	250 497
A 7 / LA 7	156 033	163 797	171 561	179 325	187 089	194 853		
A 8 / LA 8	137 999	143 565						
B 1	181 267	191 157	201 047	210 937	220 827	230 717	240 607	250 497
B 2	157 053	164 416	171 779	179 142	186 505	193 868	201 231	208 594
B 3	131 734	137 857	143 980	150 103	156 226	162 349	168 472	174 595
B 4	113 941	119 250	124 559	129 868	135 177	140 486	145 795	151 104
B 5	101 847	106 144	110 441	114 738				
C 1	116 217	120 902	125 587	130 272	134 957	139 642	144 327	149 012
C 2	101 078	105 374	109 670	113 966	118 262	122 558	126 854	131 150
C 3	94 293	97 972	101 651	105 330	109 009	112 688	116 367	120 046
C 4	85 196	88 648	92 100	95 552	99 004	102 456	105 908	109 360
C 5	78 560	81 779	84 998	88 217				
D 1	88 780	92 662	96 544	100 426	104 308	108 190	112 072	115 954
D 2	80 949	84 397	87 845	91 293	94 741	98 189	101 637	105 085
D 3	75 344	78 569	81 794	85 019	88 244	91 469	94 694	97 919
D 4	71 041	73 955	76 869	79 783				

Article 66a (34) (52) (63)

1. By way of derogation from Article 3(1) of Regulation (EEC, Euratom, ECSC) No 260/68,¹ a temporary measure regarding remuneration paid by the Communities to staff in active employment, to be known as the 'temporary contribution', shall be applied for a period running from 1 January 1992 to 1 July 2001.

2. (a) The rate of this temporary contribution, which shall apply to the base defined in paragraph 3, shall be 5.8%.

(b) The Council, acting in accordance with the procedure laid down in Article 24(1) of the Treaty establishing a Single Council and a Single Commission of the European Communities after consulting the other institutions concerned, may, if appropriate, in the context of the review provided for in Article 15(2) of Annex XI to the Staff Regulations, alter the rate of the temporary contribution referred to in point (a) on the basis of a report and a proposal from the Commission.

3. (a) The base for the temporary contribution shall be the basic salary for the grade and step used to calculate remuneration, minus:

- social security and pension contributions and the tax, before any temporary contribution, payable by an official in the same grade and step without dependants within the meaning of Article 2 of Annex VII, and
- an amount equal to the basic salary of an official in Grade D 4, step 1.

(b) The components used to determine the base for the temporary contribution shall be expressed in Belgian francs and weighted at 100.

4. Application of the temporary contribution shall not have the effect of reducing salaries below the net amounts received prior to its introduction.²

The part of the contribution not applied during a given year shall be added to the contribution for the following year as a result of the provision in the first subparagraph.

¹ OJ L 56, 4.3.1968, p. 8. Regulation as last amended by Regulation (Euratom, ECSC, EEC) No 3736/90 (OJ L 360, 22.12.1990, p. 1).

² The net amounts received prior to the temporary contribution shall mean the income received without taking into account the 1991 annual adjustment.

5. The temporary contribution shall be deducted monthly at source; the proceeds shall be entered as revenue in the general budget of the Communities.

Article 67

(1) (2) (4) (5) (8) (9) (10) (11) (12) (13) (19) (23) (24) (27)
(31) (32) (35) (36) (38) (40)

1. Family allowances shall comprise:

(a) household allowance;

(b) dependent child allowance;

(c) education allowance.

2. Officials in receipt of family allowances specified in this Article shall declare allowances of like nature paid from other sources; such latter allowances shall be deducted from those paid under Articles 1, 2 and 3 of Annex VII.

3. The dependent child allowance may be doubled by special reasoned decision of the appointing authority based on medical documents establishing that the child concerned is suffering from a mental or physical handicap which involves the official in heavy expenditure.

4. Where, by virtue of Articles 1, 2 and 3 of Annex VII, such family allowances are paid to a person other than the official, these allowances shall be paid in the currency of the country in which that person is resident, calculated where applicable on the basis of the exchange rates referred to in the second paragraph of Article 63. They shall be subject to the weighting for the country in question or, in the absence of such a weighting, a weighting of 100.

Paragraphs 2 and 3 shall apply where family allowances are paid to such a person.

Article 68 (8)

The family allowances specified in Article 67(1) shall continue to be payable where the official is entitled to allowance under Article 41 or under Articles 34 or 42 of the former Staff Regulations of the European Coal and Steel Community.

The person concerned shall declare allowances of like nature which he receives from other sources for the same child; such allowances shall be deducted from those paid under Articles 1, 2 and 3 of Annex VII.

Article 68a (8)

An official who is authorized to work half-time shall be entitled to remuneration calculated as provided for in Annex IVa.

Article 69

(1) (2) (4) (5) (9) (10) (11) (12) (13) (19) (23) (27) (31) (32)
(35) (36) (38) (41) (42) (43) (45) (47) (48) (49) (53) (54) (56)
(57) (58) (59) (60) (65) (66) (68) (70)

The expatriation allowance shall be equal to 16% of the total of the basic salary, household allowance and dependent child allowance to which the official is entitled. The expatriation allowance shall be not less than BFR 14 347 per month.

Article 70 (8)

In the event of an official's death, the surviving spouse or dependent children shall receive the deceased's full remuneration until the end of the third month after the month in which the death occurred.

In the event of the death of a person entitled to a pension, the above provisions shall apply in respect of the deceased's pension.

Article 70a (24)

Officials assigned by the appointing authority to teaching duties under the further training and instruction scheme provided for in the third paragraph of Article 24 may be granted an allowance on the conditions laid down in Article 4b of Annex VII.

Section 2

Expenses

Article 71

An official shall be entitled, as provided for in Annex VII, to reimbursement of expenses incurred by him on taking up appointment, transfer or leaving the service, and also to reimbursement of expenses incurred by him in the course of or in connection with the performance of his duties.

CHAPTER 2

SOCIAL SECURITY BENEFITS

Article 72 (8) (10) (40)

1. An official, his spouse, where such spouse is not eligible for benefits of the same nature and of the same level by virtue of any other legal provision or regulations, his children and other dependants within the meaning of Article 2 of Annex VII are insured against sickness up to 80% of the expenditure incurred subject to rules drawn up by agreement between the institutions of the Communities after consulting the Staff Regulations Committee. This rate shall be increased to 85% for the following services: consultations and visits, surgical operations, hospitalization, pharmaceutical products, radiology, analyses, laboratory tests and prostheses on medical prescription with the exception of dental prostheses. It shall be increased to 100% in cases of tuberculosis, poliomyelitis, cancer, mental illness

and other illnesses recognized by the appointing authority as of comparable seriousness, and for early detection screening and in cases of confinement. However, reimbursement at 100% shall not apply in the case of occupational disease or accident having given rise to the application of Article 73.

One third of the contribution required to meet such insurance cover shall be charged to the official but so that the amount charged to him shall not exceed 2% of his basic salary.

1a. An official whose service terminates and who provides evidence that he cannot be covered by any other public scheme of sickness insurance may, not later than one month following that in which his service terminates apply to continue, for a maximum of six months after termination of service, to be insured against sickness as provided for in paragraph 1. The contribution referred to in the previous paragraph shall be calculated by reference to the last basic salary received by the official, half the contribution being borne by him.

By decision of the appointing authority taken after consulting the institution's medical officer, the period of one month for making application and the six months' limit specified in the preceding subparagraph shall not apply where the person concerned is suffering from a serious or protracted illness which he contracted before leaving the service and of which he notified the institution before the end of the six months' period specified in the preceding subparagraph, provided that the person concerned undergoes a medical examination arranged by the institution.

1b. Where the ex-spouse of an official, a child who ceases to be an official's dependant or a person who ceases to be treated as a dependent child within the meaning of Article 2 of Annex VII to the Staff Regulations can provide evidence that he or she cannot be covered by any other public scheme of sickness insurance, he or she may continue for a maximum of one year to be insured against sickness as provided for in paragraph 1, in his or her capacity as insured persons covered under that official's insurance; this cover shall not give rise to the levy of a contribution. This one-year period shall commence on the date of the decree absolute of divorce or of the loss of status of dependent child or of person treated as a dependent child.

2. An official who has remained in the service of the Communities until the age of 60 years or who is in receipt of an invalidity pension shall be entitled to the benefits provided for in paragraph 1 after he has left the service. The amount of contribution shall be calculated by reference to the amount of pension.

Those benefits shall also apply to the person entitled to survivor's pension following the death of an official who was in active employment or who remained in the service of the Communities until the age of 60 years, or the death of a person entitled to

an invalidity pension. The amount of contribution shall be calculated by reference to the amount of his pension.

2a. The following shall likewise be entitled to the benefits provided for in paragraph 1, provided that they cannot obtain cover under any other public scheme of sickness insurance:

- former officials entitled to retirement pensions who left the service of the Communities before the age of 60 years;
- persons entitled to survivor's pension as a result of the death of a former official who left the service of the Communities before the age of 60 years.

The contribution referred to in paragraph 1 shall be calculated by reference to the pension of a former official, half the contribution being borne by the person entitled.

However, a person entitled to orphan's pension shall not be entitled to the benefits provided for in paragraph 1, except at his request. The contribution shall be calculated by reference to the orphan's pension.

3. Where the total expenditure not reimbursed for any period of 12 months exceeds half the official's basic monthly salary or pension, special reimbursement shall be allowed by the appointing authority, account being taken of the family circumstances of the person concerned, in the manner provided for in the rules referred to in paragraph 1.

4. Persons entitled to the foregoing benefits shall declare the amount of any reimbursements paid or which they can claim under any other sickness insurance scheme provided for by law or regulation for themselves or for persons covered by their insurance.

Where the total which they would receive by way of reimbursement exceeds the sum of the reimbursements provided for in paragraph 1, the difference shall be deducted from the amount to be reimbursed pursuant to paragraph 1, with the exception of reimbursements obtained under a private supplementary sickness insurance scheme covering that part of the expenditure which is not reimbursable by the sickness insurance scheme of the Communities.

Article 73 (24) (46)

1. An official is insured, from the date of his entering the service, against the risk of occupational disease and of accident subject to rules drawn up by common agreement of the institutions of the Communities after consulting the Staff Regulations Committee. He shall contribute to the cost of insuring against non-occupational risks up to 0.1% of his basic salary.

Such rules shall specify which risks are not covered.

2. The benefits payable shall be as follows:

(a) In the event of death:

Payment to the persons listed below of a lump sum equal to five times the deceased's annual basic salary calculated by reference to the monthly amounts of salary received during the 12 months before the accident:

- to the deceased official's spouse and children in accordance with the law of succession governing the official's estate; the amount payable to the spouse shall not, however, be less than 25% of the lump sum;
- where there are no persons of the category above, to the another descendants in accordance with the law of succession governing the official's estate;
- where there are no persons of either of the two categories above, to the relatives in the ascending line in accordance with the law of succession governing the official's estate;
- where there are no persons of any of the three categories above, to the institution.

(b) In the event of total permanent invalidity:

Payment to the official of a lump sum equal to eight times his annual basic salary calculated on the basis of the monthly amounts of salary received during the 12 months before the accident.

(c) In the event of partial permanent invalidity:

Payment to the official of a proportion of the sum provided for in subparagraph (b), calculated by reference to the scale laid down in the rules referred to in paragraph 1.

As provided for in these rules an annuity may be substituted for the payments provided for above.

The benefits listed above may be paid in addition to the benefits provided for in Chapter 3.

3. The following shall also be covered in manner provided for in the rules referred to in paragraph 1: medical, pharmaceutical, hospital, surgical, prosthesis, radiography, massage, orthopaedic, clinical and transport expenses and any other similar expenditure incurred as a result of the accident or occupational disease.

Reimbursement shall, however, only be made where the amount paid to the official under Article 72 does not fully cover the expenditure incurred.

Article 74 (1) (8) (10) (24)

1. On the birth of a child to an official, the person who has actual care of the child shall receive a grant of BFR 8 000.

The same grant shall be paid to an official who adopts a child who is less than five years of age and is a dependant within the meaning of Article 2(2) of Annex VII.

2. This grant shall also be payable in the event of termination of pregnancy after not less than seven months.

3. The recipient of a grant on the birth of a child shall declare any grants of the same nature received from other sources for the same child; such grants shall be deducted from the grant provided for above. Where both parents are officials of the Communities, the grant shall be paid once only.

Article 75 (40)

In the event of the death of an official, an official's spouse or dependent child, or any other dependent person within the meaning of Article 2 of Annex VII who lived as part of the official's household, the institution shall reimburse the costs involved in transporting the body from the official's place of employment to his place of origin.

However, in the event of an official's death during a mission, the institution shall bear the costs involved in transporting the body from the place where death occurs to the official's place of origin.

Article 76

Gifts, loans or advances may be made to officials, former officials or where an official has died, to those entitled under him who are in a particularly difficult position as a result *inter alia* of serious or protracted illness or by reason of family circumstances.

CHAPTER 3

PENSIONS

Article 77 (8)

An official who has completed at least 10 years' service shall be entitled to a retirement pension. He shall, however, be entitled to such pension irrespective of length of service if he is over 60 years, if it has not been possible to reinstate him during a period of non-active status or in the event of retirement in the interests of the service.

The maximum retirement pension shall be 70% of the final basic salary carried by the last grade in which the official was classified for at least one year. It shall be payable to an official who has completed 35 years' service reckoned in accordance with Article 3 of Annex VIII. Where the number of years of service is less than 35, the above maximum shall be reduced proportionately.

However, in the case of officials who have been assisting a person holding an office provided for in the Treaties establishing the Communities or the Treaty establishing a Single Council and a Single Commission of the Communities, the elected President of one of the institutions or organs of the Communities or the elected Chairman of one of the political groups in the European Parliament, the entitlement to pensions corresponding to the years of pensionable service acquired while working in that capacity shall be calculated by reference to the final basic salary received during that time if the

basic salary received exceeds that taken as reference for purposes of the second paragraph of this Article.

The amount of the retirement pension must not be less than 4% of the minimum subsistence figure per year of service.

The pensionable age shall be 60 years.

Article 78 (8)

An official shall be entitled, in the manner provided for in Articles 13 to 16 of Annex VIII, to an invalidity pension in the case of total permanent invalidity preventing him from performing the duties corresponding to a post in his career bracket.

Where the invalidity arises from an accident in the course of or in connection with the performance of his duties, from an occupational disease, from a public-spirited act or from risking his life to save another human being, the invalidity pension shall be 70% of the basic salary of the official.

Where the invalidity is due to some other cause, the invalidity pension shall be equal to the retirement pension to which the official would have been entitled at the age of 65 years if he had remained in the service until that age.

The invalidity pension shall be calculated by reference to the basic salary which the official would have received in his grade if he had still been in the service at the time of payment of the pension.

The invalidity pension shall not be less than 120% of the minimum subsistence figure.

In the case of invalidity deliberately brought about by the official, the appointing authority may decide that he should receive only a retirement pension.

Article 79 (8) (24) (46)

The widow of an official or of a former official shall be entitled, in the manner provided for in Chapter 4 of Annex VIII, to a survivor's pension equal to 60% of the retirement or invalidity pension which was paid to her husband, or which, irrespective of length of service or of age, would have been payable to him if he had qualified for it at the time of death.

The amount of the survivor's pension payable to the widow of an official who has died while in one of the administrative statuses specified in Article 35, shall be neither less than the minimum subsistence figure nor less than 35% of the last basic salary received by the official.

This amount shall not be less than 42% of the final basic salary received by the official where death is due to one of the circumstances set out in the second paragraph of Article 78.

Article 79a (46)

The provisions of Article 79 shall apply *mutatis mutandis* to the widower of an official or of a former official.

Article 80 (8) (40) (46)

Where an official or person entitled to a retirement or invalidity pension dies leaving no spouse entitled to a survivor's pension, the dependent children within the meaning of Article 2 of Annex VII shall be entitled to orphans' pension in accordance with Article 21 of Annex VIII.

The same pension entitlement shall apply to children who fulfil the above conditions in the event of the death or remarriage of the spouse in receipt of a survivor's pension.

Where an official or person entitled to a retirement or invalidity pension dies but the conditions set out in the first paragraph are not satisfied, the dependent children within the meaning of Article 2 of Annex VII shall be entitled to orphans' pension in accordance with Article 21 of Annex VIII; the pension shall, however, be equal to half the pension calculated in accordance with that Article.

Where the spouse, not being an official or member of the temporary staff, of an official or of a former official in receipt of a retirement pension or an invalidity pension dies, the children being dependent within the meaning of Article 2 of Annex VII on the surviving spouse shall be entitled to an orphan's pension in accordance with Article 21 of Annex VIII.

Entitlement as provided for in the first, second and third paragraphs shall apply in the event of the death of a former official entitled to an allowance under Article 50 of the Staff Regulations, Article 5 of Regulation (EEC, Euratom, ECSC) No 259/68, Article 3 of Regulation (Euratom, ECSC, EEC) No 2530/72 or Article 3 of Regulation (ECSC, EEC, Euratom) No 1543/73 and in the event of the death of a former official who left the service before reaching the age of 60 and requested that his retirement pension be deferred until the first day of the calendar month following that in which he reached the age of 60.

Article 81 (8) (10)

A person entitled to a retirement pension payable at the age of 60 years or later, or to an invalidity pension, or to a survivor's pension shall be entitled, under the conditions laid down in Annex VII, to the family allowances specified in Article 67; the household allowance shall be calculated by reference to the pension of the recipient.

The amount of the dependent child allowance payable to the person entitled to a survivor's pension shall, however, be twice the amount of the allowance provided for in Article 67(1)(b).

Article 81a (46)

1. Notwithstanding any other provisions, notably those concerning the minimum amounts payable to persons entitled to a survivor's pension, the total amount payable by way of survivor's pension plus family allowances less tax and other compulsory

deductions to the widow and other entitled persons may not exceed the following:

- (a) in the event of the death of an official having one of the administrative statuses set out in Article 35, the amount of the remuneration which the official would have received in the same grade and step if he had still been in the service, plus any family allowances received by him in that case and less tax and other compulsory deductions;
 - (b) for the period following the date on which the official referred to in (a) above would have reached the age of 65, the amount of the retirement pension to which he would have been entitled thereafter, had he been alive, based on the same grade and step at the time of death, plus any family allowances which he would have received, less tax and other compulsory deductions;
 - (c) in the event of the death of a former official entitled to a retirement pension or to an invalidity pension, the amount of the pension to which he would have been entitled, had he been alive, subject to the allowances and deductions referred to in (b);
 - (d) in the event of the death of a former official who left the service before reaching the age of 60 and requested that his retirement pension be deferred until the first day of the calendar month following that in which he reached the age of 60, the amount of the retirement pension to which he would have been entitled at the age of 60 had he been alive, subject to the allowances and deductions referred to in (b);
 - (e) in the event of the death of an official or a former official entitled, on the day of his death, to an allowance under Article 41 or 50 of these Staff Regulations, Article 5 of Regulation (EEC, Euratom, ECSC) No 259/68, Article 3 of Regulation (Euratom, ECSC, EEC) No 2530/72, Article 3 of Regulation (ECSC, EEC, Euratom) No 1543/73, Article 2 of Regulation (ECSC, EEC, Euratom) No 2150/82 or Article 3 of Regulation (ECSC, EEC, Euratom) No 1679/85, the amount of the allowance to which he would have been entitled, had he been alive, subject to the allowances and deductions set out in (b);
 - (f) for the period following the date on which the former official referred to in (e) would have ceased to be entitled to the allowance, the amount of the retirement pension to which he would have been entitled on that date, had he been alive and satisfied the relevant age requirements for the grant of pension rights, subject to the allowances and deductions set out in (b).
2. For the purposes of paragraph 1, weightings shall be disregarded, which could affect the various amounts in question.
 3. The maximum amount as defined in subparagraphs (a) to (f) above shall be apportioned among the persons entitled to a survivor's pension in pro-

portion to their respective entitlements, paragraph 1 being disregarded for this purpose.

The second, third and fourth subparagraphs of Article 82(1) shall apply to the amounts thus apportioned.

Article 82 (40)

1. The pensions provided for above shall be calculated by reference to salary scales in force on the first day of the month in which entitlement commences.

They shall be weighted at the rate fixed for the country inside or outside the Communities where the recipient proves he has his residence.

If the recipient establishes his residence in a country for which no weighting has been fixed, the weighting of 100 shall be applied.

Pensions expressed in Belgian francs shall be paid in one of the currencies referred to in Article 45 of Annex VIII to the Staff Regulations in the manner provided for in the second paragraph of Article 63 of the Staff Regulations.

2. Should the Council, in accordance with Article 65(1), decide to increase remunerations, it shall, acting in accordance with the procedure set out in Article 65(3), at the same time decide on an appropriate increase in pensions.

Article 83 (8) (64)

1. Benefits paid under this pension scheme shall be charged to the budget of the Communities. Member States shall jointly guarantee payment of such benefits in accordance with the scale laid down for financing such expenditure.

The employment of the funds for the pension scheme referred to in Article 83(1) of the former Staff Regulations of the European Coal and Steel Community shall be decided upon by the Council acting by a qualified majority on a proposal from the Commission after consulting the Staff Regulations Committee.

2. Officials shall contribute one third of the cost of financing this pension scheme. The contribution shall be 8.25% of the official's basic salary, the weightings provided for in Article 64 not being taken into account. It shall be deducted monthly from the salaries of officials.

3. The procedure for calculation of the pensions of officials who have spent part of their service with the European Coal and Steel Community or who belong to the institutions or organs common to the Communities, and the apportionment of the cost of such award between the European Coal and Steel Community pension fund and the budgets of the European Economic Community and the European Atomic Energy Community shall be settled by a Regulation made by agreement between the Councils and the Committee of Presidents of the Euro-

pean Coal and Steel Community after consulting the Staff Regulations Committee.

4. Should an actuarial assessment of the pension scheme, carried out by one or more qualified experts at the request of the Council, show the contributions of officials to be insufficient to finance one third of the benefits payable under the pension scheme, the budgetary authorities shall, acting in accordance with the budgetary procedure and after consulting the Staff Regulations Committee provided for in Article 10, determine what changes are to be made to the rates of contributions or to the retirement age.

Article 84

Detailed rules governing the foregoing pension scheme are contained in Annex VIII.

CHAPTER 4

RECOVERY OF UNDUE PAYMENT

Article 85 (8)

Any sum overpaid shall be recovered if the recipient was aware that there was no due reason for the payment or if the fact of the overpayment was patently such that he could not have been unaware of it.

CHAPTER 5

SUBROGATION IN FAVOUR OF THE COMMUNITIES

Article 85a (46)

1. Where the death, accidental injury or sickness of a person covered by these Staff Regulations is caused by a third party, the Communities shall, in respect of the obligations incumbent upon them under the Staff Regulations consequent upon the event causing such death, injury or sickness, stand subrogated to the rights, including rights of action, of the victim or of those entitled under him against the third party.

2. The subrogation provided for by paragraph 1 shall extend *inter alia* to the following:

- continued payment of remuneration in accordance with Article 59 to the official during the period when he is temporarily unfit to work,
- payments effected in accordance with Article 70 following the death of an official or of a former official entitled to a pension,
- benefits paid under Articles 72 and 73 and their implementing rules, relating to insurance against sickness and accident,
- payment of the costs involved in transporting the body, as referred to in Article 75,
- supplementary family allowances paid in accordance with Article 67(3) and with Article 2(3) and (5) of Annex VII in respect of a dependent child suffering from serious illness, infirmity or handicap,
- invalidity pensions paid in the event of accident or sickness resulting in permanent invalidity preventing the official from performing his duties,
- survivor's pensions paid in the event of the death of an official or of a former official or the death of the spouse of an official or of a former official entitled to a pension, where the spouse is not an official nor a member of the temporary staff,
- orphan's pension paid regardless of age to the child of an official or former official where that child is prevented by serious illness, infirmity or handicap from earning a livelihood after the death of the person on whom he was dependent.

3. However, the Communities shall not be subrogated to rights of compensation in respect of purely personal damage such as non-material injury, damages for pain and suffering or compensation for disfigurement and loss of amenity over and above the allowance granted for those headings under Article 73.

4. The provisions of paragraphs 1, 2 and 3 may not be a bar to direct action by the Communities.

TITLE VI

DISCIPLINARY MEASURES

Article 86 (24)

1. Any failure by an official or former official to comply with his obligations under these Staff Regulations, whether intentionally or through negligence on his part, shall make him liable to disciplinary action.

2. Disciplinary measures shall take one of the following:

- (a) written warning;
- (b) reprimand;
- (c) deferment of advancement to a higher step;
- (d) relegation in step;
- (e) downgrading;
- (f) removal from post and, where appropriate, re-

duction of withdrawal of entitlement to retirement pension, but the consequences of this measure shall not affect dependants of the official;

(g) where the official has left the service, withdrawal in whole or part either temporarily or permanently, of entitlement to retirement pension; this provision shall not apply so as to affect those under him.

3. A single offence shall not give rise to more than one disciplinary measure.

Article 87

The appointing authority shall have the right to issue a written warning or a reprimand without consulting the Disciplinary Board, on a proposal from the official's immediate superior or on its own initiative. The official concerned shall be heard before such action is taken.

Other measures shall be ordered by the appointing authority after the disciplinary procedure provided for in Annex IX has been completed. This procedure shall be initiated by the appointing authority after hearing the official concerned.

Article 88

Where an allegation of serious misconduct is made against an official by the appointing authority, whether this amounts to failure to carry out his official duties or to a breach of law, the authority may order that he be suspended forthwith.

The decision that an official be suspended shall specify whether he is to continue to receive his remuneration during the period of suspension or

what part thereof is to be withheld: the part withheld shall not be more than half the official's basic salary.

A final decision shall be taken within four months from the date when the decision that an official be suspended came into force. Where no decision has been taken by the end of four months, the official shall again receive his full remuneration.

Where no disciplinary action has been taken in respect of an official, or no other measure than a written warning, reprimand or deferment of advancement to a higher step has been ordered, or if no final decision has been taken within the period specified in the preceding paragraph, the official concerned shall be entitled to reimbursement of the amount of remuneration withheld.

Where, however, the official is prosecuted for those same acts, a final decision shall be taken only after a final verdict has been reached by the court hearing the case.

Article 89

An official against whom a disciplinary measure other than removal from post has been ordered may, after three years in the case of a warning or a reprimand or after six years in the case of any other measure, submit a request for the deletion from his personal file of all reference to such measure.

The appointing authority shall, after consulting the Disciplinary Board in cases where the Board has taken part in the disciplinary procedure, decide whether to grant the official's request; if it decides to do so, the file as constituted following such deletion, shall be communicated to him.

TITLE VII

APPEALS

Article 90 (8)

1. Any person to whom these Staff Regulations apply may submit to the appointing authority a request that it take a decision relating to him. The authority shall notify the person concerned of its reasoned decision 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 the following paragraph.

2. Any person to whom these Staff Regulations apply may submit to the appointing authority a complaint against an act adversely affecting him, either where the said authority has taken a decision or where it has failed to adopt a measure prescribed by the Staff Regulations. 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 date 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 contains a complaint against 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 for in paragraph 1.

The authority shall notify the person concerned of its reasoned decision 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 91.

3. A request or complaint by an official shall be submitted through his immediate superior, except where it concerns that person, in which case it may be submitted direct to the authority next above.

Article 91 (8)

1. The Court of Justice of the European Communities shall have jurisdiction in any dispute between the Communities and any person to whom these Staff Regulations apply regarding the legality of an act adversely affecting such person within the meaning of Article 90(2). In disputes of a financial character the Court of Justice shall have unlimited jurisdiction.

2. An appeal to the Court of Justice of the European Communities shall lie only if:

- the appointing authority has previously had a complaint submitted to it pursuant to Article 90(2) within the period prescribed therein, and
- the complaint has been rejected by express decisions or by implied decision.

3. Appeals under paragraph 2 shall be filed within three months. The period shall begin:

- on the date of notification of the decision taken in response to the complaint;

- on the date of expiry of the period prescribed for the reply where the appeal is against an implied decision rejecting a complaint submitted pursuant to Article 90(2); nevertheless, where a complaint is rejected by express decision after being rejected by implied decision but before the period for lodging an appeal has expired, the period for lodging the appeal shall start to run afresh.

4. By way of derogation from paragraph 2, the person concerned may, after submitting a complaint to the appointing authority pursuant to Article 90(2), immediately file an appeal with the Court of Justice, provided that such appeal is accompanied by an application either for a stay of execution of the contested act or for the adoption of interim measures. The proceedings in the principal action before the Court of Justice shall then be suspended until such time as an express or implied decision rejecting the complaint is taken.

5. Appeals under this Article shall be investigated and heard as provided for in the Rules of Procedure of the Court of Justice of the European Communities.

Article 91a (69)

Requests and complaints relating to the areas to which the third subparagraph of Article 2 has been applied shall be lodged with the appointing authority entrusted with the exercise of powers. Any appeals shall be made against the institution to which that appointing authority is answerable.

TITLE VIII

SPECIAL PROVISIONS APPLICABLE TO OFFICIALS IN THE SCIENTIFIC OR TECHNICAL SERVICES OF THE COMMUNITIES

Article 92

This Title lays down the special provisions applicable to officials of the Communities who occupy posts in the field of nuclear science calling for scientific or technical qualifications and who are paid from appropriations in the research and investment budget.

A table showing basic posts and corresponding career brackets for officials in the scientific and technical services covered by the preceding paragraph is given in Annex I B.

Article 93

The Commission may decide to grant officials covered by Article 92 who belong to Grade A 1 or A 2 and possess very high scientific or technical qualifications pecuniary advantages exceeding by not more than 25% those set out in Title V, excluding fixed allowances and expenses.

The maximum number of officials to be granted such advantages shall be fixed by the Council, acting on a proposal from the Commission.

Article 94

The following provisions shall apply in addition to those of the second paragraph of Articles 17 and 18 to officials covered by Article 92.

The publication by an official, whether in written form or otherwise of any matter dealing with the work of the European Atomic Energy Community shall be subject to the permission of and the conditions laid down by the appointing authority. The Community shall have the right to acquire compulsorily the copyrights in such publication.

Any invention made by an official in the course of or in connection with the performance of his duties shall be the undisputed property of the European Atomic Energy Community. The institution may, at its own expense and on behalf of the Community, apply for and obtain patents therefor in all coun-

tries. Any invention relating to the work of the European Atomic Energy Community made by an official during the year following the expiration of his term of duty shall, unless proved otherwise, be deemed to have been made in the course of or in connection with the performance of his duties. Where inventions are the subject of patents the name of the inventor or inventors shall be stated.

The institution may in appropriate cases award a bonus, the amount of which shall be determined by the institution, to an official who is the author of a patented invention.

Article 95

Until 31 December 1968 and by way of derogation from Articles 31 and 32, officials covered by Article 92 may be appointed to a grade other than the starting grade for the post for which they are recruited and may be classified, as regards not more than half of the posts to be filled, at a step other than those mentioned in Article 32.

For the period following that date the Council shall, on a proposal from the Commission, lay down definitive provisions to govern the recruitment of such persons.

Article 96

By way of derogation from Article 34(1), the probationary period may last from three to six months for officials covered by Article 92 who belong to Category C or D.

Article 97

1. By way of derogation from Article 44, the appointing authority may award officials covered by Article 92 an additional advance in step in recognition of exceptional merit; the number of officials in each category awarded the advance in any one year shall not exceed one eighth of the total staff in that category.

The advance may be granted only once in each grade.

The advance shall not give an official a basic salary higher than that for the highest step in his grade.

2. By way of derogation from Article 44, an official covered by Article 92 whose competence, output or conduct is unsatisfactory may, by decision of the appointing authority, have his advancement in step deferred for not more than two years, without it being necessary to follow the procedure laid down in Article 87.

3. This Article shall not apply to officials covered by Article 92 who are in Grade A 1 or A 2.

Article 98

Further to Article 34, any official covered by Article 92 may on completion of his period of probation have his original classification changed.

Article 45(2) shall not apply to officials covered by Article 92.

So that the appointing authority may promote the most deserving of the officials covered by Article 92, exceptions not exceeding one year may in properly circumstantiated exceptional cases, be made as regards the length of service laid down in the second subparagraph of Article 45(1). An official shall not benefit from the provisions of this paragraph more than once in a period of five years.

Article 99

The appointing authority may award officials covered by Article 92 a bonus for exceptional service; this shall not exceed three times the amount of the basic monthly salary for any one year save where derogation is made by the Council on a proposal from the Commission.

Aggregate bonus awards for exceptional service shall not exceed 3% of the total basic salaries payable annually to all the scientific and technical staff covered by Article 92.

The Commission shall each year decide on the amount of the bonus and the persons to whom it shall be awarded and shall present a report to the Council on the number and amount of the bonuses awarded, giving a breakdown by grade and service and the main reasons for the awards.

Article 100

Special allowances may be granted to certain of the officials covered by Article 92 to compensate for particularly arduous working conditions.

The Council shall, on a proposal from the Commission, determine the rates and conditions of such special allowances and the persons who shall receive them.

Article 101

By way of derogation from the second paragraph of Article 56, and in exceptional cases only, overtime worked by certain of the officials covered by Article 92 who belong to Category B may entitle them to compensation or remuneration as provided for in Annex VI.

The appointing authority shall designate the posts the holders of which shall be entitled to benefit from the provisions of this Article.

TITLE VIIIa (51)

SPECIAL AND EXCEPTIONAL PROVISIONS APPLICABLE TO OFFICIALS
SERVING IN A THIRD COUNTRY*Article 101a*

Without prejudice to the other provisions of the Staff Regulations, Annex X lays down the special and exceptional provisions applicable to officials serving in a third country.

TITLE IX

TRANSITIONAL AND FINAL PROVISIONS

CHAPTER 1

TRANSITIONAL PROVISIONS

Article 102

1. A servant of the Communities who is occupying a permanent post in one of the institutions of the Communities when these Staff Regulations¹ enter into force may, by decision of the appointing authority, be established in the grade and at the step and in the scale of remuneration laid down by these Staff Regulations corresponding to the grade and step expressly or impliedly accorded him before these Staff Regulations were applied to him, subject to any decisions which may be taken by agreement between the Councils of the European Economic Community and the European Atomic Energy Community for standardizing practice in regard to career brackets and the criteria to be used in grading, provided that:

- as regards every such servant, he satisfies the requirements of Article 28 (a), (b), (c), (e) and (f);
- as regards every such servant, save those in Grade A 1 and A 2:
 - (a) he has been in the service of one of the institutions of the Communities for more than six months when these Staff Regulations enter into force; a servant of the Communities who does not satisfy this requirement may be appointed for a probationary period and be established as an official as provided for in Article 34;
 - (b) he has not been the subject of any unfavourable report by the Establishment Board provided for in the following subparagraph.

Upon the entry into force of these Staff Regulations there shall be set up in each institution an Establishment Board consisting of servants of the institution employed in a supervisory capacity, who shall be appointed thereto by the appointing authority.

¹ 1.1.1962.

This Board shall advise the appointing authority as to the suitability for the duties of their posts of those servants of the institution who are eligible for establishment under the above provisions, with the exception of those in Grade A 1 or A 2; this shall be done on the basis of a report on the official's ability, efficiency and conduct in the service, prepared by his superiors.

2. The contract of any such servant on whom the Establishment Board reports unfavourably shall be terminated. The appointing authority may, however, offer such person establishment in a lower grade and at a lower step in the scale of remuneration laid down by these Staff Regulations than those attained whether expressly or impliedly accorded him previously. A servant whose contract is terminated shall receive compensation as provided for in the last subparagraph of Article 34(2).

3. Any servant of the Communities employed as such when these Staff Regulations enter into force who has not been expressly or impliedly assigned a grade and step before these Staff Regulations are applied to him shall be assigned such grade and step within one year of the date on which these Staff Regulations enter into force by the appointing authority which may, where appropriate, derogate from Article 32.

4. By way of derogation from paragraph 1,

(a) an official whose post comes under Category D in the table shown in Annex I shall be classified in the grade for his post and at the step within that grade for which the basic salary, less Community tax and the official's contribution to the pension scheme, is equal to, or else directly below, the sum of the basic salary plus local allowance, less contribution to the temporary joint provident scheme of the institutions of the Communities, which he was receiving when these Staff Regulations entered into force;

(b) an official in the Language Service shall be classified in the grade for his post and at the step within that grade directly above the step at which

he would have been classified in accordance with paragraph 1.

5. The provisions of Chapter 1 of Title VIII of the Staff Regulations of officials of the European Coal and Steel Community shall apply to a servant who, before these Staff Regulations entered into force, was an established official of the European Coal and Steel Community and has been granted leave on personal grounds in one of the institutions of that Community in order to enter the service of an institution of the European Economic Community or of the European Atomic Energy Community, in respect of the grade and step in which he is established in accordance with paragraphs 1 to 4 above, provided this does not confer on him advantages greater than those he would have enjoyed if he had been established in the same grade under the Staff Regulations of officials of the European Coal and Steel Community.

Articles 103 and 104 (8)

Repealed

Article 105 (46)

Repealed

Article 106

Any official in receipt of a separation allowance before these Staff Regulations were applied who does not qualify for an expatriation allowance under Article 4 of Annex VII shall be allowed the same amount as that which he would have received by way of separation allowance under the scale of remuneration existing before these Staff Regulations entered into force. Such amount shall not in future be varied for any reason whatever, save where the official qualifies for an expatriation allowance by satisfying the requirements therefor.

Article 107 (8)

1. An official to whom these Staff Regulations have been applied in accordance with these transitional provisions and who furnishes evidence of having been obliged by reason of his entering the service of one of the Communities to forfeit in whole or in part the pension rights which have accrued to him in his country of origin and of being unable to obtain the actuarial equivalent of such rights shall be credited, for the purposes of his retirement pension in the Communities and without payment of arrears of contributions, with annual contributions corresponding to the number of years of pensionable service accrued in his country of origin.

2. The number of years of pensionable service thus credited shall be determined by the appointing authority of the institution to which the official

belongs after consulting the Staff Regulations Committee provided for in Article 10. It shall not exceed:

- the number of years of actual service which it will be possible for the official to complete up to the age of 65 years;
- half the number of years of service which upon his attaining the age of 65 years would be required for him to complete 35 years of pensionable service.

3. An official to whom the foregoing provisions apply shall pay to the Communities a proportion of the sums paid to him in settlement of his pension rights in his country of origin which do not correspond to the actuarial equivalent of those rights; that proportion would be equal to the ratio between the number of years of pensionable service with which he is credited by the Communities and the number of years of pensionable service forfeited by him in his country of origin.

4. Save in the event of death or where Article 41 or 50 is applied, an official who leaves before the age of 65 years shall not be so credited.

5. On the death of an official to whom the provisions of the preceding paragraphs apply, the total number of years of pensionable service with which he would have been credited if he had attained the age of 65 years shall be credited forthwith to those entitled under him for purposes of calculation of their pension rights.

6. An official to whom the provisions of the preceding paragraphs apply shall, if affected by either of the measures in Articles 41 and 50, be credited upon starting to draw retirement pension with a proportion of the number of years of pensionable service with which he would have been credited if he had attained the age of 65 years. That proportion shall be equal to the ratio between the number of years of pensionable service reckoned in calculating his pension rights and the number of years of pensionable service which he could have earned up to the age of 65 years.

Articles 108 and 109 (8)

Repealed

CHAPTER 2

FINAL PROVISIONS

Article 110 (8)

The general provisions for giving effect to these Staff Regulations shall be adopted by each institution after consulting its Staff Committee and the Staff Regulations Committee provided for in Article 10.

All such general provisions and all rules adopted by agreement between the institutions shall be brought to the attention of the staff.

The administration departments of the institutions shall consult each other regularly concerning the application of these Staff Regulations.

ANNEX I

A. Basic posts and corresponding career brackets in each Category and in the Language Service, as provided for in Article 5(4) of the Staff Regulations (24) (69)

Category A

A 1	Director-General
A 2	Director
A 3	Head of Division
A 4	} Principal Administrator
A 5	
A 6	} Administrator
A 7	
A 8	Assistant Administrator

C 2	} Secretary/Shorthand-typist
C 3	
C 4	} Typist
C 5	
	Clerical Assistant

Category D

D 1	Head of Unit
D 2	} Skilled Employee
D 3	
	Skilled Worker
D 4	} Unskilled Employee
	Unskilled Worker

Category B

B 1	Principal Administrative Assistant
	} Senior Administrative Assistant
B 2	
B 3	Senior Technical Assistant ¹
	} Senior Secretarial Assistant ¹
B 4	
	Administrative Assistant
B 5	Technical Assistant ¹
	} Secretarial Assistant ¹
B 5	

Language Service

LA 3	Head of Translation or Interpretation Division
LA 4	} Head of Translation or Interpretation Group
LA 5	
	Reviser, Principal Translator, Principal Interpreter
LA 6	} Translator
LA 7	
	Interpreter
LA 8	} Assistant translator
	Assistant interpreter

Category C

C 1	} Executive Secretary
	Principal Secretary
	} Principal Clerical Officer

¹ The number of posts corresponding to this basic post is exactly and specifically fixed in the list of posts appended to the budget.

B. Basic posts and corresponding career brackets of officials in the scientific and technical services of the Communities, as provided for in Article 92 of the Staff Regulations (8)

Category A*Administrative and advisory staff*

A 1	Director-General
A 2	Director
A 3	Head of Division
A 4	Principal Scientific or Technical Officer
A 5	} Scientific or Technical Officer
A 6	
A 7	
A 8	

Category B*(a) Design office staff*

B 1	} Draughtsman
B 2	
B 2	} Section Leader
B 3	
B 3	} Designer
B 3	

(b) Laboratory staff

B 1	} Chief Laboratory Technician
B 2	
B 3	} Laboratory Technician (By way of derogation from Articles 62 and 66 of the Staff Regulations, Laboratory Technicians appointed to Grade B 5 receive remuneration on the scale for Grade B 5 extended by four steps: each new step following the fourth is calculated by adding to the preceding step the two-yearly increment for that grade).
B 4	
B 5	
B 5	

(c) Manufacturing workshop staff

B 1	} Work Superintendent
B 2	
B 2	} Workshop Supervisor
B 3	
B 3	} Planner
B 4	
B 3	} Foreman
B 4	

Category C*(a) Office staff*

C 1	} Draughtsman
C 2	
C 3	
C 4	

(b) Workshop staff

C 1	Master Craftsman
C 2	} Craftsman
C 3	
C 4	
C 5	

(c) Laboratory staff

C 1	Chief Laboratory Attendant
C 2	} Laboratory Attendant
C 3	
C 4	
C 5	
C 3	Laboratory Technician (By way of derogation from Article 62 of the Staff Regulations, the scale of remuneration for Laboratory Technicians appointed to Grade C 3 goes up to Step 4 only).

Category D*(a) Office staff*

D 1	Senior Reprographic Operative
D 2	} Reprographic Assistant
D 3	
D 3	Filing Clerk

(b) Transport and handling staff

D 1	} Chargehand
D 2	
D 3	} Labourer
D 4	

(c) *Laboratory staff*

D 1 }
D 2 } Laboratory Assistant

D 3 }
D 4 } Laboratory Cleaner

ANNEX II

Composition and procedure of the bodies provided for in Article 9 of the Staff Regulations

CONTENTS

	<i>Articles</i>	<i>Page</i>
Section 1: Staff Committee.....	1	40
Section 2: Joint Committee.....	2 to 3	40
Section 3: Disciplinary Board.....	4 to 6	41
Section 4: Invalidation Committee.....	7 to 9	41
Section 5: Reports Committee.....	10 to 11	42

Section 1

Staff Committee

Article 1 (8)

The Staff Committee shall comprise the members thereof, together with their alternates if any, whose term of office shall be two years. The 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.

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. 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 Central 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 all categories of officials and of all services 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 Communities. 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.

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.

Section 2

Joint Committee

Article 2 (69)

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.

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

- a chairman appointed by the appointing authority referred to in the third subparagraph of 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.

Article 3 (8)

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 members or, in their absence, their alternates are present.

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

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.

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

Article 3a (69)

The common Joint Committee shall meet at the request either of the appointing authority referred to in the third subparagraph of Article 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 the third subparagraph of Article 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.

Section 3

Disciplinary Board*Article 4*

The Disciplinary Board or Boards shall consist of a chairman and four members. They shall be assisted by a secretary.

Article 5

1. The appointing authority shall each year appoint the chairmen of the Disciplinary Boards. These chairmen shall in no circumstances also be members of the Joint Committee or of the Reports Committee.

The appointing authority shall also draw up a list for each Board containing, if possible, the names of two officials from each grade in each category.

The Staff Committee shall at the same time transmit a like list to the appointing authority.

2. Within five days of receipt of a report initiating either disciplinary proceedings or the procedure provided for in Article 22 or Article 51 of the Staff Regulations, the chairman of the Disciplinary Board shall, in presence of the official concerned, draw lots from among the names in the abovementioned lists to decide which four members shall constitute the Board, two being drawn from each list.

Members of the Disciplinary Board shall not be of a lower grade than that of the official whose case the Board is to consider.

The chairman shall inform each member of the composition of the Board.

3. Within five days of the formation of the Disciplinary Board, the official charged may make objection in respect of any of its members other than the chairman.

Within the same period any member of the Disciplinary Board may ask to be excused from serving, provided he has legitimate grounds.

The chairman of the Disciplinary Board shall, by drawing lots, fill any vacancies arising.

Article 6

Members of the Disciplinary Board shall be completely independent in the performance of their duties.

The proceedings of the Board shall be secret.

Section 4

Invalidity Committee*Article 7 (8) (24)*

The Invalidity 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 European Communities shall appoint one.

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 European Communities at the request of one of the parties concerned.

Article 8

Expenses incurred in connection with the proceedings of the Invalidity Committee shall be 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 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.

*Section 5***Reports Committee***Article 10*

Members of the Reports Committee shall be appointed each year by the appointing authority from among senior officials of the institution. The Committee shall elect its chairman. Members of the Joint Committee shall not be members of the Reports Committee.

Where the 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.

Article 11

The proceedings of the Reports Committee shall be secret.

ANNEX III

Competitions

Article 1 (8) (69)

1. Notice of competitions shall be drawn up by the appointing authority after consulting the Joint Committee.

Notice of open competitions common to two or more institutions shall be drawn up by the appointing authority referred to in the third subparagraph of Article 2 of the Staff Regulations, after consulting the common Joint Committee.

It must specify:

- (a) the nature of the competition (competition internal to the institution, competition internal to the institutions, open competition, where appropriate, common to two or more institutions);
- (b) the kind of competition (whether on the basis of either qualifications or tests, or of both qualifications and tests);
- (c) the type of duties and tasks involved in the post to be filled;
- (d) the diplomas and other evidence of formal qualifications or the degree of experience required for the posts to be filled;
- (e) where the competition is on the basis of tests, what kind they will be and how they will be marked;
- (f) where applicable, the knowledge of languages required in view of the special nature of the posts to be filled;
- (g) where appropriate, the age limit and any extension of the age limit in the case of servants of the Communities who have completed not less than one year's service;
- (h) the closing date for applications;
- (i) any exceptions pursuant to Article 28(a) of the Staff Regulations.

2. Notice of open competitions shall be published in the *Official Journal of the European Communities* not less than one month before the closing date for applications and, where applicable, not less than two months before the date of the tests.

3. All competitions shall be advertised within the institutions of the three European Communities, the same time-limits being observed.

Article 2

Candidates shall complete a form prescribed by the appointing authority.

They may be required to furnish additional documents or information.

Article 3 (69)

The Selection Board shall consist of a chairman, one or more persons appointed by the appointing authority and an official appointed by the Staff Committee.

For open competitions common to two or more institutions, the Selection Board shall consist of a chairman appointed by the appointing authority referred to in the third subparagraph of Article 2 of the Staff Regulations and of members appointed by the appointing authority referred to in the third subparagraph of Article 2 of the Staff Regulations on a proposal from the institutions, as well as of members appointed by agreement between the Staff Committees of the institutions, in such a way as to ensure equal representation.

The Selection Board may, for certain tests, be assisted by one or more examiners serving in an advisory capacity.

Members of the Selection Board shall be chosen from officials whose grade is at least equal to that of the post to be filled.

Article 4

The appointing authority shall draw up a list of candidates who satisfy the conditions laid down in Article 28(a), (b) and (c) of the Staff Regulations and shall send it, together with the candidates' files, to the chairman of the Selection Board.

Article 5

After examining these files, the Selection Board shall draw up a list of candidates, who meet the requirements set out in the notice of competition.

Where the competition is on the basis of tests, all candidates on the list shall be admitted to the tests.

Where the competition is on the basis of qualifications, the Selection Board shall, after determining how candidates' qualifications are to be assessed, consider the qualifications of the candidates appearing on the list provided for in the first paragraph.

Where the competition is on the basis of both tests and qualifications, the Selection Board shall state which of the candidates on the list shall be admitted to the tests.

On completion of its proceedings, the Selection Board shall draw up the list of suitable candidates provided for in Article 30 of the Staff Regulations; the list shall wherever possible contain at least twice as many names as the number of posts to be filled.

The Selection Board shall forward this list to the appointing authority, together with a reasoned report by the Selection Board including any comments its members may wish to make.

Article 6

The proceedings of the Selection Board shall be secret.

ANNEX IV

Allowance under Articles 41 and 50 of the Staff Regulations*Sole Article (8) (24)*

1. An official to whom Article 41 or Article 50 of the Staff Regulations is applied shall be entitled:

(a) for three months, to a monthly allowance equal to his basic salary;

(b) for a period varying with the age and length of service in accordance with the table shown in paragraph 3, to a monthly allowance equal to:

- 85% of his basic salary from the fourth to the sixth month;
- 70% of his basic salary for the next five years;
- 60% of his basic salary thereafter.

The allowance shall cease from the day on which the official reaches the age of 60 years.

However, above that age and up to the age of 65 years the official shall continue to receive the allowance until he reaches the maximum retirement pension.

The basic salary for the purposes of this Article shall be that shown in the table in Article 66 of the Staff Regulations which is in force on the first day of the month for which the allowance is to be paid.

1a. During the period of entitlement to the allowance, and for the first six months thereafter, the official shall be entitled, in respect of himself and persons covered by his insurance, to benefits under the sickness insurance scheme provided for in Article 72 of the Staff Regulations, on condition that the official pays the appropriate contribution calculated by reference, as the case may be, either to his basic salary or to the percentage thereof specified in paragraph 1 of this Article and that he cannot be covered by any other public scheme against the same risks.

At the end of the period referred to in the first subparagraph and on the conditions laid down therein, the official concerned may, at his request, continue to receive the benefits under the said sickness insurance scheme on condition that he bears the whole of the contribution referred to in Article 72(1) of the Staff Regulations.

When the official's entitlement to the allowance ceases, his contribution shall be calculated by reference to the monthly allowance last received.

Where the official has started to draw a pension under the pension scheme provided for in the Staff Regulations, he shall, for the purposes of Article 72 of the Staff Regulations, be treated in the same way as an official who has remained in the service until the age of 60 years.

2. The provisions of this Annex shall be reviewed after the Staff Regulations enter into force.

3. The period for which the official is to receive the allowance provided for in Articles 41 or 50 of the Staff Regulations shall be determined by multiplying his length of service by the appropriate percentage for his age as shown in the following table; this period shall, where requisite, be rounded off to the month next below.

Age	%	Age	%	Age	%	Age	%
20	18	30	33	40	48	50	63
21	19.5	31	34.5	41	49.5	51	64.5
22	21	32	36	42	51	52	66
23	22.5	33	37.5	43	52.5	53	67.5
24	24	34	39	44	54	54	69
25	25.5	35	40.5	45	55.5	55	70.5
26	27	36	42	46	57	56	72
27	28.5	37	43.5	47	58.5	57	73.5
28	30	38	45	48	60	58	75
29	31.5	39	46.5	49	61.5	59 to 64	76.5

*ANNEX IVa (8)***Half-time work***Article 1*

The authorization referred to in Article 55a shall be granted on application by the official for a maximum of one year.

The authorization may, however, be renewed on the same conditions. Applications for renewal shall be made by the official concerned at least one month before expiry of the period for which the authorization was granted.

Article 2

If the reasons for which the authorization referred to in Article 55a was granted no longer apply, the appointing authority may withdraw the authorization before expiry of the period for which it was granted, giving one month's notice.

The appointing authority may likewise, on application by the official concerned, withdraw the authorization before expiry of the period for which it was granted.

Article 3

An official shall be entitled, during the period for which he is authorized to work half-time, to 50% of his remuneration. He shall, however, continue to receive the full dependent child allowance and the full education allowance.

During that period he may not engage in any other paid activity.

Contributions to the sickness insurance scheme and the pension scheme shall be calculated by reference to the total basic salary.

ANNEX V

Leave

CONTENTS

	<i>Articles</i>	<i>Page</i>
Section 1: Annual leave.....	1 to 5	48
Section 2: Special leave.....	6	48
Section 3: Travelling time.....	7	49

Section 1

Article 5

Annual leave

Where an official is recalled to duty for service reasons while on annual leave or has had his leave cancelled, any costs incurred by him shall be reimbursed, subject to production of appropriate evidence, and travelling time shall be granted afresh.

Article 1

In the year in which an official enters or leaves the service, he shall be entitled to two working days' leave per complete month of service, to two working days for an incomplete month consisting of more than 15 days and to one working day for an incomplete month of 15 days or less.

Section 2

Special leave

Article 2

Article 6 (24)

Annual leave may be taken all at once or in several periods as desired by the official and according to the requirements of the service. It must, however, include at least one period of two consecutive weeks. An official entering the service shall be granted annual leave only after completing three months' duty; leave may be approved earlier than this in exceptional cases for reasons duly substantiated.

In addition to annual leave, an official may, on application, be granted special leave. In particular, in the following cases special leave shall be granted as shown:

Article 3

If, during annual leave, an official contracts an illness which would have prevented him from attending for duty if he had not been on leave, his annual leave shall be extended by the duration of his incapacity, subject to production of a medical certificate.

- marriage of the official: four days;
- change of residence of the official: up to two days;
- serious illness of spouse: up to three days;
- death of spouse: four days;
- serious illness of a relative in the ascending line: two days;
- death of a relative in the ascending line: two days;
- birth or marriage of a child: two days;
- serious illness of a child: up to two days;
- death of a child: four days.

Article 4

Where an official, for reasons other than the requirements of the service, has not used up all his annual leave before the end of the current calendar year, the amount of leave which may be carried over to the following year shall not exceed 12 days.

Where an official at the time of leaving the service has not used up all his annual leave, he shall be paid compensation equal to one thirtieth of his monthly remuneration at the time of leaving the service for each day's leave due to him.

A sum calculated in the manner provided for in the preceding paragraph shall be deducted from payment due to an official who at the time of leaving the service has drawn annual leave in excess of his entitlement up to that date.

The institution may also grant special leave in the case of further training and instruction, within the limits laid down in the further training and instruction programme drawn up by the institution pursuant to the third paragraph of Article 24 of the Staff Regulations.

Section 3**Travelling time***Article 7 (24)*

To the period of leave provided for in Section 1 above shall be added travelling time based on the distance by rail between the place of leave and the place of employment, calculated as follows:

- 50 to 250 km: one day for the outward-and-return journey,
- 251 to 600 km: two days for the outward-and-return journey,
- 601 to 900 km: three days for the outward-and-return journey,
- 901 to 1 400 km: four days for the outward-and-return journey,
- 1 401 to 2 000 km: five days for the outward-and-return journey,
- more than 2 000 km: six days for the outward-and-return journey.

Where an official benefits from the second subparagraph of Article 8(2) of Annex VII, the travelling

time based on the distance by rail between the place of leave and the place of employment shall be as follows:

- up to 900 km: one day for the outward-and-return journey,
- more than 900 km: two days for the outward-and-return journey.

Special exceptions may be granted on application by the official concerned on production of evidence that the outward-and-return journey cannot be completed in the time allowed.

For the purpose of this Article, the place of leave in respect of annual leave shall be the place of origin.

The preceding provisions shall apply to officials whose place of employment and place of origin are in Europe. Should the place of employment and/or origin be outside Europe, the travelling time shall be fixed by special decision taking into account particular needs.

Where special leave is granted in pursuance of Section 2 above, any travelling time shall be fixed by special decision taking into account particular needs.

*ANNEX VI***Compensatory leave and remuneration for overtime***Article 1 (24)*

Within the limits laid down in Article 56 of the Staff Regulations, overtime worked by an official in Category C or D shall entitle him to compensatory leave or to remuneration as follows:

- (a) For each hour of overtime, he shall be entitled to one hour and a half off as compensatory leave; if the hour of overtime is worked between 22.00 and 7.00 or on a Sunday or on a public holiday, the entitlement to compensatory leave shall be two hours; in the granting of compensatory leave, account shall be taken of the requirements of the service and the preference of the official concerned.
- (b) Where the requirements of the service do not permit compensatory leave to be taken during the month following that during which the overtime was worked, the appointing authority shall authorize remuneration for uncompensated hours of overtime at the rate of 0.56% of the monthly basic salary for each hour of overtime on the basis set out in subparagraph (a).
- (c) To qualify for compensatory leave or remuneration for one hour's overtime, the extra time worked must have been more than 30 minutes.

Article 2

If an official is travelling on mission, the time taken to reach the place of assignment shall not be treated as overtime for the purposes of this Annex. As regards hours worked at the place of assignment in excess of the normal number of working hours, compensatory leave or remuneration, as the case may be, may be allowed by decision of the appointing authority.

Article 3

Notwithstanding the foregoing provisions of this Annex, remuneration for overtime worked by certain groups of officials in categories C and D in special conditions may be paid in the form of a fixed allowance the amount and terms of which shall be determined by the appointing authority after consulting the Joint Committee.

ANNEX VII

Remuneration and reimbursement of expenses

CONTENTS

		<i>Article</i>	<i>Page</i>
Section 1:	Family allowances	1 to 3	51
Section 2:	Expatriation allowance	4	52
Section 2a:	Fixed allowance	4a	53
Section 2b:	Teaching allowance	4b	53
Section 3:	Reimbursement of expenses		
	A. Installation allowance	5	53
	B. Resettlement allowance	6	53
	C. Travel expenses	7 to 8	54
	D. Removal expenses	9	55
	E. Daily subsistence allowance	10	55
	F. Mission expenses	11 to 13	56
	G. Fixed reimbursement of expenses	14 to 15	58
Section 4:	Payment of sums due	16 to 17	59

Section 1

Family allowances*Article 1*

(1) (2) (4) (5) (8) (9) (10) (11) (12) (13) (19) (23) (24) (27)
(31) (32) (35) (36) (38) (40) (41) (42) (43) (45) (47) (48) (49)
(53) (54) (56) (57) (58) (59) (60) (65) (66) (68) (70)

1. The household allowance shall be fixed at 5% of the basic salary of an official or BFR 6 236, whichever is the greater.

2. The household allowance shall be granted to:

(a) a married official;

(b) an official who is widowed, divorced, legally separated or unmarried and has one or more dependent children within the meaning of Article 2(2) and (3) below;

(c) by special reasoned decision of the appointing authority based on supporting documents, an official who, while not fulfilling the conditions laid down in (a) and (b), nevertheless actually assumes family responsibilities.

3. If the spouse of an official is gainfully employed, with an annual income before deduction of tax, of more than the basic annual salary of an official in the third step of grade C 3, weighted at the rate for the country where the spouse carries out his or her occupation, the official entitled to the household allowance shall not receive this allowance save by special decision of the appointing authority. The

official shall, however, be entitled to the allowance where the married couple have one or more dependent children.

4. In cases where, under the foregoing provisions, a husband and wife employed in the service of the Communities are both entitled to the household allowance, this shall be payable only to the person whose basic salary is the higher.

5. If the official is entitled to the household allowance only by virtue of paragraph 2(b) and a person other than the official has by law or by an order of court or of the competent administrative authority been given custody of all his dependent children within the meaning of Articles 2(2) and (3) below, the household allowance shall be paid to that other person in the name and on behalf of the official. This condition shall be deemed to be fulfilled in the case of dependent children who have reached their majority if such children have their normal residence with the other parent.

If, however, the official's children are in the care of several different persons, the household allowance shall be divided among them according to the number of children in their care.

If the person eligible by virtue of the foregoing to receive the household allowance paid in the official's name is also eligible to receive this allowance by reason of his or her own status as official or other member of staff, that person shall receive the higher of the two allowances only.

Article 2

(1) (2) (4) (5) (9) (11) (12) (13) (19) (23) (27) (31) (32) (35)
(36) (38) (40) (41) (42) (43) (45) (47) (48) (49) (53) (54) (56)
(57) (58) (59) (60) (65) (66) (68) (70)

1. An official who has one or more dependent children shall, in accordance with paragraphs 2 and 3 below, receive an allowance of BFR 8 031 per month for each dependent child.

2. 'Dependent child' means the legitimate, natural or adopted child of an official, or of his spouse, who is actually being maintained by the official.

The same shall apply to a child for whom an application for adoption has been lodged and the adoption procedure started.

3. The allowance shall be granted:

(a) automatically for children under 18 years of age;

(b) on application, with supporting evidence, by the official for children between 18 and 26 who are receiving educational or vocational training.

4. Any person whom the official has a legal responsibility to maintain and whose maintenance involves heavy expenditure may, exceptionally, be treated as if he were a dependent child by special reasoned decision of the appointing authority, based on supporting documents.

5. Payment of the allowance in respect of a child prevented by serious illness or invalidity from earning a livelihood shall continue throughout the period of that illness or invalidity, irrespective of age.

6. Not more than one dependent child allowance shall be paid in respect of any one dependent child within the meaning of this Article, even where the parents are in the service of two different institutions of the three European Communities.

7. If custody of the dependent child within the meaning of paragraphs 2 and 3 has been entrusted by law or by an order of court or of the competent administrative authority to another person, the dependent child allowance shall be paid to that person in the name and on behalf of the official.

Article 3

(1) (2) (4) (5) (8) (9) (11) (12) (13) (14) (19) (23) (24) (27)
(31) (32) (35) (36) (38) (40) (41) (42) (43) (45) (47) (48) (49)
(53) (54) (56) (57) (58) (59) (60) (65) (66) (68) (70)

An official shall receive an education allowance equal to the actual education costs incurred by him up to a maximum of BFR 7 177 per month for each dependent child, within the meaning of Article 2(2) above, who is in regular full-time attendance at an educational establishment.

Entitlement to this allowance commences on the first day of the month in which the child begins to attend a primary educational establishment and shall cease at the end of the month in which the child reaches the age of 26.

The maximum prescribed in the first paragraph shall be doubled for:

– an official whose place of employment is at least 50 km from, either:

(a) a European school, or

(b) an educational establishment working in his language which the child attends for imperative educational reasons duly supported by evidence;

– an official whose place of employment is at least 50 km from an establishment of higher education in the country of which he is a national or working in his language, provided that the child actually attends an establishment of higher education at least 50 km from the place of employment and the official is entitled to the expatriation allowance; the latter condition shall not apply if there is no such establishment in the country of which the official is a national.

If custody of the child in respect of whom the education allowance is paid has been entrusted by law or by an order of court or of the competent administrative authority to another person, the education allowance shall be paid to that person in the name and on behalf of the official. In such case, the distance of at least 50 km referred to in the preceding paragraph shall be calculated from the place of residence of the person having custody of the child.

Section 2

Expatriation allowance

Article 4

(1) (2) (4) (5) (9) (10) (11) (12) (13) (19) (23) (24) (27) (31)
(32) (35) (36) (37) (41) (42) (43) (45) (47) (48) (49) (53) (54)
(56) (57) (58) (59) (60) (65) (66) (68) (70)

1. An expatriation allowance shall be paid, equal to 16% of the total amount of the basic salary plus household allowance and the dependent child allowance paid to the official:

(a) to officials:

– who are not and have never been nationals of the State in whose territory the place where they are employed is situated, and

– who during the five years ending six months before they entered the service did not habitually reside or carry on their main occupation within the European territory of that State. For the purposes of this provision, circumstances arising from work done for another State or for an international organization shall not be taken into account;

(b) to officials who are or have been nationals of the State in whose territory the place where they are employed is situated but who during the 10 years ending at the date of their entering the service habitually resided outside the European territory of that State for reasons other than the perform-

ance of duties in the service of a State or of an international organization.

The expatriation allowance shall not be less than BFR 14 347 per month.

2. An official who is not and has never been a national of the State in whose territory he is employed and who does not fulfil the conditions laid down in paragraph 1 shall be entitled to a foreign residence allowance equal to one quarter of the expatriation allowance.

3. For the purposes of paragraphs 1 and 2, an official who has, by marriage, automatically acquired, without the possibility of renouncing it, the nationality of the State in whose territory his or her place of employment is situated, shall be treated in the same way as an official covered by the first indent of paragraph 1(a).

Section 2a

Fixed allowance

Article 4a (25)

An official in Category C employed as copy typist, shorthand-typist, telex operator, varitypist, executive secretary or principal secretary may be paid a fixed allowance. The amount of this allowance shall be determined by the Council in accordance with the procedure laid down in Article 65(3) of the Staff Regulations.

Section 2b (24)

Teaching allowance

Article 4b

The appointing authority may grant to an official referred to in Article 70a of the Staff Regulations an allowance equal to 0.45% of his basic monthly salary in respect of each hour of instruction given outside normal working hours.

The allowance shall be paid together with the remuneration for one of the months following that during which the instruction was given.

Section 3

Reimbursement of expenses

A. Installation allowance

Article 5 (8) (10)

1. An installation allowance equal to two months' basic salary in the case of an official who is entitled to the household allowance or to one month's basic salary in other cases shall be paid to an established official who qualifies for expatriation allowance or who furnishes evidence of having been obliged to

change his place of residence in order to comply with Article 20 of the Staff Regulations.

In cases where a husband and wife who are officials of the European Communities are both entitled to the settlement allowance, this shall be payable only to the person whose basic salary is the higher.

The installation allowance shall be weighted at the rate fixed for the place where the official is employed.

2. An installation allowance of the same amount shall be paid to any official who is transferred to a new place of employment and is thereby obliged to change his place of residence in order to comply with Article 20 of the Staff Regulations.

3. The installation allowance shall be calculated by reference to the official's marital status and salary either on the effective date of his establishment or on the date of his transfer to a new place of employment.

The installation allowance shall be paid on production of documents establishing the fact that the official, together with his family if he is entitled to the household allowance, has settled at the place where he is employed.

4. An official who is entitled to the household allowance and does not settle with his family at the place where he is employed shall receive only half the allowance to which he would otherwise be entitled; the second half shall be paid when his family settles at the place where he is employed, provided that it does so within the periods laid down in Article 9(3). Where the official is transferred to the place where his family resides before his family has settled at the place where he is employed, he shall not thereby be entitled to an installation advance.

5. An established official who has received an installation allowance and who voluntarily leaves the service of the Communities within two years from the date of entering it shall, on leaving the service, refund part of the allowance, in proportion to the unexpired portion of that two-year period.

6. An official in receipt of installation allowance shall declare any allowance of like nature which he receives from other sources; such latter allowances shall be deducted from the allowance provided for in this Article.

B. Resettlement allowance

Article 6 (8) (10)

1. An established official who satisfies the requirements of Article 5(1) shall be entitled on termination of service to a resettlement allowance equal to two months' basic salary in the case of an official who is entitled to the household allowance or to one month's basic salary in other cases, provided that he has completed four years of the service and does not receive a similar allowance in his new employment. In cases where a husband and wife who are officials

of the Communities are both entitled to the resettlement allowance, this shall be payable only to the person whose basic salary is the higher.

For the purpose of calculating his service, account shall be taken of years spent in any administrative status listed in Article 35 of the Staff Regulations other than leave on personal grounds.

This minimum period shall not apply in the case of retirement in the interests of the service.

The resettlement allowance shall be weighted at the rate fixed for the place where the official was last employed.

2. In the event of the death of an established official, the resettlement allowance shall be paid to the surviving spouse or, in the absence of such a person, to the dependants within the meaning of Article 2 above, even if the requirement as to length of service laid down in paragraph 1 is not satisfied.

3. The resettlement allowance shall be calculated by reference to the official's marital status and salary at the date of termination of service.

4. The resettlement allowance shall be paid against evidence that the official and his family, or, where the official has died, his family only, have resettled at a place situated not less than 70 km from the place where the official was employed.

Resettlement of an official or of the family of a deceased official shall take place within three years of the date of termination of his service.

This time-limit shall not apply as against persons entitled under him who can prove that they were unaware of the foregoing provisions.

C. Travel expenses

Article 7 (24)

1. An official shall be entitled to reimbursement of travel expenses for himself, his spouse and his dependants actually living in his household:

- (a) on taking up his appointment, from the place where he was recruited to the place where he is employed;
- (b) on termination of service within the meaning of Article 47 of the Staff Regulations, from the place where he is employed to the place of origin as defined in paragraph 3 below;
- (c) on any transfer involving a change in the place where he is employed.

In the event of the death of an official, the widow and dependants shall be entitled to reimbursement of travel expenses under the same conditions.

Travel expenses shall also include the cost of seat reservations, transport of luggage and, where applicable, hotel expenses necessarily incurred.

2. The basis for the calculation of reimbursement shall be:

- the shortest and most economical standard route by rail between the place of employment and the place of recruitment or origin;
- first-class fare for officials in Categories A and B and in the Language Service; second-class for other officials. However, if the outward-and-return journey covers a distance of 800 km or more, officials in categories C and D shall be reimbursed the first-class fare;
- where the journey includes not less than six hours of night travel between 22.00 and 7.00 sleeping accommodation up to the cost of tourist class or couchette, on production of the relevant ticket.

Where the route referred to in the first indent of the first subparagraph exceeds 500 km and in cases where the usual route includes a sea-crossing, the official concerned shall be entitled, on production of the tickets, to reimbursement of the cost of travel by air in the class immediately below luxury class, or first class.

Where a means of transport other than those mentioned above is used, calculation of reimbursement shall be based on the cost by rail in the appropriate class, excluding sleeping accommodation. Where calculation on this basis is not possible, the terms of reimbursement shall be determined by special decision of the appointing authority.

3. An official's place of origin shall be determined when he takes up his appointment, account being taken of where he was recruited or the centre of his interests. The place of origin as so determined may by special decision of the appointing authority be changed while the official is in service or when he leaves the service. While he is in the service, however, such decision shall be taken only exceptionally and on production by the official of appropriate supporting evidence.

The effect of such a change shall not, however, be such as to recognize as the centre of the official's interests, a place outside the territories of the Member States of the Communities or of the countries and territories listed in Annex IV to the Treaty establishing the European Economic Community.

Article 8 (8) (10) (24) (40)

1. An official shall be entitled to be paid in each calendar year a sum equivalent to the cost of travel from the place where he is employed to his place of origin as defined in Article 7 for himself and, if he is entitled to the household allowance, for his spouse and dependants within the meaning of Article 2:

- once in each calendar year if the distance by rail between the place of employment and the place of origin is more than 50 km but less than 725 km;
- twice in each calendar year if the distance by rail between the place of employment and the place of origin is more than 725 km;

such distances to be calculated according to the methods laid down in Article 7(2).

Where a husband and wife are both officials of the Communities, each has the right in respect of himself or herself and in respect of dependants to the flat-rate payment of travelling expenses, in accordance with the above provisions; each dependant shall be entitled to one payment only. The payment in respect of dependent children is fixed at the request of the husband or wife, on the basis of the place of origin of one or other of them.

Where an official marries and is for that reason recognized as being entitled to the household allowance, the travel expenses payable for the spouse shall be calculated in proportion to the period from the date of the marriage to the end of the year.

Any alteration to the basis of calculation which may arise from changes in family status after the date of payment of the sums in question shall not render the official concerned liable to make repayment.

Travel expenses for children aged four to 10 years shall be calculated on the basis of half fare, the children being deemed for the purposes of calculation to have completed their fourth or 10th year on 1 January of the current year.

2. The flat-rate payment shall be based on the cost of a first-class return ticket by rail in the case of officials in Categories A and B and in the Language Service and of a second-class return ticket in the case of other officials. However, if the distance of the outward-and-return journey is 800 km or more, payment for officials in categories C and D shall be based on the cost of a first-class ticket. Where calculation on these bases is not possible, the terms of payment shall be fixed by special decision of the appointing authority.

Where the distance by rail between the official's place of employment and his place of origin exceeds 500 km and in cases where the usual route includes a sea-crossing, he shall be entitled, on production of the tickets, to reimbursement of the cost of travel by air in the class immediately below luxury class or first class.

3. An official whose service is terminated in the course of a calendar year for any reason other than death or who is on leave on personal grounds during part of the year shall, if he is in active employment in the service of an institution of the three European Communities for less than nine months of that year, be entitled only to part of the payment provided for in paragraph 1, calculated in proportion to the time spent in active employment.

4. The preceding provisions shall apply to officials whose place of employment and place of origin are in Europe. An official whose place of employment and/or place of origin are outside Europe shall be entitled for himself and, if he is entitled to receive the household allowance, for his spouse and other dependants within the meaning of Article 2, in each calendar year, subject to the submission of supporting documents, to repayment of travel ex-

penses to his place of origin, or to repayment of travel expenses to another place not exceeding the expense of travel to his place of origin.

However, if the spouse and the persons referred to in Article 2(2) do not live with the official at his place of employment, they shall be entitled once in each calendar year, subject to the submission of supporting documents, to repayment of travel expenses from the place of origin to the place of employment or to repayment of travel expenses to another place not exceeding the cost of the former journey.

D. Removal expenses

Article 9

1. The expenses incurred in respect of removal of furniture and personal effects, including the cost of insurance against ordinary risks (breakage, theft, fire), shall be reimbursed to an official who is obliged to change his place of residence in order to comply with Article 20 of the Staff Regulations and who has not been reimbursed in respect of the same expenses from another source. Such reimbursement shall not exceed the amount of an estimate approved in advance. Not less than two estimates shall be submitted to the appropriate departments of the institution, which may, if they consider the estimates to be excessive, select another removal firm. In the latter case, entitlement to reimbursement may be limited to the amount of that firm's estimate.

2. On termination of service or on the death of an official, the expenses incurred in respect of removal from the place where he was employed to his place of origin shall be reimbursed.

Where the deceased official was unmarried, the expenses shall be reimbursed to those entitled under him.

3. In the case of an established official, removal shall be effected within one year of the end of his probationary period.

On termination of service, removal shall be effected within three years as provided in the second subparagraph of Article 6(4).

Removal expenses arising after the expiry of the time-limits set out above shall be reimbursed only in exceptional cases by special decision of the appointing authority.

E. Daily subsistence allowance

Article 10

(8) (10) (12) (13) (19) (23) (27) (31) (32) (35) (36) (38) (41)
(42) (43) (45) (47) (48) (49) (53) (54) (56) (57) (58) (59) (60)
(65) (66) (68) (70)

1. Where an official furnishes evidence that he must change his place of residence in order to satisfy the requirements of Article 20 of the Staff Regulations, he shall be entitled for a period specified in paragraph 2 to a daily subsistence allowance as follows:

	Entitled to household allowance		Not entitled to household allowance	
	1st to 15th day	From 16th day	1st to 15th day	From 16th day
	BFR per calendar year			
A 1 to A 3 and LA 3	2 432	1 146	1 671	959
A 4 to A 8 and LA 4 to LA 8 and Category B	2 360	1 070	1 602	836
Other grades	2 141	997	1 378	689

Where a husband and wife who are officials of the European Communities are both entitled to the daily subsistence allowance, the rates shown in the first two columns shall be applicable only to the person whose basic salary is the higher. The rates shown in the other two columns shall be applicable to the other person.

The above scale shall be reviewed each time remunerations are revised pursuant to Article 65 of the Staff Regulations.

2. The period in respect of which the daily subsistence allowance is granted shall be as follows:

- (a) in the case of an official who is not entitled to the household allowance: 120 days;
- (b) in the case of an official who is entitled to the household allowance: 180 days or, if the official is a probationer, the period of probation plus one month.

In cases where a husband and wife who are officials of the European Communities are both entitled to the basic subsistence allowance, the period in respect of which it is granted as laid down in (b) shall apply to the person whose basic salary is the higher. The period laid down in (a) shall apply to the other person.

In no case shall the daily subsistence allowance be granted beyond the date on which the official removes in order to satisfy the requirements of Article 20 of the Staff Regulations.

3. The daily subsistence allowance provided for in paragraph 1 shall be reduced by half during any period when the official receives the daily subsistence allowance for officials on mission provided for in Article 13.

F. Mission expenses

Article 11

1. An official travelling on mission and holding an appropriate travel order shall be entitled to reimbursement of travel expenses and to daily subsistence allowance in accordance with the following provisions.

An official who receives a differential allowance under Article 7(2) of the Staff Regulations shall be entitled to reimbursement of travel expenses and to daily subsistence allowance payable to an official in his acting grade.

2. The travel order shall state the probable duration of the mission, on the basis of which shall be calculated any advance which the official may draw against subsistence allowance. Save where a special decision is taken, no advance shall be payable where the mission is not expected to involve an absence of more than 24 hours and is to be carried out in a country using the same currency as that used in the place where the official is employed.

Article 12 (8) (14) (24)

1. Travel expenses for officials on mission shall cover the cost of rail transport by the shortest route, first class for officials in Categories A and B and in the Language Service and second class for other officials.

Where an outward and return journey of 800 km or more is involved, officials in Categories C and D shall be entitled to reimbursement of the first-class rail fare in respect of the foregoing expenses.

By decision of the appointing authority, officials in Categories C and D travelling on mission involving an outward and return journey of less than 800 km shall be entitled to reimbursement of the first-class rail fare when accompanying a member of the institution or an official who is travelling first class.

Travel expenses shall also include:

- the cost of seat reservations and transport of necessary luggage;
- supplements for special fast trains (reimbursed against production of special tickets where these are issued);
- supplements for sleeping accommodation (reimbursed against production of sleeper tickets) where the journey includes not less than six hours of night travel between 22.00 and 7.00;

- in a single sleeper or, if not available, special sleeper for officials in Grades A 1 to A 3 and LA 3;
- in a double sleeper for other officials;
- where the train to be taken does not have sleeping accommodation of the category specified for officials below Grades A 3 and LA 3, reimbursement shall, with the consent of the appropriate authority, correspond to the category immediately above or to single sleeper if that is the only category of sleeping accommodation available.

2. An official may be authorized to travel by air. In that case reimbursement shall be made against production of tickets for the class immediately below luxury class or first class.

By decision of the appointing authority, officials accompanying a member of the institution on a given mission may, on production of tickets, be reimbursed the cost of the journey in the same class as that used by the member for that journey.

Under the conditions laid down in rules adopted by agreement between the institutions of the Communities after consulting the Staff Regulations Committee, officials who travel on mission under particularly tiring conditions may, by decision of the appointing authority, be reimbursed the cost of the journey in the class used, on production of tickets.

By special decision of the appointing authority, an official may be authorized to take luggage in excess of free allowance.

3. For journeys by sea, the class of travel shall be determined in each case by the appointing authority.

An official travelling by sea shall receive, instead of the daily subsistence allowance provided for in Article 13, an allowance of BFR 225 per 24-hour period of the journey.

4. An official may be authorized to use his own car on a given mission, provided that the duration of the mission is not thereby increased.

Reimbursement of travel expenses shall in that case be calculated on the standard basis prescribed in paragraph 1.

In the case of an official travelling regularly on mission in special circumstances, however, the appointing authority may decide to grant that official an allowance per kilometre covered instead of reimbursement of rail fares, if the use of public transport and reimbursement of travel expenses on the normal basis involve definite disadvantages.

An official authorized to use his own car shall remain fully liable for any accidents to his car or to third parties; he must be in possession of an insurance policy covering civil liability up to an amount considered adequate by the appointing authority.

Article 13

(3) (6) (14) (17) (20) (22) (26) (29) (33) (39) (50) (55) (61)

1. (a) The daily subsistence allowance for officials on mission shall be paid on the following scale:

(in BFR)

	I	II	III
	Grades A 1 to A 3 and LA 3	Grades A 4 to A 8, LA 4 and to LA 8 and Category B	Other grades
Belgium	2 635	4 690	4 340
Denmark	3 130	6 120	5 660
Germany	2 465	4 225	3 910
Greece	1 680	2 880	2 665
Spain	2 550	5 230	4 840
France	2 395	4 300	3 980
Ireland	2 565	5 235	4 840
Italy	2 610	5 615	5 195
Luxembourg	2 535	4 435	4 100
Netherlands	2 625	4 955	4 585
Portugal	2 000	4 150	3 840
United Kingdom	2 510	5 755	5 325

(b) In the case of missions outside the European territory of Member States, the appointing authorities may decide to apply other rates.

2. In addition to the rates set out in Column I of the foregoing scale, the hotel bill covering room service and taxes, but excluding breakfast, shall be reimbursed up to a maximum of BFR 2 535 for

Greece, BFR 3 305 for Luxembourg, BFR 3 670 for Belgium, BFR 3 210 for France, BFR 4 420 for the Netherlands, BFR 3 225 for Germany, BFR 5 055 for Denmark, BFR 4 945 for Italy, BFR 4 305 for the United Kingdom, BFR 4 415 for Ireland, BFR 4 685 for Spain and BFR 3 625 for Portugal. Where a hotel bill is not produced, a fixed sum equivalent to 40% of the amounts specified above shall be paid

to the official, except where he has incurred reimbursable sleeper costs or has not had to spend the night away from his place of employment.

3. The subsistence rates set out in Columns II and III shall be reduced by 25% for any day's absence on mission, reckoned in accordance with paragraph 5, during which the official has incurred sleeper costs reimbursable by the Communities.

4. The same deductions shall be made where the official has not had to spend the night away from the place where he is employed.

5. Subject to paragraphs 3 and 4, daily subsistence allowance for officials on mission shall be calculated in accordance with the following rules:

(a) Mission of 24 hours or less:

- six hours or less: reimbursement of actual expenses up to a quarter of the daily subsistence allowance;
- 12 hours or less, but more than six hours: half the daily subsistence allowance;
- 24 hours or less, but more than 12 hours: a whole day's subsistence allowance.

(b) Mission of more than 24 hours:

- for each period of 24 hours: a whole day's subsistence allowance;
- for any further period of six hours or less: no subsistence allowance;
- for any further period of 12 hours or less, but more than six hours: half the daily subsistence allowance;
- for any further period of more than 12 hours: a whole day's subsistence allowance.

6. The daily subsistence allowance for officials on mission shall be considered to cover all expenditure incurred by the official, including local travel at the place of mission, save for the expenses mentioned below, which shall be reimbursed against supporting documents:

(a) cost of inland trunk or international telephone calls where incurred for official purposes;

(b) entertainment expenses in cases covered by Article 14;

(c) exceptional expenditure necessarily incurred for the purposes of the mission, either on receipt of special instructions or on account of *force majeure* and in the interests of the institution, and resulting in disbursement out of reasonable proportion to the allowance provided for.

7. Where the mission is expected to last for at least four weeks in the same place and the official concerned has been so advised before departure, subsistence rates may be reduced by one quarter.

Such reduction may be decided on during the course of the mission; in such case it shall take effect not less than eight days after the official concerned has been notified thereof, provided that there remain not

less than four weeks of mission to be completed, reckoned from the date of notification.

8. Where an official on mission has a meal or accommodation provided for or reimbursed by one of the institutions of the Communities or by a national or international administration or organization, he shall declare it.

The daily subsistence allowance shall be reduced by 23% of the allowance provided for in Column I and 16% of the allowance provided for in Columns II and III for each meal provided; the allowances provided for in Columns II and III shall be reduced by 34% for each day's accommodation provided. Where an official on mission has all his meals and accommodation provided or reimbursed by one of the institutions of the Communities or by a national or international administration or organization, he shall receive, in place of the daily subsistence allowance for missions provided for above, an allowance of 26% of the amount provided for in Column I or 17% of the amounts provided for in Columns II and III.

9. The rates given in paragraphs 1, 2, 3 and 8 may be altered by the Council, acting on a proposal from the Commission, by a qualified majority as provided for in the first indent of Article 148(2) of the Treaty establishing the European Economic Community and the first indent of Article 118(2) of the Treaty establishing the European Atomic Energy Community.

G. Fixed reimbursement of expenses

Article 14

1. Officials who, by reason of their duties, regularly incur entertainment expenses may be granted a fixed rate allowance by the appointing authority, which shall determine the amount thereof.

In special cases, the appointing authority may in addition decide that part of the cost of accommodation for the officials concerned also be borne by the institution.

2. In the case of officials who, as a result of special instructions, occasionally incur entertainment expenses for official purposes, the amount of the entertainment allowance shall be determined in each instance on the basis of supporting documents and on terms to be laid down by the appointing authority.

Article 14a

An official employed in a place where the problem of accommodation is recognized as being particularly difficult may be given a rent allowance. The list of places for which such allowance may be granted, the maximum amount of such allowance and the rules for granting it shall be laid down by the Council in accordance with the procedure laid down in Article 65(3) to the Staff Regulations.

Article 14b

An official employed in a place where the problem of transport is recognized as being particularly difficult and acute because of the distance between places of residence and the place of work may be given a transport allowance.

The list of places for which such allowance may be granted, the maximum amount of such allowance and the rules for granting it shall be laid down by the Council in accordance with the procedure laid down in Article 65(3) of the Staff Regulations.

Article 15

By decision of the appointing authority, officials in Grades A 1 and A 2 who do not have an official car at their disposal may receive a fixed allowance, not exceeding BFR 36 000 a year to cover normal travel within the boundaries of the town where they are employed.

The allowance may, by reasoned decision of the appointing authority, be granted to an official whose duties constantly require him to make journeys for which he is authorized to use his own car.

Section 4

Payment of sums due*Article 16*

1. Payment of remuneration to officials shall be made on the 15th day of each month for the month then current. The amount of remuneration shall be rounded off to the nearest Belgian franc above.

2. Where remuneration is not due in respect of a complete month, the amount shall be divided into thirtieths, and

(a) where the actual number of days payable is 15 or less, the number of thirtieths due shall equal the actual number of days payable;

(b) where the actual number of days payable is more than 15, the number of thirtieths due shall equal the difference between the actual number of days not payable and 30.

3. Where entitlement to family allowances and expatriation allowances commences after the date of entering the service, the official shall receive these from the first day of the month in which such enti-

tlement commences. On cessation of such entitlement, the official shall receive the sum due up to the last day of the month in which entitlement ceases.

Article 17 (28)

1. Payment shall be made to each official at the place and in the currency of the country where he carries out his duties.

2. Under the terms laid down in rules drawn up by common agreement by the institutions of the Communities, after consultation of the Staff Regulations Committee, an official may:

(a) through the institution which he serves, regularly have part of his emoluments transferred up to a maximum amount equal to his expatriation or foreign residence allowance:

- either in the currency of the Member State of which he is a national,
- or in the currency of the Member State in which either his own domicile or the place of residence of a dependent relative is located,
- or in the currency of his previous country of employment or of the country in which his institution has its seat, provided that the official in question has been assigned to a post outside the territory of the European Communities;

(b) have regular transfers made in excess of the maximum stated at the beginning of paragraph (a) provided that they are intended to cover expenditure arising in particular out of commitments proved to have been regularly undertaken by the official outside the country where the institution has its seat or outside the country where he carries out his duties;

(c) be authorized, in very exceptional circumstances and for good reasons supported by evidence, to have transferred, apart from the aforementioned regular transfers, sums which he may wish to have available in the currencies referred to in paragraph (a).

3. The transfers provided for in paragraph 2 shall be made at the exchange rate specified in the second paragraph of Article 63 of the Staff Regulations; the amounts transferred shall be multiplied by a coefficient repressing the difference between the weighting for the country in which the official is employed.

ANNEX VIII

Pension scheme

CONTENTS

		<i>Article</i>	<i>Page</i>
Chapter 1:	General provisions	1	60
Chapter 2:	Retirement pension and severance grant		
	Section 1: Retirement pension	2 to 11	60
	Section 2: Severance grant	12 to 12a	62
Chapter 3:	Invalidity pension	13 to 16	62
Chapter 4:	Survivor's pension	17 to 29	63
Chapter 5:	Provisional pensions	30 to 33	65
Chapter 6:	Pension increases in respect of dependent children	34 to 35	66
Chapter 7:	Section 1: Funding of the pension scheme	36 to 39	66
	Section 2: Calculation of pension	40 to 44	66
	Section 3: Payment of benefits	45 to 47	67
Chapter 8:	Transitional provisions	48 to 51	67

CHAPTER 1

GENERAL PROVISIONS

Article 1

1. Where the medical examination made before an official takes up his duties shows that he is suffering from sickness or invalidity, the appointing authority, in so far as risks arising from such sickness or invalidity are concerned, may decide to admit that official to guaranteed benefits in respect of invalidity or death only after a period of five years from the date of his entering the service of the Communities.

The official may appeal against such decision to the Invalidity Committee.

2. An official on leave for military service shall cease to benefit from the guarantees in respect of invalidity or death arising directly from an accident sustained, or sickness contracted, by reason of the military service. The foregoing provisions shall not affect the entitlement of survivors to pension on the basis of rights acquired by the official on the date when he is placed on leave for military service.

CHAPTER 2

RETIREMENT PENSION AND SEVERANCE GRANT

Section 1

Retirement pension

Article 2 (8)

A retirement pension shall be payable on the basis of the total number of years of pensionable service acquired by the official. Each year of service reckoned as provided for in Article 3 shall entitle him to one year of pensionable service and each complete month to one twelfth of a year of pensionable service.

The maximum number of years of pensionable service which may be taken into account for the calculation of retirement pension rights shall be 35.

Article 3 (24)

For the purpose of calculating years of pensionable service within the meaning of Article 2, the following shall be taken into account:

- (a) the period of service as an official of one of the institutions of the three Communities in one of the administrative statuses set out in Article 35(a), (b) and (e) of the Staff Regulations, and, on the conditions laid down in the last sentence of the second subparagraph of Article 40(3)

of the Staff Regulations, the administrative status referred to in Article 35(c) of the Staff Regulations;

(b) periods of entitlement to the allowance under Articles 41 and 50 of the Staff Regulations, up to a maximum of five years;

(c) periods of service in any other capacity in accordance with the conditions of employment of other servants of the Communities;

provided that the servant concerned has paid his share of the pension contribution in respect of such periods of service.

Article 4 (46)

An official who having previously completed a period of activity in the service of one of the institutions either as an official or as a member of the temporary staff resumes active employment with a Community institution shall acquire further pension rights. He may request that, for the purpose of calculating his pension rights, the whole of the period of service as an official or a member of the temporary staff for which contributions have been paid be taken into account, subject to his repaying any sums paid to him pursuant to Article 12 of this Annex or to Article 39 of the conditions of employment of other servants or received by him by way of retirement pension, plus compound interest at the rate of 3.5% per annum.

Where the official, being entitled to a retirement pension, does not repay the sums referred to in the first paragraph, a capital sum representing the actuarial equivalent of his retirement pension as at the date on which such pension ceased to be paid to him, plus compound interest at the rate of 3.5% per annum, shall be paid to him in the form of a deferred retirement pension payable at the age when he ceases to perform his duties.

Where an official, on terminating his service, is entitled to a severance grant, this grant shall be reduced by the amount of the payments made under Article 42 of the conditions of employment of other servants; where he is entitled to a retirement pension, his pension rights shall be reduced in proportion to the payments made under that Article.

Article 5 (8)

Notwithstanding the provisions of Article 2, an official who has less than 35 years of pensionable service at the age of 60 years and who continues to acquire pension rights under Article 3 shall, in respect of each year of service between the age of 60 years and the age when he begins to draw retirement pension, be entitled to an increase in pension equal to 5% of the amount of pension rights acquired by him at the age of 60 years, but so that his total pension shall not exceed 70% of his final basic salary as referred to in the second or third paragraph, as the case may be, of Article 77 of the Staff Regulations.

Such increase shall likewise be payable in the event of death of an official who has remained in the service after the age of 60 years.

Article 6 (8)

The minimum subsistence figure for the purpose of calculating pension benefits shall correspond to the basic salary of an official Grade D 4, step one.

Article 7

The actuarial equivalent of the retirement pension shall not be less than the amount which the official would have received if Article 12 had been applied to him.

Where the actuarial equivalent of the retirement pension payable in accordance with the preceding provisions is less than this amount, the official shall receive a retirement pension the actuarial equivalent of which shall be equal to the amount provided for in the preceding paragraph.

Article 8

'Actuarial equivalent of the retirement pension' means the capital value of the benefits accruing to the official, calculated by reference to the latest mortality tables compiled by the budgetary authorities in accordance with Article 39, the rate of interest applicable being 3.5% per annum.

Article 9

An official leaving the service before reaching the age of 60 years may request that his retirement pension:

- be deferred until the first day of the calendar month following that in which he reaches the age of 60; or
- be paid immediately, provided that he is not less than 50 years of age. In this case, the retirement pension shall be reduced by an amount calculated by reference to the official's age when he starts to draw his pension, as shown in the following table:

Pension payable on early retirement expressed in terms of the pension payable on retirement at age 60

Retirement at age	Coefficient
50	0.50 678
51	0.53 834
52	0.57 266
53	0.61 009
54	0.65 099
55	0.69 582
56	0.74 508
57	0.79 936
58	0.85 937
59	0.92 593

Article 10

The right to receive payment of retirement pension shall have effect from the first day of the calendar month following that in which the official, whether automatically or at his own request, becomes eligible for that pension; he shall continue to receive his remuneration until his pension becomes payable.

Article 11 (40) (67)

1. An official who leaves the service of the Communities to:

- enter the service of a government administration or a national or international organization which has concluded an agreement with the Communities;
- pursue an activity in an employed or self-employed capacity, by virtue of which he acquires pension rights under a scheme whose administrative bodies have concluded an agreement with the Communities,

shall be entitled to have the actuarial equivalent of his retirement pension rights in the Communities transferred to the pension fund of that administration or organization or to the pension fund under which he acquires retirement pension rights by virtue of the activity pursued in an employed or self-employed capacity.

2. An official who enters the service of the Communities after:

- leaving the service of a government administration or of a national or international organization; or
- pursuing an activity in an employed or self-employed capacity;

shall be entitled upon establishment to have paid to the Communities either the actuarial equivalent or the flat-rate redemption value of retirement pension rights acquired by virtue of such service or activities.

In such case the institution in which the official serves shall, taking into account his grade on establishment, determine the number of years of pensionable service with which he shall be credited under its own pension scheme in respect of the former period of service, on the basis of the amount of the actuarial equivalent or sums repaid as aforesaid.

3. Paragraph 2 shall also apply to an official who is reinstated after a period of secondment under the second indent of Article 37(1)(b) of the Staff Regulations and to an official who is reinstated following expiry of a period of leave on personal grounds under Article 40 of the Staff Regulations.

Section 2

Severance grant*Article 12*

An official aged less than 60 years whose service terminates otherwise than by reason of death or invalidity and who is not entitled to a retirement pension and cannot benefit from the provisions of Article 11(1) shall be entitled on leaving the service to payment of:

- (a) the sum standing to the credit of his account under the temporary joint provident scheme of the institutions of the Communities at the date when the Staff Regulations entered into force, plus compound interest at the rate of 3.5% per annum;
- (b) the aggregate amount deducted from his basic salary in respect of his pension contributions, plus compound interest at the rate of 3.5% per annum;
- (c) provided that he has been removed from his post, a severance grant proportionate to his actual length of service since the Staff Regulations entered into force, calculated on the basis of one and a half months for each year of service of the last basic salary before deductions. In cases covered by Article 11(2), the period of former service shall likewise be deemed to be actual service, to the extent of the number of years of pensionable service which the official's institution credited to him when these Staff Regulations entered into force, in accordance with the second subparagraph of Article 11(2);
- (d) the total sum paid to the Communities, in accordance with Article 11(2), where that sum corresponds to periods before the Staff Regulations entered into force, and one third of that sum in respect of periods beginning after the Staff Regulations entered into force, plus compound interest at the rate of 3.5% per annum.

Article 12a

An official who leaves the service before 1 July 1969 after serving less than 11 years, but who is entitled to a retirement pension may opt to take the pension or a severance grant calculated in accordance with Article 12(a) to (d).

CHAPTER 3

INVALIDITY PENSION*Article 13 (8)*

Subject to the provisions of Article 1(1), an official aged less than 65 years who at any time during the period in which he is acquiring pension rights is recognized by the Invalidity Committee to be suffering from total permanent invalidity preventing him from performing the duties corresponding to a post

in his career bracket, and who is obliged on these grounds to end his service with the Communities shall be entitled, for so long as such incapacity persists, to invalidity pension as provided for in Article 78 of the Staff Regulations.

Invalidity pension and retirement pension shall not be paid concurrently.

Article 14 (8) (46)

The right to receive payment of invalidity pension shall have effect from the first day of the calendar month following the official's retirement under Article 53 of the Staff Regulations.

When the former official ceases to satisfy the requirements for payment of the pension he must be reinstated in the first post corresponding to his career bracket which falls vacant in his category or service, provided that he satisfies the requirements for that post. If he declines the post offered to him, he shall retain his right to reinstatement when the next vacancy corresponding to his career bracket occurs in his category of service subject to the same proviso; if he declines a second time, he may be required to resign; in that case the provisions of Article 16 of Annex VIII shall apply.

Where a former official in receipt of invalidity pension dies, entitlement to pension shall cease at the end of the calendar month during which he died.

Article 15 (46)

While a former official drawing invalidity pension is aged less than 60 years, the institution may have him medically examined periodically to ascertain that he still satisfies the requirements for payment of the pension.

Article 16 (46)

Where a former official who has been drawing invalidity pension is reinstated in his institution or in any other institution of the Communities, the time during which he received invalidity pension shall be included for the purpose of calculating his retirement pension, without payment by him of arrears of contributions.

CHAPTER 4

SURVIVOR'S PENSION

Article 17 (8) (46)

Where an official dies having one of the administrative statuses set out in Article 35, of the Staff Regulations his widow shall be entitled, provided that she has been married to him for at least one year at the time of his death and subject to the provisions of Articles 1(1) and 22, to a widow's pension equal to 60% of the retirement pension which the official

would have been paid if he had qualified, irrespective of length of service or of age, for such pension at the time of death.

The duration of the marriage shall not be taken into account if there are one or more children of the marriage or of a previous marriage of the official provided that the widow maintains or has maintained those children, or if the official's death resulted either from physical disability or sickness contracted in the performance of his duties or from accident.

Article 17a (40)

Subject to Articles 1(1) and 22, the widow of a former official who was removed from his post or whose service was terminated by virtue of Regulation (EEC, Euratom, ECSC) No 259/68, (Euratom, ECSC, EEC) No 2530/72 or (ECSC, EEC, Euratom) No 1543/73 and who died whilst in receipt of a monthly allowance under Article 50 of the Staff Regulations or under one of the abovementioned Regulations shall be entitled, provided that she had been married to him for at least one year when he left the service of an institution, to a widow's pension, equal to 60% of the retirement pension to which her husband would have been entitled if he had qualified, irrespective of length of service or of age, for such pension at the time of death.

The amount of the widow's pension provided for in the first paragraph shall not be less than the amount provided for in the second paragraph of Article 79 of the Staff Regulations. The amount of the widow's pension shall in no case, however, exceed the amount of the first payment of the retirement pension to which the former official would have been entitled assuming that, had he stayed alive and exhausted his rights to one or other of the abovementioned allowances, he would have been entitled to a retirement pension.

The duration of the marriage specified in the first paragraph shall not be taken into account if there are one or more children of a marriage contracted by the official before he left the service, provided that the widow maintains or has maintained such dependent children within the meaning of Article 2(2) of Annex VII.

Nor shall the duration of the marriage be taken into account if the former official's death occurs in one of the circumstances described in the second paragraph of Article 17.

Article 18 (8)

Where a former official was in receipt of retirement pension his widow shall be entitled, provided that she had been married to him for at least one year when he left the service of an institution, and subject to the provisions of Article 22, to a widow's pension equal to 60% of the retirement pension which he was receiving at the time of his death. The minimum widow's pension shall be 35% of the last basic salary; the amount of the widow's pension shall in no case, however, exceed the amount of the

retirement pension which her husband was receiving at the time of his death.

The duration of the marriage shall not be taken into account if there are one or more children of a marriage contracted by the official before he left the service, provided that the widow maintains or has maintained those children.

Article 18a (8)

The widow of a former official who left the service before reaching the age of 60 years and requested that his retirement pension be deferred until the first day of the calendar month following that during which he reached the age of 60 years shall be entitled, provided that she has been married to him for at least one year when he left the service of an institution, and subject to the provisions of Article 22, to a widow's pension equal to 60% of the retirement pension which would have been payable to her husband at the age of 60 years. The minimum widow's pension shall be 35% of the last basic salary; the amount of the widow's pension shall in no case, however, exceed the amount of the retirement pension to which the official would have been entitled at the age of 60 years.

The duration of the marriage shall not be taken into account if there are one or more children of a marriage contracted by the former official before he left the service provided that the widow maintains or has maintained those children.

Article 19 (8) (46)

Where a former official was in receipt of invalidity pension his widow shall be entitled, subject to the provisions of Article 22, provided that she was married to him when he became eligible for the pension, to a widow's pension equal to 60% of the invalidity pension which he was receiving at the time of his death.

The minimum widow's pension shall be 35% of the final basic salary; the amount of the widow's pension shall in no case, however, exceed the amount of the invalidity pension which her husband was receiving at the time of his death.

Article 20 (46)

For purpose of Articles 17a, 18, 18a and 19, the duration of the marriage shall not be taken into account where the marriage, though contracted after termination of the official's service, has lasted at least five years.

Article 21 (8) (46)

1. The orphan's pension provided for in Article 80, first, second and third paragraphs of the Staff Regulations shall for the first orphan be equal to eight tenths of the survivor's pension to which the widow of an official or former official in receipt of

a retirement or invalidity pension would have been entitled, the reductions set out in Article 25 being disregarded.

It shall not be less than the minimum subsistence figure, subject to the provisions of Article 22.

2. The pension shall be increased, for each dependent child after the first, by an amount equal to twice the dependent child allowance.

Orphans shall be entitled to education allowance in accordance with Article 3 of Annex VII.

3. The total amount of pension and allowance calculated in this way shall be divided equally among the orphans entitled.

Article 22 (46)

Where an official leaves a widow and also orphans of a previous marriage or other persons entitled under him, the total pension, calculated as if for a widow having all these persons dependent on her, shall be apportioned among the various persons concerned in proportion to the pensions which would have been payable to each category of them if treated separately.

Where an official leaves orphans of different marriages, the total pension, calculated as though all the children were of the same marriage, shall be apportioned among the various persons concerned in proportion to the pensions which would have been payable to each category of them if treated separately.

For the purposes of calculating this apportionment, children of a previous marriage of either spouse, who are recognized as dependants within the meaning of Article 2 of Annex VII to the Staff Regulations shall be included in the category of children of the marriage to the official or former official in receipt of a retirement or invalidity pension.

In the case envisaged in the second paragraph, ascendants who are recognized as being dependants as provided for in Article 2 of Annex VII to the Staff Regulations shall be treated in the same way as dependent children and, for the purpose of calculating the apportionment, included in the category of descendants.

Article 23 (46)

Repealed

Article 24 (8) (46)

The right to receive payment of survivor's pension shall have effect from the first day of the calendar month following that in which the official or former official in receipt of a retirement or invalidity pension died. However, where the payment provided for in Article 70 of the Staff Regulations is made on the death of the official or of the person entitled to a pension, such right shall take effect on the first day of the fourth month following that in which death occurred.

The right to receive payment of survivor's pension shall cease at the end of the calendar month in which the recipient of the pensions dies or ceases to satisfy the requirements for payment of the pension.

Article 25 (46)

Where the difference in age between the deceased official or former official in receipt of a retirement or invalidity pension and his surviving spouse, less the length of time they have been married, is more than 10 years, the survivor's pension, calculated in accordance with the preceding provisions, shall be subject to a reduction, per full year of difference, amounting to:

- 1% for the years between 10 and 20;
- 2% for the years 20 up to but not including 25;
- 3% for the years 25 up to but not including 30;
- 4% for the years 30 up to but not including 35;
- 5% for the years from 35 upwards.

Article 26

A widow's entitlement to survivor's pension shall cease on remarriage. She shall be entitled to immediate payment of a capital sum equal to twice the annual amount of her survivor's pension, provided that the second paragraph of Article 80 of the Staff Regulations does not apply.

Article 27 (24) (46)

The divorced wife of an official or a former official shall be entitled to a survivor's pension, as defined in this chapter, provided that, on the death of her former husband, she can justify entitlement on her own account to receive maintenance from him by virtue of a court order or as a result of a settlement between herself and her former husband.

The survivor's pension may not, however, exceed the amount of maintenance paid at the time of her former husband's death, the amount having been adjusted in accordance with the procedure laid down in Article 82 of the Staff Regulations.

The divorced wife's entitlement shall cease if she remarries before her former husband dies. The provisions of Article 26 shall apply if she remarries after her former husband dies.

Article 28 (24) (46)

Where the deceased official leaves more than one divorced wife entitled to survivor's pension or one or more divorced wives and a widow entitled to a survivor's pension, that pension shall be divided in proportion to the respective duration of the marriages. The provisions of the second and third paragraphs of Article 27 shall apply.

If any of the persons entitled to pension dies or renounces her share, her share shall accrue to the shares of the other persons, except where there are

orphans' rights under the second paragraph of Article 80 of the Staff Regulations.

Reductions in respect of difference in age, as provided for in Article 25, shall be applied separately to pensions divided in accordance with this Article.

Article 29

Where under Article 42 the divorced wife ceases to be entitled to a pension, the total pension shall be payable to the widow, provided the second paragraph of Article 80 of the Staff Regulations does not apply.

CHAPTER 5

PROVISIONAL PENSIONS

Article 30 (46)

The spouse or persons recognized as dependants of an official having one of the statuses listed in Article 35 of the Staff Regulations whose whereabouts are unknown for more than one year provisionally receive the survivor's pension to which they would be entitled under this Annex.

Article 31 (46)

The spouse or persons recognized as dependants of a former official in receipt of retirement or invalidity pension whose whereabouts are unknown for more than one year may provisionally receive the survivor's pension to which they would be entitled under this Annex.

Article 31a (46)

The spouse or persons recognized as dependants of a former official within the meaning of Article 18a of Annex VIII, or of a former official entitled to an allowance either under Article 50 of the Staff Regulations or under Regulations (EEC, Euratom, ECSC) No 259/68 or (Euratom, ECSC, EEC) No 2530/72 or (ECSC, EEC, Euratom) No 1543/73 or (ECSC, EEC, Euratom) No 2150/82 or (ECSC, EEC, Euratom) No 1679/85 may, if the former official's whereabouts are unknown for more than one year, provisionally receive a survivor's pension to which they would be entitled under this Annex.

Article 32 (46)

The provisions of Article 31 shall apply to persons recognized as a dependant of a person in receipt of or entitled to a survivor's pension whose whereabouts are unknown for more than one year.

Article 33 (46)

Provisional pensions under Articles 30, 31, 31a and 32 shall be converted into definitive pensions when the death of the official or former official has been duly confirmed or he has been legally declared missing, presumed dead.

CHAPTER 6

**PENSION INCREASES IN RESPECT OF
DEPENDENT CHILDREN***Article 34 (8) (46)*

The provisions of the second paragraph of Article 81 of the Staff Regulations shall apply to persons in receipt of a provisional pension.

The provisions of Article 81 of the Staff Regulations shall not apply to children born more than 300 days after the death of the official or former official in receipt of a retirement or invalidity pension.

Article 35 (8)

The award of a retirement, invalidity or survivor's pension or of a provisional pension shall not entitle the pensioner to expatriation allowance.

CHAPTER 7

Section 1

Funding of the pension scheme*Article 36*

Salaries shall in all cases be subject to deduction of the contribution of the pension scheme provided for in Articles 77 to 84 of the Staff Regulations.

Article 37 (24)

An official on secondment shall continue to pay the contribution referred to in the preceding Article on the basis of the salary carried by this step and grade. This shall also apply, up to a maximum of five years as provided in Article 3, to officials receiving the allowance provided for in respect of non-active status or retirement in the interests of the service, and to officials on leave on personal grounds who are continuing to acquire further pension rights on the conditions laid down in Article 40(3) of the Staff Regulations.

All benefits to which any such official or those entitled under him may be entitled under this pension scheme shall be calculated on the basis of such salary.

Article 38

Contributions properly deducted shall not be refunded. Contributions wrongly deducted shall not confer the right to receive a pension; they shall not be reimbursed without interest at the request of the official or of those entitled under him.

Article 39

The budgetary authorities shall, after consulting one or more qualified actuaries and the Staff Regulations Committee provided for in Article 10 of the Staff

Regulations, lay down mortality and invalidity tables and the assumed salary increases for use in calculating the actuarial values provided for in the Staff Regulations and in this Annex.

Section 2

Calculation of pension*Article 40 (8)*

The institution in which the official was serving at the time when his active employment ended shall be responsible for calculating the amount of retirement, invalidity, survivor's or provisional pension. A detailed statement of the calculation shall be communicated to the official or to those entitled under him and to the Commission of the European Communities, which is the paying agency, at the same time as the decision awarding the pension.

A retirement or invalidity pension shall not be paid concurrently with the salary payable by an institution of the three European Communities nor with the allowance payable under Articles 41 and 50 of the Staff Regulations.

Article 41

The amount of pension may at any time be calculated afresh if there has been error or omission of any kind.

Pensions shall be liable to modification or withdrawal if the award was contrary to the provisions of the Staff Regulations or of this Annex.

Article 42 (46)

Where an official or former official in receipt of a retirement or invalidity pension dies and those entitled under him do not apply for their pension within one year from the date of his death, they shall lose their entitlement, save where *force majeure* is duly established.

Article 43 (46)

A former official or those entitled under him in favour of whom benefits arise under this pension scheme shall furnish such written proof as may be required and inform the institution referred to in the second paragraph of Article 45 of any facts liable to affect their entitlement.

Article 44

Where an official has been deprived, in whole or in part, of his pension rights under Article 86 of the Staff Regulations, he shall be entitled to claim reimbursement in proportion to the amount by which his pension has been reduced of the pension contributions he has paid.

Section 3

Payment of benefits*Article 45 (46)*

Benefits under this pension scheme shall be paid monthly in arrears.

These benefits shall, on behalf of the Communities, be provided by the institution designated by the budgetary authorities; no other institution may, under any description whatsoever, pay out of its own funds benefits provided for under this pension scheme.

Beneficiaries may elect to have their pensions paid in the currency either of their country origin or of their country of residence or of the country where the institution to which the official belonged has its seat; their choice shall remain operative for at least two years.

Article 46 (46)

Any sums due from an official or former official in receipt of a retirement or invalidity pension to the Communities at the date when a benefit is payable under this pension scheme shall be deducted from the amount of his benefit or from the benefits payable to those entitled under him. The deduction may be spread over a number of months.

Article 47 (46)

Repealed

CHAPTER 8

TRANSITIONAL PROVISIONS*Article 48*

An official to whom the Staff Regulations are applied pursuant to the transitional provisions shall be entitled to pension rights computed from the date of his joining the temporary joint provident scheme of the institutions of the Communities.

If an official so requests, his pension rights shall, notwithstanding any provisions to the contrary in the Staff Regulations, be computed from the date on which he entered the service of an institution of one of the three European Communities in any capacity whatever. Where during the whole or part of his previous service he had not contributed under the provident scheme, he shall be entitled, by payment

in instalments, to buy in the pension rights for which he had been unable to contribute. The amounts contributed by the official, together with the corresponding amounts contributed by the institution, shall be deemed to have been standing to the official's credit under the temporary provident scheme at the date of entry into force of these Staff Regulations.

Article 49

Where an official has exercised his option to withdraw from his account with the temporary joint provident scheme of the institutions of the Communities sums which he was required to contribute in his country of origin in order to maintain his pension rights there, his pension rights shall, in respect of the period when he was a member of the temporary provident scheme, be reduced in proportion to the sums withdrawn from this account.

The preceding paragraph shall not apply where an official has asked, within three months of the Staff Regulations being applied to him, to be allowed to repay those sums plus compound interest at the rate of 3.5% per annum.

Article 50

An official to whom the Staff Regulations are applied pursuant to the transitional provisions shall be entitled, if he leaves the services at the age of 65 years without having completed the 10 years required under the first paragraph of Article 77 of the Staff Regulations, to opt for payment of a grant calculated in accordance with Article 12 of this Annex or for a proportionate pension calculated in accordance with the second paragraph of Article 77 of the Staff Regulations.

Article 51

This pension scheme shall apply to the widow of, and those entitled under, any servant of the Communities who died while in active employment before the entry into force of the Staff Regulations and to any servant of the Communities who, before the entry into force of the Staff Regulations, was suffering from total permanent invalidity within the meaning of Article 78 of the Staff Regulations, subject to the transfer to the Communities of the amounts standing to his credit under the temporary joint provident scheme of the institutions of the Communities. The Communities shall assume the liability for payment of the benefits provided for in this pension scheme.

ANNEX IX

Disciplinary proceedings*Article 1*

A report shall be submitted to the Disciplinary Board by the appointing authority, stating clearly the facts complained of and, where appropriate, the circumstances in which they arose.

The report shall be communicated to the chairman of the Disciplinary Board, who shall bring it to the attention of the members of the Board and of the official charged.

Article 2

On receipt of the report, the official charged shall have the right to see his complete personal file and to take copies of all documents relevant to the proceedings.

Article 3

At the first meeting of the Disciplinary Board the chairman shall appoint one of its members to prepare a general report on the matter.

Article 4

The official charged shall have not less than 15 days from the date of receipt of the report initiating disciplinary proceedings to prepare his defence.

When the official appears before the Disciplinary Board he shall have the right to submit observations in writing or orally, to call witnesses and to be assisted in his defence by a person of his own choice.

Article 5

The institution shall likewise have the right to call witnesses.

Article 6

If the Disciplinary Board requires further information concerning the facts complained of or the circumstances in which they arose, it may order an inquiry in which each side can submit its case and reply to the case of the other side.

The inquiry shall be conducted by the rapporteur. For the purpose of inquiry, the Board may call for any documents relating to the matter before it.

Article 7

After consideration of the documents submitted and having regard to any statements made orally or in writing by the official concerned and by witnesses,

and also to the results of any inquiry undertaken, the Disciplinary Board shall, by majority vote, deliver a reasoned opinion of the disciplinary measure appropriate to the facts complained of and transmit the opinion to the appointing authority and to the official concerned within one month of the date on which the matter was referred to the Board. The time-limit shall be three months where an inquiry has been held on the instructions of the Board.

If the event of criminal proceedings, the Disciplinary Board may decide not to deliver its opinion until after the court has given its decision.

The appointing authority shall take its decision within one month; it shall first hear the official concerned.

Article 8

The chairman of the Disciplinary Board shall not vote on matters before the Board save on procedural questions or in case of equality of votes.

He shall ensure that the decisions of the Board are implemented and shall bring all relevant information and documents to the attention of each of its members.

Article 9

The secretary shall keep minutes of meetings of the Disciplinary Board.

Witnesses shall sign the minute recording their depositions.

The reasoned opinion provided for in Article 7 shall be signed by all members of the Disciplinary Board.

Article 10

Costs incurred on the initiative of an official in the course of disciplinary proceedings, in particular fees to a person chosen for his defence from outside the three European Communities, shall be borne by the official where the disciplinary proceedings result in any of the measures provided for under Article 86(2)(c) to (g) of the Staff Regulations or where the procedure under Article 51 of the Staff Regulations results in dismissal for incompetence.

Article 11

Where there are new facts which are supported by relevant evidence, disciplinary proceedings may be reopened by the appointing authority on its own initiative or on application by the official concerned.

ANNEX X (51)

Special and exceptional provisions applicable to officials serving in a third country

CHAPTER 1

GENERAL PROVISIONS*Article 1*

This Annex lays down the special and exceptional provisions applicable to officials of the European Communities serving in a third country.

Only nationals of Member States of the Communities may be recruited to serve in such a country, the appointing authority not being permitted to invoke the exception provided for in Article 28(a) of the Staff Regulations.

General implementing provisions shall be adopted in accordance with Article 110 of the Staff Regulations.

Article 2

By decision of the appointing authority in the interests of the service, officials shall be transferred periodically, if necessary without regard to vacant posts.

Posts to be filled by officials serving outside the Community need to be declared vacant until the transfer procedure referred to in the first subparagraph ('the mobility procedure') has been completed.

Article 3

In order to allow retraining periods of limited duration as part of the mobility procedure provided for in Article 2, the appointing authority may decide to assign an official serving outside the Community to a post in a Member State of the European Communities; such assignments, which shall not be preceded by a vacancy notice, may not be for more than four years. By way of derogation from the first subparagraph of Article 1, the appointing authority may decide, on the basis of general implementing provisions, that the official shall remain subject to certain provisions of this Annex for the duration of this temporary assignment, excluding Articles 5, 10 and 12 thereof.

CHAPTER 2

OBLIGATIONS*Article 4*

An official shall carry out his duties at the place to which he is assigned on recruitment or on transfer in the interests of the service following the mobility procedure.

Article 5

If the institution provides the official with accommodation which corresponds to the composition of his dependent family, he shall be required to reside in it.

CHAPTER 3

WORKING CONDITIONS*Article 6*

An official shall, per calendar year, be entitled to annual leave of five calendar days for each month of service.

Article 7

In the year in which an official takes up or ceases to perform his duties in a third country, he shall be entitled to five calendar days leave for each complete month of service, to five calendar days for an incomplete month consisting of more than 15 days and to two and a half calendar days for an incomplete month of 15 days or less.

Where an official, for reasons other than the requirements of the service, has not used up his annual leave before the end of the current calendar year, the amount of leave which may be carried over to the following year shall not exceed 20 calendar days.

Article 8

By way of exception, the appointing authority may, by special reasoned decision, grant an official rest leave on account of particularly difficult living conditions at his place of employment. For each such place, the appointing authority shall determine the town(s) where rest leave may be taken.

Article 9

1. Annual leave may be taken all at once or in several periods, according to what the official desires and taking account of the requirements of the service. It must, however, include at least one period of 20 consecutive calendar days.

2. The rest leave referred to in Article 8 may not exceed a period of 15 calendar days for each year of service. It may not be combined with annual leave, nor may it be carried over from one year to the next.

The period of rest leave shall be extended by the addition of travelling time calculated in accordance with Article 7 of Annex V to the Staff Regulations.

CHAPTER 4

EMOLUMENTS AND SOCIAL SECURITY
BENEFITS

Section 1

Emoluments and family allowances

Article 10

1. An allowance for living conditions shall be fixed, according to the official's place of employment, as a percentage of a reference amount. This reference amount shall comprise the total basic salary, plus the expatriation allowance, household allowance and dependent child allowance, less the compulsory deductions referred to in the Staff Regulations or in the regulations adopted to implement them.

Where an official is employed in a country in which living conditions can be deemed equivalent to those normally obtaining in the Community, no such allowance shall be payable.

In the case of other places of employment, the allowance for living conditions shall be fixed as follows.

The parameters taken into account for fixing the allowance for living conditions shall be the following:

- health and hospital environment,
- security,
- climate,

to which three parameters shall be applied a weighting of 1:

- degree of isolation,
- other local conditions,

to which two parameters shall be applied a weighting of 0.5.

Each parameter shall have the following value:

0: where conditions are normal but not equivalent to those normally obtaining in the Community,

2: where conditions are difficult compared with those normally obtaining in the Community,

4: where conditions are very difficult compared with those normally obtaining in the Community.

The allowance shall be fixed as a percentage of the reference amount referred to in the first subparagraph, in accordance with the following scale:

- 10% where the value equals 0,
- 15% where the value is greater than 0 but not greater than 2,
- 20% where the value is greater than 2 but not greater than 5,
- 25% where the value is greater than 5 but not greater than 8,

- 35% where the value is greater than 8.

The allowance for living conditions fixed for each place of employment shall be reviewed and, where appropriate, adjusted each year by the appointing authority after the opinion of the Staff Committee has been obtained.

2. If living conditions at the place of employment are such as to put the official at personal risk, a temporary additional allowance shall be paid to him by special reasoned decision of the appointing authority. This allowance shall be fixed as a percentage of the reference amount referred to in the first subparagraph of paragraph 1:

- at 5% where the authority advises its staff not to settle their families in the place of employment,
- at 10% where the authority decides to reduce temporarily the number of staff serving in the place of employment.

Article 11

Remuneration, as also the allowances referred to in Article 10, shall be paid in Belgian francs in Belgium. They shall be subject to the weighting applicable to the remuneration of officials employed in Belgium.

Article 12

At the request of the official, the appointing authority may decide to pay all or part of his remuneration in the currency of the country of employment. In that event, it shall be subject to the weighting for the place of employment and shall be converted on the basis of the corresponding exchange rate.

In duly substantiated exceptional cases, the appointing authority may make all or part of this payment in a currency other than of the country of employment in such a way as to maintain purchasing power.

Article 13

In order to ensure as far as possible that officials enjoy equivalent purchasing power irrespective of their place of employment, the Council shall determine the weighting referred to in Article 12 every six months. The Council shall, by the written procedure within one month, act on a proposal from the Commission by the qualified majority provided for in the first eventuality set out in the second subparagraph of Article 148(2) of the Treaty establishing the European Economic Community and of Article 118 of the Treaty establishing the European Atomic Energy Community. Should a Member State request formal examination of the Commission proposal, the Council shall act within two months.

Where however, in the case of a given country, the variation in the cost of living measured on the basis of the weighting and the corresponding exchange rate is found to have exceeded 5% since the last adjustment, the Commission shall decide on interim measures for adjusting the weighting and shall inform the Council thereof as soon as possible.

Article 14

The Commission shall submit an annual report to the Council on the application of this Annex and in particular on the fixing of the rate of the allowance for living conditions as provided for in Article 10.

Article 15

On the conditions laid down by the appointing authority, the official shall receive an education allowance to cover the actual education costs incurred, payment of the allowance being made on the production of supporting documents. Except in cases deemed exceptional by the appointing authority, this allowance shall not exceed three times the doubled maximum education allowance.

Article 16

Reimbursements due to officials shall be paid in either Belgian francs or the currency of the country of employment, on the basis of a reasoned request from the official.

Officials may opt to have installation or resettlement allowances paid in either Belgian francs or the currency of the place of installation or resettlement; in the latter case, they shall be subject to the weighting fixed for the place in question and converted at the corresponding exchange rate.

Section 2**Rules relating to the reimbursement of expenses***Article 17*

An official not in furnished accommodation provided by the institution who, for reasons beyond his control, is obliged to change his residence at the place of employment shall, by special reasoned decision of the appointing authority, be reimbursed the expenses incurred in respect of removal of furniture and personal effects, on production of supporting documents and in accordance with the rules on removals.

In such cases, he shall have his actual installation expenses reimbursed on production of supporting documents, subject to a ceiling equal to half the installation allowance.

Article 18

An official who, at his place of employment, is staying at a hotel because the accommodation provided for in Article 5 cannot be allocated to him or is no longer available to him or who, for reasons beyond his control, has not been able to take possession of his accommodation shall be reimbursed the hotel expenses of himself and his family on production of the hotel bills, after prior authorization by the appointment authority.

He shall also receive half the daily allowance.

The expenses referred to in the first and second subparagraphs shall be reimbursed subject to the limits laid down in Article 10 of Annex VII of the Staff Regulations, except where the appointing authority takes a special decision that there is a case of *force majeure*.

Where hotel accommodation cannot be provided, the official shall be entitled to reimbursement of the actual cost of renting temporary accommodation, after prior approval by the appointing authority.

Article 19

An official who does not have the use of a staff car for travel relating to official business within his area of activity shall receive a mileage allowance for the use of his own car. The amount of the allowance shall be fixed by the appointing authority.

Article 20

An official shall be entitled to travel expenses for rest leave from his place of employment to the authorized place of leave for himself and, if he is entitled to the household allowance, for his spouse and dependents if they live with him.

Where travel by train is impossible or impracticable, reimbursement shall be by special decision on production of the air tickets, whatever the distance.

Article 21

An official who is obliged to change his place of residence in order to comply with Article 20 of the Staff Regulations and Article 4 of this Annex and who does not move house shall be entitled, on taking up his duties, to reimbursement of the cost of transporting his personal effects, subject to the conditions laid down by the appointing authority, on production of supporting documents.

Where, following a transfer, an official is obliged to change his place of residence in order to comply with Article 20 of the Staff Regulations, the institution shall, depending on the type of accommodation that can be provided at the place of employment and subject to the conditions laid down by the appointing authority, bear the actual cost of moving part or all of his furniture and personal effects from their location at the time to the place of employment or of transporting his personal effects or of storage. Reimbursement may be made for any or all of these costs.

In the event of termination of service or death, the institution shall, subject to the conditions laid down by the appointing authority, bear the actual cost of moving an official's furniture and personal effects from their location at the time to his place of origin or of transporting his personal effects from the place of employment to his place of origin. Reimbursement may be made for any or all of these costs.

In the event of the death of an unmarried official, reimbursement shall be made to those entitled under him.

Article 22

The temporary accommodation allowance and the cost of transporting the personal effects of his spouse and dependants shall be advanced to a probationer official by the institution.

In the event of the probationer official not being established at the end of his probationary period, the institution may in exceptional cases take steps to recover up to half of these sums on the basis of the provisions laid down by the appointing authority.

Article 23

Where the official is not provided with accommodation by the institution, his rent shall be reimbursed, provided that the accommodation corresponds to the level of his duties and to the composition of his dependent family.

Section 3

Social security benefits*Article 24*

The official, his spouse, his children and other persons dependent on him shall be covered by supplementary sickness insurance for the difference between expenditure actually incurred and payments from the scheme provided for in Article 72 of the Staff Regulations; no reimbursement shall be made under Article 72(3).

Half the premium shall be paid by the official and half by the institution. However, the official's contribution shall not exceed 0.6% of his basic salary, any balance shall be paid by the institution.

The official, his spouse, his children and other persons dependent on him shall be insured for repatriation on health grounds in the case of an emergency or extreme emergency; the premium shall be paid entirely by the institution.

Article 25

The spouse, children and other persons dependent on the official shall be insured against accidents occurring outside the Community in the countries appearing on a list adopted for this purpose by the appointing authority.

Half the premium shall be paid by the official and half by the institution.

CHAPTER 5

DISCIPLINE*Article 26*

If an official covered by Title VIIIa of the Staff Regulations is the subject of a disciplinary procedure, the Disciplinary Board shall include two members based at a seat of the institution and drawn by lot respectively from each list referred to in the second and third subparagraphs of Article 5(1) of Annex II to the Staff Regulations.

CHAPTER 6

TRANSITIONAL PROVISIONS*Article 27*

In accordance with implementing rules to be adopted by the appointing authority after the opinion of the Staff Committee has been obtained, an official or a member of the staff covered by Regulation (Euratom, ECSC, EEC) No 3018/87¹ shall, for a period not exceeding the duration of the assignment being carried out when these provisions enter into force and for a maximum of five years, receive remuneration at least equal to that which he was receiving the day before entry into force of these provisions.

¹ OJ L 286, 9.10.1987, p. 1.

ANNEX XI (62)

Rules for implementing Articles 64 and 65 of the Staff Regulations

CHAPTER 1

ANNUAL REVIEW OF REMUNERATION

(Article 65(1) of the Staff Regulations)

Section 1

Factors determining annual adjustments*Article 1*1. *Report from the Statistical Office of the European Communities*

For the purposes of the review provided for in Article 65(1) of the Staff Regulations, the Statistical Office of the European Communities – hereinafter called the ‘Statistical Office’ – shall draw up every year before the end of September a report on changes in the cost of living in Brussels, the economic parities between Brussels and the other places of employment in the Member States, and changes in the purchasing power of salaries in the national civil services hereinafter called ‘changes in purchasing power’.

The reference period for these data shall be the 12 months preceding 1 July of the year in which the review is carried out.

2. *Changes in the cost of living for Brussels (joint index)*

The Statistical Office, in agreement with the Member States’ national statistics institutes – hereinafter called the ‘national institutes’ – shall draw up a joint index to measure changes in the cost of living for officials of the European Communities in Brussels.

3. *Economic parities*

(a) The Statistical Office, in agreement with the national institutes, shall calculate the economic parities which establish the equivalence of purchasing power of the salaries of European officials serving in the capitals of the Member States and in certain other places of employment specified in Article 9 with reference to Brussels.

(b) The economic parities shall be calculated in such a way that each basic component can be checked by a direct survey at least once every five years.

4. *Changes in the purchasing power of salaries of national civil servants in central government (specific indicators)*

(a) For the purpose of measuring the percentage change, either upward or downward, in the purchasing power of salaries in the national civil services, the Statistical Office shall, on the basis of information supplied by the national departments concerned, calculate specific indicators re-

flecting changes in the real remuneration of civil servants in each central government during the reference period.

The specific indicators shall take two forms:

- one indicator for each of the four categories A, B, C and D,
- an average indicator weighted to reflect the numbers of national civil servants in each category.

Each of these indicators shall be established in real gross and real net terms. For the transition from gross to net, account shall be taken of statutory deductions and general taxation factors.

To establish gross and net indicators for all the Member States together, the results per country shall be weighted by the total emoluments of central government civil servants as shown in the most recent statistics published in the national accounts.

(b) At the request of the Statistical Office, the national departments shall supply it with the additional information which it considers necessary in order to draw up a specific indicator accurately measuring changes in national civil service purchasing power.

If, after further consultation of the national departments, the Statistical Office finds statistical anomalies in the information obtained or finds it impossible to draw up indicators which measure with statistical accuracy the changes in the real income of civil servants in a given Member State, it shall report to the Commission and provide it with all the material needed to make an assessment.

(c) The Statistical Office shall also assess statistically the difference between the gross and net rates of the specific indicators.

(d) Besides the specific indicators, the Statistical Office shall submit control indicators in the form of data on real per capita emoluments in general government and in central government, drawn up in accordance with national accounts definitions.

The Statistical Office report on the specific indicators shall be accompanied by explanations of the differences between these indicators and the abovementioned control indicators.

Article 2

The Commission shall produce, before the end of 1992 and every three years thereafter, a comprehensive report on the recruitment requirements of the institutions and transmit it to the European Parliament and the Council. On the basis of this report the

Commission shall, if necessary, present proposals based on all relevant factors to the Council after consulting the other institutions within the framework of the Staff Regulations.

Section 2

Arrangements for the annual adjustment of remuneration

Article 3

1. With effect from 1 July and pursuant to Article 65(3) of the Staff Regulations, the Council, acting on the Commission proposal and on the basis of the criteria set out in Section 1, shall take a decision before the end of each year adjusting remunerations.

2. The amount of the adjustment shall be obtained by multiplying the joint index, weighted in such a way that the Belgian index (Brussels capital component) counts for 25%, by the specific indicator. The adjustment shall be in net terms and may be expressed as a uniform across-the-board percentage or in a non-proportional manner.

The adjustment may therefore be expressed as:

- one or more percentages,
- and/or
- an absolute amount.

If the adjustment is not expressed as a single percentage, it shall be effected in such a way that the change in total emoluments shall correspond to an adjustment expressed as a percentage.

3. The amount of the adjustment thus fixed and the weightings applicable to officials serving in Belgium after application of the fourth paragraph of Article 63 of the Staff Regulations shall be incorporated, in accordance with the following method, in the salary tables appearing in Article 66 of the Staff Regulations and in Articles 20 and 63 of the Conditions of employment of other servants:

- the net remuneration for a weighting of 100 attaching to each step of each grade of official and to each class in every group of other servants shall be increased by the above weighting, and by the amount of the annual adjustment referred to above, whether given as a percentage and/or as an absolute amount;
- the new table of basic salaries in gross terms shall be drawn up calculating for each step or class the gross amount which after deduction of tax made, having regard to paragraph 4 and compulsory deductions for social security and pension contributions, corresponds to the net amount;
- the conversion of net amounts into gross amounts shall be based on the situation of an unmarried official who does not receive the various allowances provided for in the Staff Regulations;

- the weightings for both Belgium and Luxembourg shall be fixed at 100.

4. For the purpose of applying Council Regulation (EEC, Euratom, ECSC) No 260/68 of 29 February 1968 laying down the conditions and procedure for applying the tax for the benefit of the European Communities, the amounts in Article 4 of that Regulation shall be multiplied by a factor composed of:

- the factor resulting from the previous adjustment;
- the current weighting applicable to the remunerations of officials serving in Belgium after application of the fourth paragraph of Article 63 of the Staff Regulations, and before incorporation as set out in paragraph 3 of this Article;
- the rate of adjustment of remunerations referred to in paragraph 2;
- and/or
- if the adjustment is made in the form of an absolute amount, the equivalent average percentage.

5. The weightings applicable in the capitals and places of employment other than Brussels and Luxembourg shall be determined on the basis of the relationships between the economic parities referred to in Article 1 and the exchange rates specified in Article 63 of the Staff Regulations for the relevant countries.

However, the procedures laid down in Article 8 concerning the retrospective application of weightings in places of employment with a high rate of inflation shall apply.

6. For places of employment other than Brussels and Luxembourg, changes in the cost of living during the reference period shall be found indirectly by multiplying the joint index for Brussels by the change in the economic parity of the place of employment in question.

CHAPTER 2

INTERIM ADJUSTMENTS OF REMUNERATION

(Article 65(2) of the Staff Regulations)

Article 4

1. Interim adjustments of remuneration pursuant to Article 65(2) of the Staff Regulations, taking effect on 1 January, shall be made in the event of a substantial change in the cost of living if the sensitivity threshold is reached and with due allowance being made for the forecast of the change in purchasing power during the current annual reference period.

2. The Commission proposal shall be sent to the Council not later than the second half of April.

3. These interim adjustments shall be taken into account in the annual salary adjustment.

Article 5

1. In March each year the Statistical Office shall make a forecast of changes in purchasing power over the period concerned on the basis of the information supplied at the meeting provided for in Article 12.

If this forecast produces a negative percentage, half of this percentage shall be taken into account in the calculation of the adjustment.

2. The change in the cost of living for Brussels shall be measured by the joint index for the reference period constituted by the second half of the previous calendar year.

3. For places of employment other than Brussels and Luxembourg, an economic parity shall be calculated with reference to Brussels. The change in the cost of living shall be calculated according to the rules set out in Article 3(6).

Article 6

1. The sensitivity threshold shall be 55% of the average change in the cost of living in the Community, recorded over the second six-month period in the previous calendar year and as published by the Statistical Office in its monthly updating of consumer prices. However, upper and lower limits shall be 5% and 2.75% respectively.

2. The threshold thus established shall be applied in accordance with the following procedure, subject, with respect to the calculation of the weighting, to application of the second paragraph of Article 5(1):

- if the threshold as defined above is reached or exceeded in Brussels, the weightings for all places of employment shall be adjusted,
- if the sensitivity threshold is not reached in Brussels, only the weightings of places where inflation has exceeded the threshold shall be adjusted.

Article 7

1. The amount of the adjustment shall be the joint index for Brussels, multiplied, where appropriate, by half of the forecast specific indicator if this forecast is negative.

2. Subject to application of Article 6:

- the weighting for Brussels and Luxembourg shall be the amount of the adjustment multiplied by the former weighting,
- the weighting for each other place of employment shall be the amount of the adjustment multiplied by the relationship between the relevant economic parity and the exchange rate provided for in Article 63 of the Staff Regulations.

CHAPTER 3

COUNTRIES WITH A HIGH RATE OF INFLATION

(Date on which weightings come into effect)

Article 8

1. For countries with a high rate of inflation, the weightings shall come into effect before 1 January in the case of the interim adjustment, or 1 July in the case of the annual adjustment, so as to bring the loss in purchasing power into line with what it would be in a place of employment where the change in the cost of living corresponded to the sensitivity threshold. The theoretical number of days by which the effective date must be brought forward in order to arrive at the corresponding loss shall be calculated for each place of employment using the following formula:

$$N = \frac{-6 + \left[\frac{1-b}{1 - \epsilon\sqrt{b}} \right] - \left[-6 + \left[\frac{1-a}{1 - \epsilon\sqrt{a}} \right] \right]}{1 - \frac{1}{a}} \times 30$$

where N is the theoretical number of days, a is the percentage change in the cost of living in the place + 1, and b is the sensitivity threshold + 1.

2. On the basis of the theoretical number of days, the effective dates shall be as follows:

- the first day of the month for places of employment having a theoretical date falling between the 22nd of the preceding month and the sixth of the month in question, and
- the 16th of the month for places of employment having a theoretical date falling between the seventh and the 21st of the same month.

In no case may the effective date be 1 or 16 December for the interim adjustment, or 1 or 16 June for the annual adjustment.

CHAPTER 4

CREATION OF WEIGHTINGS

(Article 64 of the Staff Regulations)

Article 9

On the basis of a report by the Statistical Office and when objective factors reveal an appreciable distortion in purchasing power in a given place of employment compared with that in the capital of the Member State concerned, the Council, on a proposal from the Commission and in accordance with the second paragraph of Article 64 of the Staff Regulations shall decide to set a weighting for that place.

CHAPTER 5

EXCEPTION CLAUSE*Article 10*

If there is a serious and sudden deterioration in the economic and social situation within the Community, assessed in the light of objective data supplied for this purpose by the Commission, the Commission shall submit appropriate proposals on which the Council shall act by qualified majority after consulting the other institutions concerned in accordance with the procedure laid down in the second subparagraph of Article 24(1) of the Treaty establishing a Single Council and a Single Commission of the European Communities.

CHAPTER 6

ROLE OF THE STATISTICAL OFFICE OF THE EUROPEAN COMMUNITIES AND RELATIONS WITH THE NATIONAL STATISTICS INSTITUTES OF THE MEMBER STATES*Article 11*

It shall be the task of the Statistical Office of the European Communities to monitor the quality of basic data and statistical methods used to work out the factors taken into account for the adjustment of remunerations. In particular, it shall make any assessments or carry out any studies required for such monitoring.

Article 12

In March each year the Statistical Office shall convene a working party composed of experts from national institutes to be known as the 'Working Party on Article 65 of the Staff Regulations'.

At the meeting, all the statistical problems concerning specific indicators, in particular problems involved in calculating these indicators in net terms, shall be examined.

At the meeting the following shall also be provided:

- data on trends in working hours in central government departments,
- the information required to produce a forecast of changes in purchasing power for the purposes of the interim adjustment of remuneration.

Article 13

At least once a year and not later than September, the Statistical Office shall convene a working party composed of experts from national institutes to be known as the 'Working Party on Article 64 of the Staff Regulations'.

At the meeting, all the statistical problems concerning the establishment of the joint index and economic parities shall be examined.

Article 14

Each Member State shall inform the Statistical Office of any factors having a direct or indirect impact on the consumption and changes in the remuneration of central government civil servants.

CHAPTER 7

FINAL PROVISION AND REVIEW CLAUSE*Article 15*

1. The provisions of this Annex shall apply from 1 July 1991 to 30 June 2001.
2. They shall be reviewed at the end of the fifth year and revised, if appropriate, on the basis of a report transmitted to the European Parliament and the Council and a proposal from the Commission after consulting the other institutions within the framework of the Staff Regulations.

Transitional provisions applicable to officials of the Communities on the entry into force of Council Regulation (EEC, Euratom, ECSC) No 259/68 of 29 February 1968

Extract from Council Regulation (EEC, Euratom, ECSC) No 259/68 of 29 February 1968 laying down the Staff Regulations of officials and the conditions of employment of other servants of the European Communities and instituting special measures temporarily applicable to officials of the Commission
(Official Journal of the European Communities L 56, 4.3.1968)

Article 2

second and third paragraph

The Staff Regulations as defined in the first paragraph and also such implementing regulations made by the Councils of the European Economic Community and the European Atomic Energy Community or by the Council of the European Communities as are applicable on the entry into force of this Regulation shall automatically apply to officials, former officials and those entitled under them to whom, before the entry into force of this Regulation, the Staff Regulations of officials of the European Economic Community and the European Atomic Energy Community or the Staff Regulations of officials of the European Coal and Steel Community applied.

Articles 93 to 105 of the Staff Regulations of officials of the European Coal and Steel Community shall remain applicable to those officials to whom Article 92 of those Staff Regulations remains applicable on the entry into force of this Regulation.

Transitional provisions applicable to officials established before the entry into force of Council Regulation (EEC, Euratom, ECSC) No 571/92

Extract from Council Regulation (EEC, Euratom, ECSC) No 571/92 of 2 March 1992 amending the Staff Regulations of officials of the European Communities (entry into force 8 March 1992)

(Official Journal of the European Communities L 62, 7.3.1992)

Article 2

An official who was established before this Regulation entered into force may apply to his institution for transfers within the meaning of Article 1(2) relating to activities pursued in a self-employed capacity.

Applications shall be made within 12 months of the entry into force of this Regulation.

II

Conditions of employment of other servants of the European Communities

CONTENTS

	<i>Article</i>	<i>Page</i>
Title I: General provisions	1 to 7a	81
Title II: Temporary staff		
Chapter 1: General provisions	8 to 10	82
Chapter 2: Rights and obligations	11	82
Chapter 3: Conditions of engagement	12 to 15	83
Chapter 4: Working conditions	16 to 18	83
Chapter 5: Remuneration and expenses	19 to 27	84
Chapter 6: Social security benefits		
Section A: Sickness and accident insurance, social security benefits	28 to 30	85
Section B: Insurance against invalidity and death	31 to 38a	87
Section C: Retirement pension and severance grant	39 to 40	89
Section D: Funding of the invalidity and life assurance scheme and of the pension scheme.	41 to 42	89
Section E: Settlement of claims by temporary staff	43	89
Section F: Payment of benefits	44	90
Section G: Subrogation in favour of the Com- munities	44a	90
Chapter 7: Recovery of overpayments	45	90
Chapter 8: Appeals	46	90
Chapter 9: Termination of employment	47 to 50a	90
Title III: Auxiliary staff		
Chapter 1: General provisions	51 to 53	91
Chapter 2: Rights and obligations	54	92
Chapter 3: Conditions of engagement	55 to 56	92
Chapter 4: Working conditions	57 to 60	92
Chapter 5: Remuneration and expenses	61 to 69	93
Chapter 6: Social security benefits	70 to 71	94
Chapter 7: Recovery of overpayments	72	94
Chapter 8: Appeals	73	94
Chapter 9: Termination of employment	74 to 78	94
Title IV: Local staff	79 to 81	95
Title V: Special advisers	82 to 83	95
Title VI: Repealed Articles (84 to 98)		96
Title VII: Transitional provisions	99 to 101	96
Title VIII: Final provisions	102 to 103	96

TITLE I

GENERAL PROVISIONS

Article 1 (18)

The conditions of employment shall apply to servants engaged under contract by the Communities. Such servants shall be:

- temporary staff,
- auxiliary staff,
- local staff,
- special advisers.

Article 2 (18)

For the purposes of these conditions of employment, 'temporary staff' means:

- (a) staff engaged to fill a post which is included in the list of posts appended to the section of the budget relating to each institution and which the budgetary authorities have classified as temporary;
- (b) staff engaged to fill temporarily a permanent post included in the list of posts appended to the section of the budget relating to each institution;
- (c) staff, other than officials of the Communities, engaged to assist either a person holding an office provided for in the Treaties establishing the Communities, or the Treaty establishing a Single Council and a Single Commission of the European Communities, or the elected President of one of the institutions or organs of the Communities or the Elected Chairman of one of the political groups in the European Parliament;
- (d) staff engaged to fill temporarily a permanent post paid from research and investment appropriations and included in the list of posts appended to the budget relating to the institution concerned.

Article 3

For the purposes of these conditions of employment, 'auxiliary staff' means:

- (a) staff engaged, within the limits set in Article 52, for the performance of full-time or part-time duties in an institution but not assigned to a post included in the list of posts appended to the section of the budget relating to that institution;
- (b) staff engaged, after the possibilities of temporary posting of officials within the institution have been examined, to replace certain persons who are unable for the time being to perform their duties, namely:
 - officials or temporary staff in Category B, C, or D or in the Language Service;
 - exceptionally, officials or temporary staff in

Category A, other than those in Grade A 1 or A 2, occupying a highly specialized post;

such staff are paid from the total appropriations for the purpose under the section of the budget relating to the institution.

Article 4 (8) (18) (24)

For the purposes of these conditions of employment, 'local staff' means staff engaged according to local practice for manual or service duties, assigned to a post not included in the list of posts appended to the section of the budget relating to each institution and paid from the total appropriations for the purpose under that section of the budget. By way of exception, staff engaged to perform executive duties at the Press and Information Offices of the Commission of the European Communities may also be regarded as local staff.

In places of employment outside the Community countries, staff engaged for duties other than those mentioned in the first paragraph which, in the interests of the service, could not be assigned to an official or servant having another capacity within the meaning of Article 1, may be regarded as local staff.

Article 5

For the purposes of these conditions of employment, 'special adviser' means a person who, by reason of his special qualifications and notwithstanding gainful employment in some other capacity, is engaged to assist one of the institutions of the Communities either regularly or for a specified period and who is paid from the total appropriations for the purpose under the section of the budget relating to the institution which he serves.

Article 6

Each institution shall determine who shall be authorized to conclude the contracts referred to in Article 1.

The provisions of the second paragraph of Article 1 and of the second paragraph of Article 2 of the Staff Regulations shall apply by analogy.

Article 7 (8)

A servant whose contract is for more than one year or for an indefinite period shall be entitled to vote in elections and stand for election to the Staff Committee provided for in Article 9 of the Staff Regulations.

A servant whose contract is for less than one year shall also be entitled to vote if he has been employed for at least six months.

The Joint Committee provided for in Article 9 of the Staff Regulations may be consulted by the institution or by the Staff Committee on questions of a general nature relating to servants to whom Article 1 applies.

Article 7a (8)

Article 24a of the Staff Regulations shall apply to the servants referred to in Article 1.

TITLE II

TEMPORARY STAFF

CHAPTER 1

GENERAL PROVISIONS

Article 8 (18) (44)

Temporary staff to whom Article 2(a) applies may be engaged for a fixed or indefinite period.

Temporary staff to whom Article 2(b) applies shall not be engaged for more than two years, and their contracts may be renewed not more than once for a maximum period of one year. At the end of that time they shall no longer be employed as temporary staff. On the expiry of their contracts such servants may be assigned to established posts in the institutions only if they are appointed as officials in accordance with the Staff Regulations.

Temporary staff to whom Article 2(c) applies shall be engaged for an indefinite period.

Temporary staff to whom Article 2(d) applies shall be engaged on the following conditions:

- temporary staff in Category A or B required to perform duties necessitating scientific or technical qualifications shall be engaged for not more than five years; their contracts may be renewed;
- staff in Category A or B required to perform administrative duties shall be engaged for an indefinite period;
- staff in Category C or D shall be engaged for an indefinite or definite period.

The contracts of temporary staff to whom Article 2(a) or Article 2(d) applies who are engaged for a fixed period may be renewed not more than once for a fixed period. Any further renewal shall be for an indefinite period.

Article 9

Temporary staff shall not be engaged for any purpose other than that of filling, in accordance with this Title, vacant posts included in the list of posts appended to the section of the budget relating to each institution.

Article 10

Article 5(1), (2) and (4) and Article 7 of the Staff Regulations, concerning the classification of posts

in categories, services and grades and the assignment of officials to posts, shall apply by analogy.

The grade and step at which temporary staff are engaged shall be stated in their contract.

Assignment of temporary staff to a post carrying a higher grade than that at which they were engaged shall be recorded in an agreement supplementary to their contract of service.

Articles 93 to 101 of the Staff Regulations and Annex I B to the Staff Regulations shall apply by analogy to temporary staff of the Commission who occupy posts in the field of nuclear science calling for scientific or technical qualifications and who are paid from appropriations in the research and investment budget.

Temporary staff to whom the preceding paragraph applies shall be included in the maximum number fixed in accordance with the second paragraph of Article 93 of the Staff Regulations.

CHAPTER 2

RIGHTS AND OBLIGATIONS

Article 11 (44)

The provisions of Articles 11 to 26 of the Staff Regulations, concerning the rights and obligations of officials, shall apply by analogy. However, where a member of the temporary staff holds a contract for a fixed period, the duration of leave on personal grounds referred to in the second paragraph of Article 15 of the Staff Regulations shall be limited to the remainder of the term of the contract.

Any decision requiring damage suffered by the Communities as a result of serious misconduct to be made good, as provided for in Article 22 of the Staff Regulations, shall be taken by the authority referred to in the first paragraph of Article 6 after observing the formalities provided for in cases of dismissal for serious misconduct.

Decisions relating to individual members of the temporary staff shall be published as provided for in the second paragraph of Article 25 of the Staff Regulations.

CHAPTER 3

CONDITIONS OF ENGAGEMENT

Article 12

1. The engagement of temporary staff shall be directed to securing for the institution the services of persons of the highest standard of ability, efficiency and integrity, recruited on the broadest possible geographical basis from among nationals of Member States of the Communities.

Temporary staff shall be selected without reference to race, creed or sex.

2. A member of the temporary staff may be engaged only on condition that:

- (a) he is a national of one of the Member States of the Communities, unless an exception is authorized by the authority referred to in the first paragraph of Article 6, and enjoys his full rights as a citizen;
- (b) he has fulfilled any obligations imposed on him by the laws concerning military service;
- (c) he produces the appropriate character references as to his suitability for the performance of his duties;
- (d) he is physically fit to perform his duties; and
- (e) he produces evidence of a thorough knowledge of one of the languages of the Communities and of a satisfactory knowledge of another language of the Communities to the extent necessary for the performance of his duties.

Article 13 (46)

Before being engaged, a member of the temporary staff shall be medically examined by one of the institution's medical officers in order that the institution may be satisfied that he fulfils the requirements of Article 12(2)(d).

Article 33 of the Staff Regulations shall apply by analogy.

Article 14 (24) (44)

A member of the temporary staff may be required to serve a probationary period not exceeding six months.

Where during his probationary period a member of the temporary staff is prevented, by sickness or accident, from performing his duties for one month or more, the authority authorized to conclude the contract of engagement may extend his probationary period by the corresponding length of time.

Not less than one month before the expiry of the probationary period, a report shall be made on the ability of the member of the temporary staff to perform the duties pertaining to his post and also on his conduct and efficiency in the service. This report shall be communicated to the person concerned, who shall have the right to submit his comments in

writing. A member of the temporary staff whose work has not proved adequate to justify retention in his post shall be dismissed.

A report on the probationary member of temporary staff may be made at any time during the probationary period if his work is proving obviously inadequate. The report shall be communicated to the person concerned, who shall have the right to submit his comments in writing. On the basis of the report, the authority authorized to conclude contracts of engagement may decide to dismiss the member of the temporary staff before the end of the probationary period by giving him one month's notice; the period of service may not, however, exceed the normal probationary period.

A dismissed member of the temporary staff shall be entitled to compensation equal to one third of his basic salary per month of probation completed.

Article 15 (46)

1. Temporary staff shall be graded initially in accordance with Article 32 of the Staff Regulations.

Where a member of the temporary staff is assigned to a post corresponding to a higher grade, as provided for in the third paragraph of Article 10, his grading shall be determined in accordance with Article 46 of the Staff Regulations.

2. The provisions of Article 43 of the Staff Regulations, concerning reports, shall apply by analogy to servants within the meaning of Article 2(a), (c) and (d).

CHAPTER 4

WORKING CONDITIONS

Article 16 (7) (46)

Articles 55 to 61 of the Staff Regulations, concerning hours of work, overtime, shiftwork, standby duty at place of work or at home, leave and public holidays, shall apply by analogy.

The paid sick-leave provided for in Article 59 of the Staff Regulations shall not, however, exceed three months or the length of time worked by the member of the temporary staff, where the latter is longer. The leave shall not extend beyond the term of his contract.

On expiry of these time-limits, a servant whose contract is not terminated, notwithstanding that he is unable to resume his duties, shall be placed on unpaid leave.

However, where a servant contracts an occupational disease or sustains an accident in the performance of his duties, he shall continue to receive his full remuneration throughout the period during which he is incapable of working until such time as he is awarded an invalidity pension under Article 33.

Article 17 (44)

In exceptional circumstances a member of the temporary staff may at his own request be granted unpaid leave on compelling personal grounds. The authority referred to in the first paragraph of Article 6 shall determine the length of such leave, which shall not exceed one quarter of the length of time already worked by the servant or:

- three months if the servant's seniority is less than four years;
- six months in all other cases.

Any period of leave granted in accordance with the preceding paragraph shall not count for purposes of the application of the third paragraph of Article 20.

While a member of the temporary staff is on unpaid leave his membership of the social security scheme provided for in Article 28 shall be suspended.

However, a member of the temporary staff who provides evidence that he cannot be covered by any other public scheme of insurance against the risks referred to in Article 28 may, not later than one month following that in which unpaid leave begins, apply to continue to be covered in accordance with that Article, provided that he bears half the cost of the contributions required to cover the risks referred to in Article 28 for the duration of his leave; the contribution shall be calculated by reference to his last basic salary.

Moreover, a member of the temporary staff to whom Article 2(c) or (d) applies who proves that he cannot acquire pension rights under another pension scheme may apply to continue to acquire further pension rights throughout the period of unpaid leave, provided that he bears the cost of a contribution equal to three times the rate laid down in Article 41; the contributions shall be calculated by reference to the basic salary for his grade and step.

Article 18 (44)

A member of the temporary staff who is called up for military service, alternative services or reserve training or who is recalled to serve in the armed forces shall be assigned leave for national service; for temporary staff engaged for a fixed period such leave may in no circumstances exceed the duration of the contract.

A member of the temporary staff who is called up for military service or alternative service shall cease to receive his remuneration but shall retain his right under these conditions of employment to advancement to a higher step. He shall also retain his right to retirement pension if, after completing his military service or alternative service, he pays up his pension contributions retroactively.

A member of the temporary staff who is called up for reserve training or who is recalled to service in the armed forces shall, during the period of training

or recall, continue to receive his remuneration subject to deduction of an amount equal to his service pay.

CHAPTER 5

REMUNERATION AND EXPENSES

Article 19

The remuneration of temporary staff shall comprise basic salary, family allowances and other allowances.

Article 20

(18) (19) (23) (24) (27) (30) (31) (32) (34) (35) (36) (37) (38)
(41) (42) (43) (44) (45) (62) (63)

Articles 63, 64, 65 and 65a of the Staff Regulations concerning the currency in which remuneration is to be expressed and adjustments to such remuneration, shall apply by analogy.

Articles 66, 67, 69, 70 and 70(a) of the Staff Regulations, concerning basic salaries, family allowances, expatriation allowance and the teaching allowance payment in the event of death shall apply by analogy.

The provisions of Article 66a of the Staff Regulations on the temporary contribution shall apply by analogy to temporary staff.

A member of temporary staff who has been at one step in his grade for two years shall automatically advance to the next step in that grade.

Article 21

Articles 1, 2, 3, 4 and 4a of Annex VII to the Staff Regulations, concerning payment of family allowances, expatriation allowance and temporary fixed allowances, shall apply by analogy.

Article 22

Subject to Articles 23 to 26, a member of the temporary staff shall be entitled, in accordance with Articles 5 to 15 of Annex VII to the Staff Regulations, to reimbursement of expenses incurred by him on taking up appointment, transfer or leaving the service, and also to reimbursement of expenses incurred in the course of or in connection with the performance of his duties.

Article 23

A member of the temporary staff engaged for a fixed period of not less than 12 months, or deemed by the authority referred to in the first paragraph of Article 6 to be engaged for an equivalent period if his contract is for an indefinite period, shall, as provided for in Article 9 of Annex VII to the Staff Regulations, be entitled to reimbursement of his removal expenses.

Article 24 (10) (44)

1. A member of the temporary staff engaged for a fixed period of not less than one year, or deemed by the authority referred to in the first paragraph of Article 6 to be engaged for an equivalent period if his contract is for an indefinite period, shall receive an installation allowance as provided for in Article 5 of Annex VII to the Staff Regulations amounting, for an expected period of service of:

- | | | | | | | | | | | |
|---|---|---|---|---|---------------|--|--|-----------------|--|--|
| <ul style="list-style-type: none"> - not less than one year but less than two years, - not less than two years but less than three years, - three years or more, | <table border="0"> <tr> <td style="padding-right: 5px;">to one third</td> <td style="font-size: 2em; vertical-align: middle;">}</td> <td style="padding-left: 5px;">of the rate laid down in Article 5 of Annex VII of the Staff Regulations.</td> </tr> <tr> <td style="padding-right: 5px;">to two thirds</td> <td></td> <td></td> </tr> <tr> <td style="padding-right: 5px;">to three thirds</td> <td></td> <td></td> </tr> </table> | to one third | } | of the rate laid down in Article 5 of Annex VII of the Staff Regulations. | to two thirds | | | to three thirds | | |
| to one third | } | of the rate laid down in Article 5 of Annex VII of the Staff Regulations. | | | | | | | | |
| to two thirds | | | | | | | | | | |
| to three thirds | | | | | | | | | | |

2. The resettlement allowance provided for in Article 6 of Annex VII to the Staff Regulations shall be granted to temporary staff who have completed four years' service. A servant who has completed more than one year's but less than four years' service shall receive a resettlement allowance proportionate to his length of service, incomplete years being disregarded.

3. However, the installation allowance provided for in paragraph 1 and the resettlement allowance provided for in paragraph 2 shall not be less than:

- BFR 37 000 for a servant who is entitled to the household allowance; and
- BFR 22 000 for a servant who is not entitled to the household allowance.

In cases where a husband and wife who are members of the temporary staff of the Communities are both entitled to the settlement allowance or resettlement allowance, this shall be payable only to the person whose basic salary is the higher.

Article 25 (8) (44)

Article 10 of Annex VII to the Staff Regulations concerning the daily subsistence allowance, shall apply. However, a member of the temporary staff who is engaged for a fixed period of less than 12 months, or who is deemed by the authority referred to in the first paragraph of Article 6 to be engaged for an equivalent period if his contract is for an indefinite period, and who furnishes evidence that it is impossible for him to continue to live in his place of residence shall be entitled to the daily subsistence allowance for the duration of his contract or for a maximum of one year.

Article 26

Article 8 of Annex VII to the Staff Regulations, concerning annual payment of travel expenses from place of employment to place of origin, shall apply only to temporary staff who have completed not less than nine months' service.

Article 27

Articles 16 and 17 of Annex VII to the Staff Regulations, concerning payment of sums due, shall apply by analogy.

CHAPTER 6

SOCIAL SECURITY BENEFITS

Section A

Sickness and accident insurance, social security benefits

Article 28 (18) (44) (46)

Articles 72 and 73 of the Staff Regulations, concerning sickness and accident cover, shall apply by analogy to temporary staff during the period of employment, during sick-leave and during the periods of unpaid leave referred to in Articles 11 and 17 in accordance with conditions laid down therein; Article 72 of the Staff Regulations, concerning sickness cover, shall apply by analogy to temporary staff in receipt of invalidity pension and to recipients of a survivor's pension. Article 72 shall also apply to staff referred to in Article 39(2) who are in receipt of a retirement pension.

If, however, the medical examination provided for in Article 13 shows the servant to be suffering from sickness or invalidity, the authority referred to in the first paragraph of Article 6 may decide that expenses arising from such sickness or invalidity are to be excluded from the reimbursement of expenditure provided for in Article 72 of the Staff Regulations.

If a member of the temporary staff proves that he cannot obtain cover under any other sickness insurance scheme provided for by law or regulation, he may, on application made at the latest within one month following the expiry of his contract, continue to benefit from the sickness cover provided for in the first paragraph, for a period of not more than six months after the expiry of his contract. The contributions provided for in Article 72(1) of the Staff Regulations shall be based on his last basic salary and half thereof shall be charged to him.

The appointing authority may, after obtaining the advice of the institution's medical officer, decide that the one-month time-limit within which the application must be made and the six-month limit provided for in the preceding paragraph shall not apply where the person concerned is suffering from a serious or protracted illness contracted during his employment, which he has reported to the institution before the end of the six-month period provided for in the preceding paragraph, on condition that the person concerned undergoes a medical examination arranged by the institution.

Article 28a (46)

1. A former member of the temporary staff who is unemployed when his service with an institution of the European Communities has been terminated:

- who is not in receipt of a retirement or invalidity pension from the European Communities,
- whose service is not terminated by resignation or by cancellation of the contract for disciplinary reasons,
- who has completed a minimum of six months' service,
- and who is resident in a Member State of the Communities,

shall be eligible for a monthly unemployment allowance under the conditions laid down below.

Where he is entitled to unemployment benefits under a national scheme, he shall be obliged to declare this to the institution to which he belonged, which shall immediately inform the Commission thereof. In such cases, the amount of those benefits will be deducted from the allowance paid under paragraph 3.

2. To be eligible for this unemployment allowance, a former member of the temporary staff shall:

- (a) be registered, at his own request, as seeking employment with the employment authorities of the Member States in which he establishes his residence;
- (b) fulfil the obligations laid down by the law of that Member State for persons in receipt of unemployment benefits under that law;
- (c) forward every month to the institution to which he belonged, which shall immediately forward it to the Commission, a certificate issued by the competent national employment authority stating whether or not he has fulfilled the obligations and conditions referred to in (a) and (b).

The allowance may be granted or maintained by the Community, even where the national obligations referred to under (b) have not been fulfilled, in cases of illness, accident, maternity, invalidity or a situation recognized as being similar or where the national authority, competent to meet those obligations, has given a dispensation.

The Commission shall, after obtaining the opinion of a Committee of experts, lay down such provisions as it deems necessary for applying this Article.

3. The unemployment allowance shall be fixed with reference to the basic salary reached by the former member of the temporary staff at the time of the termination of his service. This allowance shall be fixed at:

- 60% of the basic salary for an initial period of 12 months,

- 45% of the basic salary from the 13th till the 18th month,
- 30 % of the basic salary from the 19th till the 24th month.

The amounts thus calculated shall neither be less than BFR 30 000 nor more than BFR 60 000.

The lower and upper amounts referred to above may be examined annually by the Council, upon a proposal from the Commission.

4. The unemployment allowance shall be paid to the former member of the temporary staff for a maximum of 24 months from the date of termination of service. If, however, during that period the former member of the temporary staff ceases to fulfil the conditions laid down in paragraphs 1 and 2, payment of the unemployment allowance shall be suspended. Payment shall be resumed if before the expiry of that period the former member of the temporary staff again fulfils the said conditions and has not acquired the right to national unemployment benefit.

5. A former member of the temporary staff who is eligible for the unemployment allowance shall be entitled to the family allowances provided for in Article 67 of the Staff Regulations. The household allowance shall be calculated on the basis of the unemployment allowance under the conditions laid down in Article 1 of Annex VII to the Staff Regulations.

The person concerned shall be obliged to declare any allowances of the same kind paid from other sources to himself or to his spouse; such allowances shall be deducted from those to be paid on the basis of this Article.

A former member of the temporary staff who is eligible for the unemployment allowance shall be entitled, as provided for in Article 72 of the Staff Regulations, to insurance cover against sickness without having to make any contribution.

6. The weighting for the Member State in which a former member of the temporary staff proves that he is resident shall be applied to the unemployment allowance and the family allowances. The weighting applicable to the unemployment allowance shall always be the one resulting from the latest annual revision. These amounts shall be paid by the Commission in the currency of the country of residence; they shall be converted at the exchange rates provided for in the second paragraph of Article 63 of the Staff Regulations.

7. A member of the temporary staff shall contribute a third of the financing of the unemployment insurance scheme. That contribution shall be fixed at 0.4% of the basic salary of the person concerned, not taking into account the weightings provided for in Article 64 of the Staff Regulations of officials. That contribution shall be deducted monthly from the salary of the person concerned and paid, together with the remaining two thirds to be borne by the institution, into a Special Unemployment Fund.

That Fund shall be common to the institutions and the latter shall pay their contributions to the Commission each month, no later than eight days after the payment of remunerations. All expenditure arising out of the application of this Article shall be authorized and paid by the Commission in accordance with the provisions of the Financial Regulation applicable to the general budget of the European Communities.

8. The unemployment allowances paid to a former member of the temporary staff who is unemployed shall be subject to Regulation (EEC, Euratom, ECSC) No 260/68 laying down the conditions and procedure for applying the tax for the benefit of the European Communities.

9. The national departments with responsibility for employment and unemployment, acting in accordance with their national legislation, and the Commission shall cooperate with each other in an effective manner in order to ensure that this Article is properly applied.

10. The detailed arrangements for applying this Article shall be the subject of rules laid down by mutual agreement between the Institutions of the Communities, after obtaining the opinion of the Staff Regulations Committee, without prejudice to the provisions of the final subparagraph of paragraph 2.

11. One year after the introduction of this unemployment insurance scheme and every two years thereafter, the Commission shall submit a report on the financial situation of the scheme to the Council. Independently of this report, the Commission may submit to the Council proposals adjusting the contributions provided for in paragraph 7 if the application of the scheme so requires. The Council shall act on these proposals in accordance with the conditions laid down in the third subparagraph of paragraph 3.

Article 29

Article 74 of the Staff Regulations, concerning the birth grant, and Article 75 of the Staff Regulations, concerning the assumption of liability by the institution for the costs referred to therein, shall apply by analogy.

Article 30

Article 76 of the Staff Regulations, concerning gifts, loans or advances, shall apply by analogy to temporary staff during the term of their contract or after expiry of the contract where, as a result of serious protracted illness contracted, or of an accident sustained, during his employment, the servant is incapable of working and proves that such illness or accident is not covered by another social security scheme.

Section B

Insurance against invalidity and death

Article 31

Temporary staff are insured in accordance with the following provisions against the risk of death and of invalidity occurring during their employment.

The payments and benefits provided for in this Section shall be suspended if the remuneration which a member of the staff receives in respect of his employment, is suspended pursuant to these conditions of employment.

Article 32 (46)

Where the medical examination made before a servant is engaged shows that he is suffering from sickness or invalidity, the authority referred to in the first paragraph of Article 6 may, in so far as risks arising from such sickness or invalidity are concerned, decide to admit him to guaranteed benefits in respect of invalidity or death only after a period of five years from the date of his entering the service of the institution.

The servant may appeal against this decision to the Invalidity Committee provided for in Article 4(1) of the Staff Regulations.

Article 33 (8) (46)

1. A servant suffering from total invalidity who is obliged for that reason to leave the service of the institution shall be entitled to an invalidity pension, the amount of which shall be determined as follows.

Where the invalidity arises from an accident in the course of or in connection with the performance of his duties, from an occupational disease, from a public-spirited act or from risking his life to save another human being, the invalidity pension shall be 70% of the final basic salary of the temporary servant.

Where the invalidity is due to some other cause, the invalidity pension, calculated by reference to the final basic salary of the temporary servant, shall be equal to 2% for each year between the date of his entering the service and the date on which he reaches the age of 65 years; this rate shall be increased by 2% for each year of pensionable service with which he has been credited under Article 11(2) and (3) of Annex VIII to the Staff Regulations and by 25% of the amount of his pension rights as at age 60 years, but so that the total shall not exceed 70% of his final basic salary.

The invalidity pension shall not be less than 120% of the minimum subsistence figure defined in Article 6 of Annex VIII to the Staff Regulations.

In the case of invalidity deliberately brought about by the servant, the authority referred to in the first paragraph of Article 6 may decide that he will receive only the grant provided for in Article 39.

Persons entitled to an invalidity pension shall also be entitled to the family allowances provided for in Article 67 of the Staff Regulations, in accordance with Annex VII to the Staff Regulations; household allowance shall be determined on the basis of the recipient's pension.

2. Invalidity shall be established by the Invalidity Committee provided for in Article 9 of the Staff Regulations.

3. Entitlement to an invalidity pension shall take effect on the day following that on which the servant's engagement is terminated pursuant to Articles 47 and 48.

4. The institution referred to in Article 43 may at any time require proof that the recipient of an invalidity pension still fulfils the conditions for payment of that pension. Entitlement to pension shall cease if the Invalidity Committee finds that those conditions are no longer fulfilled.

If a servant is not re-engaged by the Committee, he shall be entitled, at his own option:

- either to the severance grant provided for in Article 39 calculated on the basis of the actual length of service,
- or, where he is a servant within the meaning of Article 2(a), (c) or (d) and has reached the age of at least 50, to a retirement pension in accordance with Chapter 3 of Title V of the Staff Regulations and Annex VIII to the Staff Regulations.

The time during which he received invalidity pension shall be included for the purpose of calculating his retirement pension, without payment by him of arrears of contributions.

Article 34 (18) (46)

The persons entitled under a deceased servant, as defined in Chapter 4 of Annex VIII to the Staff Regulations, shall be entitled to the survivor's pension as provided for in Articles 35 to 38.

Where a former servant in receipt of an invalidity pension or a former servant within the meaning of Article 2(a), (c) or (d) who was in receipt of a retirement pension or who left the service before reaching the age of 60 years and requested that his retirement pension be deferred until the first day of the calendar month following that during which he reached the age of 60 years dies, the persons entitled under the deceased servant, as defined in Chapter 4 of Annex VIII to the Staff Regulations, shall be entitled to the survivor's pension as provided for in that Annex.

Where the whereabouts of a member of the temporary staff, or of a former member of temporary staff in receipt of an invalidity or retirement pension, or of a former member of temporary staff who left the service before he reached the age 60 and who has requested that his retirement pension be deferred until the first day of the calendar month following that in which he reaches the age of 60, are unknown

for more than one year, the provisions of Chapters 5 and 6 of Annex VIII to the Staff Regulations dealing with provisional pensions shall apply by analogy to his spouse and to persons recognized as his dependants.

Article 35

The right to receive payment of pension shall have effect from the first day of the month following that in which death occurred or, where applicable, on the first day of the month following the period during which the deceased's widow, orphans or dependants receive his emoluments under Article 70 of the Staff Regulations.

Article 36 (8) (46)

The widow of a servant shall be entitled to a widow's pension in accordance with Chapter 4 of Annex VIII to the Staff Regulations. The pension shall be not less than 35% of the final basic monthly salary received by the servant, nor less than the minimum subsistence figure defined in Article 6 of Annex VIII to the Staff Regulations. Where a servant within the meaning of Article 2(a), (c) or (d) dies, the amount of the widow's pension shall be increased to 60% of the retirement pension which the servant would have been paid if he had qualified, irrespective of length of service or of age, for such pension at the time of his death.

A person drawing widow's pension shall be entitled, under the conditions laid down in Annex VII to the Staff Regulations, to the family allowances specified in Article 67 of the Staff Regulations. However, the dependent child allowance shall be equal to twice the amount of the allowance provided for in Article 67(1)(b) of the Staff Regulations.

Article 37 (8) (24) (46)

Where a servant or person entitled to a retirement or invalidity pension dies leaving no spouse entitled to a survivor's pension, the children deemed to be dependent on him shall be entitled to an orphan's pension in accordance with Article 80 of the Staff Regulations.

The same entitlement shall apply to children who fulfil the foregoing conditions in the event of death or remarriage of a spouse who is entitled to a survivor's pension.

Where a servant or person entitled to a retirement or invalidity pension dies but the conditions set out in the first paragraph are not satisfied, the third paragraph of Article 80 of the Staff Regulations shall apply.

In the event of the death of a former member of the temporary staff within the meaning of Article 2(a), (c) or (d) who left the service before reaching the age of 60 and requested that his retirement pension be deferred until the first day of the calendar month following that in which he reached the age of 60, children deemed to be his dependants in accordance with Article 2 of Annex VII to the Staff Regulations

shall be entitled to an orphan's pension on the same conditions as those set out respectively in the foregoing paragraphs.

Where the spouse, not being an official or member of the temporary staff, of a member of the temporary staff or of a member of the temporary staff in receipt of a retirement or invalidity pension dies, children dependent on the surviving spouse within the meaning of Article 2 of Annex VII to the Staff Regulations shall be entitled to an orphan's pension fixed in accordance with the fourth paragraph of Article 80 of the Staff Regulations.

Orphans shall be entitled to the education allowance in accordance with Article 3 of Annex VII to the Staff Regulations.

Article 38

In the case of divorce or where there is more than one category of survivor who qualifies to claim survivor's pension, such pension shall be apportioned in manner provided for in Chapter 4 of Annex VIII to the Staff Regulations.

Article 38a (46)

The rules relating to ceilings and apportionment set out in Article 81a of the Staff Regulations shall apply by analogy.

Section C

Retirement pension and severance grant (8)

Article 39 (8) (18) (46)

1. On leaving the service a servant within the meaning of Article 2(b) shall be entitled to a severance grant calculated in accordance with Article 12 of Annex VIII to the Staff Regulations.

This grant shall be reduced by the amounts paid in pursuance of Article 42.

2. On leaving the service, a servant within the meaning of Article 2(a), (c) or (d) shall be entitled to a retirement pension or severance grant as provided for in Title V, Chapter 3 of the Staff Regulations and Annex VIII to the Staff Regulations. The severance grant shall be reduced by the amounts paid in pursuance of Article 42. Where the servant is entitled to a retirement pension, his pension rights shall be reduced in proportion to the amounts paid in pursuance of Article 42.

3. A person who became entitled to a retirement pension at the age of 60 or thereafter shall be entitled to the family allowance provided for in Article 67 of the Staff Regulations in accordance with Annex VII to the Staff Regulations; the household allowance shall be calculated on the basis of the recipient's pension.

Article 40

If a servant is appointed an official of the Communities, he shall not receive the grant provided for in the first paragraph of Article 39.

Any period of service on the temporary staff of one of the three European Communities shall be taken into account for the purpose of calculating years of pensionable service as provided for in Annex VIII to the Staff Regulations.

Where a servant has exercised the option provided for in Article 42, his retirement pension rights shall be reduced proportionately in respect of the period in which the sums were withdrawn.

The preceding paragraph shall not apply to a servant who, in the three months following application of the Staff Regulations to him, has asked to be allowed to repay such sums plus compound interest at the rate of 3.5% per annum.

Section D

Funding of the invalidity and life assurance scheme and of the pension scheme

Article 41 (46)

As regards the funding of the social security scheme provided for in Sections B and C, the provisions of Article 83 of the Staff Regulations and Articles 36 and 38 of Annex VIII thereto shall apply by analogy.

Article 42 (8) (64)

In accordance with conditions to be laid down by the institution, a servant may request the institutions to effect any payments which he is required to make in order to constitute or maintain pension rights in his country of origin.

Such payments shall not exceed 16.5% of his basic salary and shall be charged to the budget of the Communities.

Section E

Settlement of claims by temporary staff

Article 43 (46)

Articles 40 to 44 of Annex VIII to the Staff Regulations shall apply by analogy.

Section F

Payment of benefits*Article 44 (46)*

Articles 81a and 82 of the Staff Regulations and Article 45 of Annex VIII to the Staff Regulations, concerning the payment of benefits, shall apply by analogy.

Any sums due from a member of the temporary staff to the Communities under this insurance scheme at the date when the benefits are payable shall be deducted from the amount of his benefit or from the benefits payable to those entitled under him in a manner to be determined by the institution referred to in Article 45 of Annex VIII to the Staff Regulations. The deduction may be spread over a number of months.

Section G

Subrogation in favour of the Communities*Article 44a (46)*

The provisions of Article 85a of the Staff Regulations, relating to subrogation in favour of the Communities, shall apply by analogy.

CHAPTER 7

RECOVERY OF OVERPAYMENTS*Article 45 (8)*

Article 85 of the Staff Regulations, concerning the recovery of overpayments, shall apply.

CHAPTER 8

APPEALS*Article 46*

Title VII of the Staff Regulations, concerning appeals, shall apply by analogy.

CHAPTER 9

TERMINATION OF EMPLOYMENT*Article 47 (18) (44)*

Apart from cessation on death, the employment of temporary staff shall cease:

1. Where the contract is for a fixed period:

(a) on the date stated in the contract;

(b) at the end of the period of notice specified in the contract, where the latter contains a clause giv-

ing the servant or the institution the option to terminate earlier. Such period of notice shall be not more than three months nor less than one month. For temporary staff whose contracts have been renewed, the said period of notice shall not be less than one month per year of service, with a minimum of one month and a maximum of six months. Contracts of servants recruited to occupy posts in Grade A 1 or A 2 shall include such a clause;

(c) at the end of the month in which the servant reaches the age of 65 years.

If the institution terminates the contract, the servant shall be entitled to compensation equal to one third of his basic salary for the period between the date when his duties end and the date when his contract expires.

2. Where the contract is for an indefinite period:

(a) at the end of the period of notice stipulated in the contract; the length of the period of notice shall not be less than two days for each completed month of service, subject to a minimum of 15 days, subject to a minimum of 15 days and a maximum of three months. In the case of a servant within the meaning of Article 2(d) the period of notice shall not be less than one month for each completed year of service, subject to a minimum of three months and a maximum of 10 months. The period of notice shall not, however, commence to run during maternity leave or sick-leave, provided such sick-leave does not exceed three months. It shall, moreover, be suspended during maternity or sick-leave subject to the limits aforesaid;

(b) at the end of the month in which the servant reaches the age of 65 years.

Article 48 (44)

Employment, whether for a fixed or for an indefinite period, may be terminated by the institution without notice:

(a) during or at the end of the probationary period in accordance with Article 14;

(b) if the servant ceases to satisfy the requirements of Article 12(2)(a) and (d); however; if the servant ceases to satisfy the requirements of Article 12(2)(d), his contract may be terminated only in accordance with Article 33;

(c) if the servant is unable to resume his duties at the end of a period of paid sick-leave as provided for in Article 16. In such case, the servant shall receive an allowance equal to this basic salary, plus family allowances at the rate of two days per month of service completed.

Article 49 (46)

1. After the disciplinary procedure provided for in Annex IX to the Staff Regulations, which shall apply by analogy, has been followed, employment

may be terminated without notice on disciplinary grounds in serious cases of intentional or negligent failure of temporary staff to comply with their obligations. A reasoned decision shall be taken by the authority referred to in the first paragraph of Article 6, after the servant concerned has been given an opportunity of submitting his defence.

Before his employment is terminated, a member of temporary staff may be suspended, in accordance with Article 88 of the Staff Regulations, which shall apply by analogy.

2. Where employment is terminated in accordance with paragraph 1, the authority referred to in the first paragraph of Article 6 may decide:

- (a) to limit the severance grant provided for in Article 39 to repayment of the contribution provided for in Article 83 of the Staff Regulations, plus compound interest at the rate of 3.5% per annum;
- (b) to withhold in whole or in part the resettlement allowance provided for in Article 24(2).

Article 50 (46)

1. The employment of a member of the temporary staff shall be terminated by the institution without notice if the authority referred to in the first paragraph of Article 6 finds:

- (a) that at the time of his engagement he deliber-

ately furnished false information as to either his professional ability or the requirements of Article 12(2), and

- (b) that the false information furnished was a determining factor in his being engaged.

2. In such cases the authority referred to in the first paragraph of Article 6 shall, after hearing the servant concerned, and after the disciplinary procedure provided for in Annex IX to the Staff Regulations, which shall apply by analogy, has been followed, declare that his employment is terminated.

Before his employment is terminated, a member of temporary staff may be suspended in accordance with Article 88 of the Staff Regulations, which shall apply by analogy.

The provisions of Article 49(2) shall apply.

Article 50a (46)

Without prejudice to Articles 49 and 50, any intentional or negligent failure by a member of the temporary staff or of a former member of the temporary staff to comply with his obligations under these conditions of employment shall render him liable to disciplinary action in accordance with Title VI of the Staff Regulations and where applicable Annex IX to the Staff Regulations, the provisions of which shall apply by analogy.

TITLE III

AUXILIARY STAFF

CHAPTER 1

GENERAL PROVISIONS

Article 51

The contracts of auxiliary staff may be for a fixed or for an indefinite period; they shall be renewable.

Article 52

The actual period of employment of auxiliary staff, including any period under renewal shall not exceed:

- (a) if the servant is engaged to replace an official or a member of the temporary staff who is unable for the time being to perform his duties, the period of assignment for that purpose;
- (b) one year, in all other cases.

Article 53

Auxiliary staff shall be divided into four categories, subdivided into groups corresponding to the duties to be performed.

Within each group, auxiliary staff shall be graded in four classes. This grading shall take account of the qualifications and experience of the persons concerned.

The basic posts and corresponding groups are as shown in the following table:

Category	Group	Post
A	I	Researcher with a high degree of experience in one of more fields; Experienced reviser of translations; Interpreter with special experience.
	II	Researcher with some degree of experience; Reviser of translations; Experienced translator or interpreter.
	III	Researcher; Translator or interpreter.
B	IV	Staff doing difficult work (drafting, correcting, bookkeeping or of a technical nature).
	V	Staff doing simple work (drafting, bookkeeping or of a technical nature).

Category	Group	Post
C	VI	Experienced secretary; Experienced office worker.
	VII	Secretary, typist or telephonist; Office worker.
D	VIII	Skilled worker; Usher or chauffeur.
	IX	Unskilled worker, messenger.

CHAPTER 2

RIGHTS AND OBLIGATIONS

Article 54

Articles 11 to 25 of the Staff Regulations, concerning the rights and obligations of officials, shall apply by analogy, save for Article 13, concerning gainful employment on the part of a spouse, Article 15, concerning officials who are candidates for elective public office, the third paragraph of Article 23, concerning *laissez-passer*, and the second paragraph of Article 25, concerning publication of decisions relating to specific individuals.

A decision requiring damage suffered by the Communities as a result of serious misconduct to be made good, as provided for in Article 22 of the Staff Regulations, shall be taken by the authority referred to in the first paragraph of Article 6 after observing the formalities provided for in cases of dismissal for serious misconduct.

CHAPTER 3

CONDITIONS OF ENGAGEMENT

Article 55

1. A member of the auxiliary staff may be engaged only on condition that:

- (a) he is a national of one of the Member States of the Communities, unless an exception is authorized by the authority referred to in the first paragraph of Article 6, and enjoys his full rights as a citizen;
- (b) he has fulfilled any obligations imposed on him by the laws concerning military service;
- (c) he produces the appropriate character references as to his suitability for the performance of his duties; and
- (d) he is physically fit to perform his duties.

2. The authority referred to in the first paragraph of Article 6 may waive the requirement that the person concerned should produce documentary evidence that he fulfills these conditions where his engagement is for not more than three months.

Article 56

The contract of a member of the auxiliary staff shall specify in particular:

- (a) the duration of the contract;
- (b) the date when he is to take up employment;
- (c) the nature of his work;
- (d) his grading;
- (e) the place where he is to be employed.

CHAPTER 4

WORKING CONDITIONS

Article 57 (7)

Articles 55 to 56b of the Staff Regulations, relating to hours of work, overtime, shiftwork, standby duty at place of work or at home, shall apply by analogy.

Article 58

Auxiliary staff shall be entitled to paid leave at the rate of two working days per month of service; any period of less than 15 days' or half a month's service shall carry no leave entitlement.

Where it has not been possible, owing to the requirements of the service, for a member of the auxiliary staff to be given leave as provided for in the preceding paragraph during his employment, any days of leave not taken shall be paid for as extra days worked.

In addition to such leave, a member of the auxiliary staff may, in exceptional circumstances and at his own request, be granted special leave in accordance with rules laid down by the institution on the basis of the principles set out in Article 57 of the Staff Regulations and in Article 6 of Annex V to the Staff Regulations.

Article 59 (46)

Article 16, concerning sick-leave, shall apply to auxiliary staff. Paid sick-leave shall not, however, exceed one month or the length of time worked by a member of the auxiliary staff, where the latter period is longer. Article 58 of the Staff Regulations, concerning maternity leave, shall apply by analogy.

Article 60

Articles 60 and 61 of the Staff Regulations, concerning unauthorized absence and public holidays, shall apply by analogy.

CHAPTER 5

REMUNERATION AND EXPENSES

Article 61

The remuneration of auxiliary staff shall comprise basic salary, family allowances and other allowances.

Auxiliary staff shall remain throughout the term of their contract in the salary class specified in their contract.

Article 62

Auxiliary staff shall be paid by the day or by the month.

In the case of auxiliary staff paid by the day, only days actually worked shall be paid.

Article 63

(1) (2) (4) (5) (9) (11) (12) (13) (19) (20) (23) (27) (30) (31) (32) (35) (36) (37) (38) (41) (42) (43) (45) (47) (48) (49) (53) (54) (56) (57) (58) (59) (60) (65) (66) (68) (70)

The scale of basic salaries shall be provided for in the following table:

Category	Group	Step			
		1	2	3	4
A	I	193 463	217 427	241 391	265 355
	II	140 412	154 093	167 774	181 455
	III	117 994	123 251	128 508	133 765
B	IV	113 352	124 447	135 542	146 637
	V	89 034	94 903	100 772	106 641
C	VI	84 676	89 662	94 648	99 634
	VII	75 790	78 368	80 946	83 524
D	VIII	68 502	72 536	76 570	80 604
	IX	65 968	66 888	67 808	68 728

Article 63a (34)

The provisions of Article 66a of the Staff Regulations shall apply by analogy.

Article 64

Articles 63, 64 and 65 of the Staff Regulations, concerning the currency in which remuneration is to be expressed and adjustments to such remuneration, shall apply by analogy.

Article 65 (10) (24)

Article 67, with the exception of paragraph 1(c), and Article 69 of the Staff Regulations and Articles 1, 2, 4 and 4a of Annex VII to the Staff Regulations concerning the payment of family, expatriation and fixed allowances shall apply by analogy.

Article 66

The remuneration due for each day's work payable shall be one twentieth of the monthly remuneration.

Article 67

Articles 7, 11, 12, 13, 14a and 14b of Annex VII to the Staff Regulations, concerning the reimbursement of travel expenses and mission expenses, and

the granting of housing and transport allowances, shall apply by analogy.

Auxiliary staff in Categories A and B shall be entitled to subsistence allowance as set out in Column II of the table in Article 13 of Annex VII to the Staff Regulations; other auxiliary staff shall be entitled to subsistence allowance as set out in Column III of that table.

Article 68

In the case of auxiliary paid by the month, the remuneration shall be paid in accordance, with Article 16 of Annex VII to the Staff Regulations.

In the case of auxiliary staff paid by the day, the remuneration shall be paid at the end of each week for that week.

Article 69 (8)

A member of the auxiliary staff who furnishes evidence that he cannot continue to reside at his former address shall be entitled for not more than one year to the daily subsistence allowance provided for in Article 10 of Annex VII to the Staff Regulations.

CHAPTER 6

SOCIAL SECURITY BENEFITS

Article 70

1. So that auxiliary staff are insured against sickness, accident, invalidity and death and can build up a retirement pension, they shall be affiliated to a compulsory social security scheme, preferably that of the country to whose scheme they were last affiliated or that of their country of origin.

The institution shall be responsible for the employer's contributions required under the legislation in force where the servant is compulsorily affiliated to such a social security scheme, or for two thirds of the servant's contributions where he remains voluntarily affiliated to the national social security scheme of which he was a member before he entered the service of the Communities or where he voluntarily joins a national social security scheme.

2. Where it is not possible to apply the provisions of paragraph 1, auxiliary staff shall be insured against sickness, accident, invalidity and death and for the provision of a retirement pension, at the expense of the institution which employs them for the equivalent of the two-third share specified in paragraph 1. Provisions for applying the foregoing shall be laid down by agreement between the institutions after consulting the Staff Regulations Committee provided for in Article 10 of the Staff Regulations.

Article 71

Article 76 of the Staff Regulations, concerning gifts, loans or advances, shall apply by analogy to auxiliary staff during the term of their contract.

CHAPTER 7

RECOVERY OF OVERPAYMENTS

Article 72 (8)

Article 85 of the Staff Regulations, concerning the recovery of overpayments, shall apply.

CHAPTER 8

APPEALS

Article 73

Title VII of the Staff Regulations, concerning appeals, shall apply by analogy.

CHAPTER 9

TERMINATION OF EMPLOYMENT

Article 74

Apart from cessation on death, the employment of auxiliary staff shall cease:

1. where the contract is for a fixed period:
 - (a) on the date stated in the contract;
 - (b) at the end of the month in which the servant reaches the age of 65 years;
2. where the contract is for an indefinite period:
 - (a) at the end of the period of notice specified in the contract; the length of the period of notice shall not be less than two days for each completed month of service, subject to a maximum of three months. The period of notice shall not, however, commence to run during maternity leave or sick-leave, provided such sick-leave does not exceed three months. It shall, moreover, be suspended during maternity or sick-leave subject to the limits aforesaid;
 - (b) at the end of the month in which the servant reaches the age of 65 years.

Article 75

The employment of auxiliary staff, whether for a fixed or for an indefinite period:

1. shall be terminated by the institution without notice if the servant is called to serve in the armed forces;
2. may be terminated by the institution without notice:
 - (a) if the servant is recalled to service in the armed forces and his duties under his contract with the institution were such that there is no prospect of re-employing him in his former capacity when his period of service is over. In such case the servant shall receive an allowance equal to his basic salary plus family allowances at the rate of two days for each completed month of service;
 - (b) if the servant is elected to public office and the authority referred to in the first paragraph of Article 6 considers such public office to be incompatible with the discharge of his normal duties;
 - (c) if the servant ceases to satisfy the requirements of Article 55(1)(a) and (d). However, if the servant ceases to satisfy the requirements laid down in Article 55(1)(d), his contract may be terminated only if he is entitled to an invalidity pension;
 - (d) if the servant is unable to resume his duties at the end of a period of paid sick-leave as provided for in Article 59. In such case the servant shall receive an allowance equal to his basic salary plus family allowances at the rate of two days for each completed month of service.

Article 76

The employment of a member of the auxiliary staff may be terminated without notice on disciplinary grounds in serious cases of failure to comply with his obligations, whether intentionally or through negligence on his part. A reasoned decision shall be taken by the authority referred to in the first paragraph of Article 6, after the servant concerned has had an opportunity of submitting his defence.

Article 77

The employment of a member of the auxiliary staff shall be terminated by the institution without notice if the authority referred to in the first paragraph of Article 6 finds:

- (a) that at the time of his engagement he deliberately furnished false information as to either his professional ability or the requirements of Article 55(1); and
- (b) that the false information furnished was a determining factor in his being engaged.

In such case the authority referred to in the first paragraph of Article 6 shall, after hearing the servant concerned, declare that his employment is terminated.

Article 78

By way of derogation from the provisions of this Title, auxiliary staff engaged by the European Parliament for the duration of the work of its sessions shall be subject to the conditions of recruitment and remuneration laid down in the agreement between the Parliament, the Council of Europe and the Assembly of Western European Union in respect of engagement of such staff.

The provisions of that agreement and any subsequent amendment thereto shall be notified to the competent budgetary authorities one month before their entry into force.

TITLE IV

LOCAL STAFF

Article 79

Subject to the provisions of this Title, the conditions of employment of local staff, in particular:

- (a) the manner of their engagement and termination of their contract,
- (b) their leave, and
- (c) their remuneration

shall be determined by each institution in accordance with current rules and practice in the place where they are to perform their duties.

Article 80

As regards social security, the institution shall be responsible for the employer's share of the social

security contributions under current regulations in the place where the servant is to perform his duties.

Article 81 (69)

1. Any dispute between the institution and a member of the local staff serving in a Member State shall be submitted to the competent court in accordance with the laws in force in the place where the servant performs his duties.

2. Any dispute between the institution and a member of the local staff serving in a third country shall be submitted to an arbitration board under the conditions defined in the arbitration clause contained in the servant's contract.

TITLE V

SPECIAL ADVISERS

Article 82

1. The remuneration of special advisers shall be determined by direct agreement between the adviser concerned and the authority referred to in the first paragraph of Article 6. The contract of a special adviser shall be for a term not exceeding two years. It shall be renewable.

2. An institution which intends to recruit a special

adviser or renew his contract shall notify the competent budgetary authority, specifying the remuneration contemplated.

Before the contract is finally concluded there shall be an exchange of views with the competent budgetary authority on the proposed remuneration if within one month following the date of notification a mem-

ber of that authority or the institution concerned so requests.

Article 83

Article 11, the first paragraph of Article 12, Article 14, the first paragraph of Article 16, Articles 17, 19

and 22, the first and second paragraphs of Article 23 and the second paragraph of Article 25 of the Staff Regulations, concerning the rights and obligations of officials, and Articles 90 and 91 of the Staff Regulations, concerning appeals, shall apply by analogy.

TITLE VI

Articles 84 to 98 shall be repealed (18)

TITLE VII

TRANSITIONAL PROVISIONS

Article 99

A servant in the employment of the Communities when these conditions of employment enter into force who, notwithstanding that the institution has decided to continue to employ him, is not appointed as an official under Article 102 of the Staff Regulations¹ must be offered a contract by the authority referred to in the first paragraph of Article 6 in accordance with these conditions of employment. Such contract shall take effect on the date when these conditions of employment enter into force.

The contract of a servant who refuses an offer made as provided for in the preceding paragraph shall be terminated under the terms of his earlier contract.

Article 100

Service with an institution of the three European Communities before the entry into force of these conditions of employment shall be treated as service under these conditions of employment.

Article 101

Where a servant receives as a member of the temporary staff under these conditions of employment, the amounts standing to his credit with the Communities' temporary provident scheme shall be taken into consideration for purposes of calculating the sums payable to that servant under Article 39.

TITLE VIII

FINAL PROVISIONS

Article 102

Subject to Article 103, the general provisions for giving effect to these conditions of employment shall be adopted by each institution after consulting its Staff Committee and the Staff Regulations Committee provided for in Article 10 of the Staff Regulations.

The administration of the institutions of the Communities shall confer for the purpose of securing

uniform application of these conditions of employment.

Article 103

The general provisions for giving effect to the Staff Regulations, referred to in Article 110 of those Regulations, shall apply to servants covered by these conditions of employment where by virtue of these conditions of employment the provisions of the said Regulations apply to those servants.

¹ 1.1.1962.

Transitional provisions applicable to other servants of the Communities on the entry into force of Council Regulation (EEC, Euratom, ECSC) No 259/68 of 29 February 1968

Extract from Council Regulation (EEC, Euratom, ECSC) No 259/68 of 29 February 1968 laying down the Staff Regulations of officials and the conditions of employment of other servants of the European Communities and instituting special measures temporarily applicable to officials of the Commission

(Official Journal of the European Communities L 56, 4.3.1968)

Article 3 (2)

The conditions of employment as defined in the first paragraph and also such implementing regulations made by the Councils of the European Economic Community and the European Atomic Energy Community or by the Council of the European Communities as are applicable on the entry into force of this Regulation shall automatically apply to other servants, former other servants and those entitled under them to whom, before the entry into force of this Regulation, the conditions of employment of other servants of the European Community and the European Atomic Energy Community applied.

**Transitional provisions applicable to other servants of the Communities on
the entry into force of Council Regulation (ECSC, EEC, Euratom)
No 2615/76 of 21 October 1976**

*Extract from Council Regulation (ECSC, EEC, Euratom) No 2615/76 of 21
October 1976 amending Regulation (EEC, Euratom, ECSC) No 259/68 as
regards the conditions of employment of other servants of the European
Communities*

(Official Journal of the European Communities L 299, 29.10.1976)

Article 2

1. A member of the establishment or local staff paid from the research and investment appropriations who is in service on the date on which this Regulation comes into force shall be offered a contract by the authority referred to in the first paragraph of Article 6 of the conditions of employment of other servants of the European Communities in accordance with Title II of these conditions of employment.

The contract shall take effect on the said date.

2. The person concerned shall be assigned to a post in accordance with Article 10 of the conditions of employment.

He shall receive a basic salary such as will ensure that his net remuneration is at least equal to the net remuneration which he received before the new contract was concluded.

For the purpose of implementing this Chapter the remuneration to which the person concerned would be entitled under the former conditions of employment shall be one twelfth of his total annual remuneration, less Community tax and his contributions to national pension and social security schemes.

The family allowances which are taken into account for the purpose of implementing the above provisions shall be those which under the former conditions of remuneration the servant would have received for the first month following the conclusion of the new contract if his situation as to dependants had been the same at that time as during the month in question.

3. Establishment and local staff engaged pursuant to this Article as temporary staff within the meaning of Article 2(d) of the conditions of employment of other servants of the European Communities shall not be required to serve the probationary period referred to in Article 14 of the said conditions of employment.

4. In the case of establishment and local staff who are in service on the date on which this Regulation comes into force, calculation of the length of service referred to in the first paragraph of Article 77 of the Staff Regulations shall take account of the number of years of service that staff engaged pursuant to paragraph 1 above have completed as establishment or local staff.

However, only the number of years of service completed, by staff as temporary staff within the meaning of Article 2(d) shall be taken into account for the purpose of calculating the years of pensionable service within the meaning of Article 2 of Annex VIII to the Staff Regulations.

5. The contract of any member of establishment or local staff who does not accept the offer made under paragraph 1 within six months shall be terminated. In this event the person in question shall be entitled to the period of notice specified in Article 98(2) of the conditions of employment of other servants of the European Communities or in the relevant Article of the rules governing the conditions of employment of local staff.

III

**Other Council and Commission regulations
applicable to officials and other servants of the
European Communities**

CONTENTS

	<i>Page</i>
Weightings and fixed allowance referred to in Article 4a of Annex VII to the Staff Regulations.....	102
Council Regulation (Euratom, ECSC, EEC) No 1419/93 of 3 June 1993 determining the weightings applicable to the remuneration of officials posted in third countries.....	103
Regulation No 6/66/Euratom, 121/66/EEC of the Councils of 28 July 1966 laying down the list of places for which a rent allowance may be granted, the maximum amount of that allowance and the rules for granting it, was amended by Regulation (ECSC, EEC, Euratom) No 150/91 of 21 January 1991 (OJ L 50, 12.8.1966, p. 2749/66 – SE ¹ 1965-66, November 1972, p. 212; OJ L 18, 24.1.1991, p. 1).....	105
Regulation No 7/66/Euratom, 122/66/EEC of the Councils of 28 July 1966 laying down the list of places for which a transport allowance may be granted, the maximum amount of that allowance and the rules for granting it (OJ L 50, 12.8.1966, p. 2751/66 – SE ¹ 1965-66, November 1972, p. 214).....	107
Regulation (EEC, Euratom, ECSC) No 259/68 of the Council of 29 February 1968 instituting special measures temporarily applicable to officials of the Commission (OJ L 56, 4.3.1968, p. 1 – SE ¹ 1968 (I), December 1972, p. 30).....	109
Regulation (EEC, Euratom, ECSC) No 260/68 of the Council of 29 February 1968 laying down the conditions and procedure for applying the tax for the benefit of the European Communities, as last amended by Regulation (Euratom, ECSC, EEC) No 3608 of 20 December 1993 (OJ L 56, 4.3.1968, p. 8 – SE ¹ 1968 (I), December 1972, p. 37; OJ L 328, 29.12.1993, p. 10).....	113
Regulation (Euratom, ECSC, EEC) No 549/69 of the Council of 25 March 1969 determining the categories of officials and other servants of the European Communities to whom the provisions of Article 12, the second paragraph of Articles 13 and 14 of the Protocol on the Privileges and Immunities of the Communities apply, as last amended by Regulation (Euratom, ECSC, EC) No 3607 of 13 December 1993 (OJ L 74, 27.3.1969, p. 1 – SE ¹ 1969 (I), December 1972, p. 119; OJ L 332, 31.12.1993, p. 11).....	117
Regulation (ECSC, EEC, Euratom) No 1826/69 of the Council of 15 September 1969 laying down the form of the <i>laissez-passer</i> to be issued to members and servants of the institutions, as last amended by Regulation (EEC, Euratom, ECSC) No 123/86 of 20 January 1986 (OJ L 235 18.9.1969, p. 1 – SE ¹ 1969 (II), December 1972, p. 390; OJ L 18, 24.1.1986 p. 1 – Corrigendum OJ L 40, 15.2.1986, p. 31).....	119
Regulation (EEC) No 1799/72 of the Council of 18 August 1972 determining the rates and conditions of the special allowances provided for in Article 100 of the Staff Regulations which may be granted to compensate for particularly arduous working conditions (OJ L 192, 22.8.1972, p. 1 – SE ¹ 1972 (III), December 1972, p. 950).....	127
Regulation (Euratom, ECSC, EEC) No 2530/72 of the Council of 4 December 1972 introducing special and temporary measures applicable to the recruitment of officials of the European Communities in consequence of the accession of new Member States, and for the termination of service of officials of those Communities, as amended by Regulation (Euratom, ECSC, EEC) No 3085/78 of 21 December 1978 (OJ L 272, 5.12.1972, p. 1 – SE ¹ 1972 (1 to 8 December) p. 11; OJ L 369, 29.12.1978 p. 6).....	130
Regulation (ECSC, EEC, Euratom) No 1543/73 of the Council of 4 June 1973 introducing special measures temporarily applicable to officials of the European Communities paid from research and investment funds, as amended by Regulation (Euratom, ECSC, EEC) No 3085/78 of 21 December 1978 (OJ L 155, 11.6.1973, p. 1; OJ L 369, 29.12.1978, p. 6).....	134

¹ Special Edition.

Council Regulation (ECSC, EEC, Euratom) No 300/76 of 9 February 1976 determining the categories of officials entitled to allowances for shiftwork, and the rates and conditions thereof, as amended by Regulation (ECSC, EEC, Euratom) No 2764/79 of 6 December 1979 and Regulation (Euratom, ECSC, EEC) No 1307/87 of 11 May 1987 (OJ L 38, 13.2.1976, p. 1; OJ L 315, 11.12.1979, p. 1; OJ L 124, 13.5.1987, p. 6).....	138
Council Regulation (EEC, Euratom, ECSC) No 495/77 of 8 March 1977 determining the categories of officials entitled to, and the conditions for and rates of, allowances for regular standby duty (OJ L 66, 12.3.1977, p. 1)....	140
Council Regulation (ECSC, EEC, Euratom) No 662/82 of 22 March 1982 introducing special and temporary measures applicable to the recruitment of officials of the European Communities in consequence of the accession of the Hellenic Republic to the Communities (OJ L 78, 24.3.1982, p. 1).....	142
Council Regulation (ECSC, EEC, Euratom) No 2150/82 of 28 July 1982 introducing special and temporary measures to terminate the service of officials of the European Communities consequent upon the accession of the Hellenic Republic (OJ L 228, 4.8.1982, p. 1).....	143
Council Regulation (EEC) No 3332/82 of 3 December 1982 laying down special transitional measures for the recruitment as officials of the European Communities of 56 members of the staff of the headquarters of the European Association for Cooperation (OJ L 352, 14.12.1982, p. 5).....	145
Council Regulation (ECSC, EEC, Euratom) No 1679/85 of 19 June 1985 introducing special and temporary measures to terminate the service of certain officials in the scientific and technical services of the European Communities (OJ L 162, 21.6.1985, p. 1).....	148
Council Regulation (ECSC, EEC, Euratom) No 3517/85 of 12 December 1985 introducing special and temporary measures applicable to the recruitment of officials of the European Communities as a result of the accession of Spain and Portugal (OJ L 335, 13.12.1985, p. 55).....	151
Council Regulation (ECSC, EEC, Euratom) No 3518/85 of 12 December 1985 introducing special measures to terminate the service of officials of the European Communities as a result of the accession of Spain and Portugal (OJ L 335, 13.12.1985, p. 56).....	152
Council Regulation (Euratom, ECSC, EEC) No 2274/87 of 23 July 1987 introducing special measures to terminate the service of temporary staff of the European Communities, as amended by Regulation (EEC) No 2168/89 of 18 July 1989 (OJ L 209, 31.7.1987, p. 1; OJ L 208, 20.7.1989, p. 4)....	155
Council Regulation (Euratom, ECSC, EEC) No 3018/87 of 5 October 1987 introducing special transitional measures for the recruitment of overseas staff of the European Association for Cooperation as officials of the European Communities (OJ L 286, 9.10.1987, p. 1).....	158
Commission Regulation (ECSC, EEC, Euratom) No 91/88 of 13 January 1988 laying down provisions for implementing Article 28a(2) of the conditions of employment of other servants (OJ L 11, 15.1.1988, p. 31).....	160
Council Regulation (ECSC, EEC, Euratom) No 2175/88 of 18 July 1988 laying down the weightings applicable in third countries (OJ L 191, 22.7.1988, p. 1).....	165
Council Regulation (EEC) No 1857/89 of 21 June 1989 introducing special and temporary measures to terminate the service of officials of the European Communities (OJ L 181, 28.6.1989, p. 2).....	167

**WEIGHTINGS AND FIXED ALLOWANCE REFERRED TO IN ARTICLE
4A OF ANNEX VII TO THE STAFF REGULATIONS**

Council Regulation (Euratom, ECSC, EC) No 3608/93 of 20 December 1993

EXTRACT

Article 3

With effect from 1 July 1993 the fixed allowance referred to in Article 4a of Annex VII to the Staff Regulations shall be:

- BFR 3 743 per month for officials in Grade C4 or C5,
- BFR 5 738 per month for officials in Grade C1, C2 or C3.

Article 6

2. With effect from 1 July 1993, the weightings applicable to the remuneration of officials and other servants employed in one of the countries or places listed below shall be as follows:

Belgium	100.0
Denmark	123.9
Germany ¹ (except Berlin and Munich)	99.8
Berlin	113.0
Munich	110.6
Greece	83.2
Spain	93.5
France	116.1
Ireland	91.5
Italy (except Varese)	101.2
Varese	94.3
Luxembourg	100.0
Netherlands	101.6
Portugal	88.8
United Kingdom (except Culham)	103.8
Culham	94.2

3. The weightings applicable to pensions shall be determined in accordance with Article 82(1) of the Staff Regulations. Articles 3 to 10 of Regulations (ECSC, EEC, Euratom) No 2175/88² shall remain in force.

¹ Without prejudice to the decisions to be taken by the Council following the Commission proposal of 10 September 1991 (SEC(91) 1612 final).

² OJ L 191, 22.7.1988, p. 1.

COUNCIL REGULATION (EURATOM, ECSC, EEC) No 1419/93**of 3 June 1993****determining the weightings applicable to the remuneration of officials posted in third countries**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing a Single Council and a Single Commission of the European Communities,

Having regard to the Staff Regulations of officials and the conditions of employment of other servants of the European Communities laid down by Regulation (EEC, Euratom, ECSC) No 259/68,¹ as last amended by Regulation (EEC, Euratom, ECSC) No 3761/92,² and in particular the first subparagraph of Article 13 of Annex X thereto,

Having regard to the proposal from the Commission,

Whereas account should be taken of changes in the cost of living in third countries and whereas the weightings to the remuneration paid, in the currency of their country of employment, to officials posted in third countries should therefore be determined with effect from 1 July 1992,

HAS ADOPTED THIS REGULATION:

Article 1

With effect from 1 July 1992 the weightings applicable to remuneration paid, in the currency of their country of employment, to officials posted in third countries shall be determined as shown in the Annex.

The exchange rates for the payment of such remuneration shall be those used for implementation of the general budget of the European Communities during the month preceding the date on which this Regulation enters into force.

Article 2

This Regulation shall enter into force on the day following its publication in the *Official Journal of the European Communities*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 3 June 1993.

For the Council

The President

N. HELVEG PETERSEN

¹ OJ L 56, 4.3.1968, p. 1

² OJ L 383, 29.12.1992, p. 1.

ANNEX

Country of employment	Weightings applicable with effect from 1 July 1992	Country of employment	Weightings applicable with effect from 1 July 1992
Algeria	91.8300000	Malaysia	97.9200000
Angola	990.4700000	Mali	116.6500000
Antigua and Barbuda	93.9200000	Malta	69.9500000
Argentina	101.3000000	Mauritania	104.2200000
Australia	96.2200000	Mauritius	79.0300000
Austria	125.6600000	Mexico	82.3000000
Bahamas ¹	0.0000000	Morocco	73.8500000
Bangladesh	76.1500000	Mozambique	51.3600000
Barbados	86.3800000	Namibia	76.4800000
Belize	85.2200000	Netherlands Antilles	81.6800000
Benin	90.6600000	New Caledonia	124.8200000
Botswana	73.7300000	Niger	115.0000000
Brazil	72.6700000	Nigeria	35.1000000
Bulgaria	31.2800000	Norway	139.8000000
Burkina Faso	117.6300000	Pakistan	36.3500000
Burundi	84.2200000	Papua New Guinea	91.4300000
Cameroon	138.8700000	Peru	125.5500000
Canada	81.3600000	Philippines	54.4800000
Central African Republic	171.7400000	Poland	73.5800000
Chad	146.8800000	Republic of Cape Verde	93.9300000
Chile	78.0100000	Romania	41.4200000
China	84.1700000	Russia	123.7800000
Colombia	47.6100000	Rwanda	97.1400000
Comoros	118.9800000	São Tomé and Príncipe ¹	0.0000000
Congo	141.1200000	Saudi Arabia	61.4400000
Costa Rica	62.2000000	Senegal	132.5900000
Côte d'Ivoire	127.1200000	Seychelles	113.9100000
Cyprus	95.8300000	Sierra Leone	66.3700000
Czechoslovakia	45.5700000	Solomon Islands	75.8400000
Djibouti	118.7100000	Somalia	126.6000000
Dominican Republic	65.2500000	South Africa (Cape Town)	64.9900000
Egypt	43.8900000	South Africa (Pretoria)	61.3300000
Equatorial Guinea	116.0800000	South Korea	100.0300000
Ethiopia	93.2200000	Sudan	28.9200000
Fiji	63.0400000	Surinam	201.9800000
Finland	131.3500000	Swaziland	55.3700000
Gabon	181.7400000	Sweden	141.6500000
Gambia	80.2400000	Switzerland	125.9600000
Ghana	61.0900000	Syria	156.9200000
Grenada	98.5800000	Tanzania	48.4500000
Guatemala	47.3300000	Thailand	71.9600000
Guinea	92.3700000	Togo	103.3000000
Guinea-Bissau	72.1300000	Tonga	79.7300000
Guyana	36.6600000	Trinidad and Tobago	79.5300000
Haiti	117.2200000	Tunisia	61.6800000
Hong Kong	91.8800000	Turkey	60.7400000
Hungary	57.1700000	Uganda	44.0500000
India	36.8700000	United States of America (New York)	111.0800000
Indonesia	84.2300000	United States of America (Washington)	98.8600000
Israel	107.4800000	Uruguay	84.4000000
Jamaica	47.7200000	Vanuatu	91.8900000
Japan	172.9100000	Venezuela	51.2600000
Jordan	75.8200000	Viet Nam	30.0500000
Kenya	65.0200000	Western Samoa	67.3500000
Lebanon	19.2700000	Yugoslavia	35.4100000
Lesotho	60.6400000	Zaire	30.3800000
Liberia	154.1500000	Zambia	65.0900000
Madagascar	68.0800000	Zimbabwe	52.2100000
Malawi	62.2000000		

¹ Not available.

REGULATION No 6/66/EURATOM, 121/66 EEC OF THE COUNCILS

of 28 July 1966

laying down the list of places for which a rent allowance may be granted, the maximum amount of that allowance and the rules for granting it

THE COUNCIL OF THE EUROPEAN ATOMIC ENERGY COMMUNITY,

THE COUNCIL OF THE EUROPEAN ECONOMIC COMMUNITY,

Having regard to Regulations No 31 (EEC), 11 (EAEC) on the Staff Regulations of officials and the conditions of employment of other servants of the European Economic Community and the European Atomic Energy Community¹ and in particular Article 41a of Annex VII to those Staff Regulations and Articles 22 and 67 of those conditions of employment,

Having regard to the proposals from the Commission of the European Atomic Energy Community and the Commission of the European Economic Community,

Whereas it is for the Councils, acting in accordance with the procedure referred to in Article 65(3) of the Staff Regulations to lay down the list of places for which a rent allowance may be granted, the maximum amount of that allowance and the rules for granting it,

HAVE ADOPTED THIS REGULATION:

Article 1

An official employed in a place where the problem of accommodation is recognized as being particularly difficult may be given a rent allowance under the conditions set out below.

Article 2

1. The places of employment for which the allowance referred to in Article 1 may be granted shall be:

Germany

Karlsruhe

Garching

Geesthacht

France

Paris

Departments of Hauts-de-Seine, Seine-St-Denis, Val-de-Marne, Essonne, Yvelines, Val-d'Oise

Cadarache

Grenoble

United Kingdom

London

Switzerland

Geneva.

2. In addition to the places referred to in paragraph 1, a rent allowance may also be granted in respect of places where there are not more than three officials. In this case, the Commissions shall notify the Councils and the list submitted shall be deemed to have been approved if within six weeks no delegation has expressed a wish to contest the granting of a rent allowance in respect of those places.

Article 3

Before granting any allowance, the appointing authority, shall see whether the accommodation is suitable for the requirements of the official, having regard to his duties and his family circumstances, and the number of dependants actually living under his roof. Where appropriate, it may set a limit on the amount of rent taken into account for calculating the accommodation allowance.

Article 4

Subject to provisions of Article 3, a rent allowance shall be granted to an official whose monthly rent excluding, where appropriate, the cost of utilities such as heating, water, gas, electricity and maintenance services, amounts to more than:

18% for officials up to and including Grade B 2,

20% for officials from Grade B 1 to Grade A 4,

22% for officials above Grade A 4,

of his total emoluments as determined below.

Total emoluments shall comprise basic salary plus expatriation allowance and head of household allowance, less the compulsory deductions referred to in Article 64 of the Staff Regulations and Community tax. The amount thus obtained shall be adjusted by the corrective factor applicable at the place of employment of the official concerned.

Article 5

The institution shall be responsible for that part of the rent which exceeds the percentages indicated in the first paragraph of Article 4 to the extent of:

50% for an unmarried official and an official who is a head of household without dependants;

¹ OJ 45, 14.6.1962, p. 1385/62; OJ 47, 24.3.1965, p. 701/65.

55% for an official who is a head of household with one dependant;

60% for an official who is a head of household with more than one dependant;

where the expression 'dependant' has the meaning defined in Article 2 of Annex VIII to the Staff Regulations.

Article 6

Rent allowances shall in no case exceed 5% of the total emoluments indicated in the second paragraph of Article 4.

Article 6a¹

By way of derogation from Articles 2 and 6, officials posted under the rotation system to places of

employment within the Community, other than the seats of the institutions, may be granted a rent allowance in accordance with the conditions set out in Articles 4 and 5.

This allowance may not be combined with the allowance referred to in the second subparagraph of Article 14(1) of Annex VII to the Staff Regulations. It shall be limited to the duration of the official's posting and shall not be paid for more than six years after the date on which he takes up duty.

Article 7

This Regulation shall enter into force on 1 January 1966.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 28 July 1966.

For the Councils
The President
S.A. POSTHUMUS

¹ Article applicable from 1 January 1991 to 31 December 1993 (see Article 2 of Council Regulation (ECSC, EEC, Euratom) No 150/91 of 21 January 1991: OJ L 18, 24.1.1991, p. 1).

REGULATION No 7/66/EURATOM, 122/66/EEC OF THE COUNCILS

of 28 July 1966

laying down the list of places for which a transport allowance may be granted, the maximum amount of that allowance and the rules for granting it

THE COUNCIL OF THE EUROPEAN ATOMIC ENERGY COMMUNITY,

THE COUNCIL OF THE EUROPEAN ECONOMIC COMMUNITY,

Having regard to Regulation No 31 (EEC), 11 (EAEC)¹ on the Staff Regulations of officials and the conditions of employment of other servants of the European Atomic Energy Community and the European Economic Community and in particular Article 14b of Annex VII to those Staff Regulations and Articles 22 and 67 of those conditions of employment,

Having regard to the proposals from the Commission of the European Atomic Energy Community and the Commission of the European Economic Community,

Whereas it is for the Councils, acting in accordance with the procedure referred to in Article 65(3) of the Staff Regulations, to lay down the list of places for which a transport allowance may be granted, the maximum amount of that allowance and the rules for granting it,

HAVE ADOPTED THIS REGULATION:

Article 1

An official employed in a place where the problem of transport is recognized as being particularly difficult and acute because of the distance between places of residence and the place of work may be given a transport allowance under the conditions set out below.

Article 2

1. The places of employment for which the allowance referred to in Article 1 may be granted shall be:

Germany

Garching

Gundremmingen

France

Fontenay-aux-Roses

Saclay

Cadarache

Chooz

Epoisses

Italy

Centrale di Latina

Centrale di Garigliano

Casaccia

Netherlands

Petten

Dodewaard

United Kingdom

Winfrith.

2. In addition to the places referred to in paragraph 1, a transport allowance may also be granted in respect of places where there are not more than three officials. In this case, the Commissions shall notify the Councils and the list submitted shall be deemed to have been approved if within six weeks no delegation has expressed a wish to contest the granting of the transport allowance in respect of those places.

Article 3

Transport allowances shall be granted only to officials who:

- because of difficult housing conditions in the place of employment, cannot obtain appropriate accommodation on payment of a monthly rent which, excluding where appropriate, the cost of utilities such as heating, water, gas, electricity and maintenance services, amounts to less than:
- 18% for officials up to and including Grade B 2,
- 20% for officials from Grade B 1 to Grade A 4,
- 22% for officials above Grade A 4,
- of the total emoluments as determined below,
- and pay rent of more than 10% of the total emoluments as determined below.

Total emoluments shall comprise basic salary plus expatriation allowance and head of household allowance, less the compulsory deductions referred to in Article 64 of the Staff Regulations and Community tax. The amount thus obtained shall be adjusted by the corrective factor applicable at the place of employment of the official concerned.

No allowance shall be granted in cases where it is possible to make use of joint means of transport, nor where a service car is used, nor where a standard local travel allowance is granted.

¹ OJ 45, 14.6.1962, p. 1385/62; OJ 47, 24.3.1965, p. 701/65.

The amount of the transport allowance shall be:

- BFR 600 per month where the distance between the official's place of residence and place of work is not less than 20 kilometres and not more than 30 kilometres;
- BFR 1 000 per month where the distance be-

tween the official's place of residence and place of work is greater than 30 kilometres.

Article 4

This Regulation shall enter into force on 1 January 1966.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 28 July 1966.

For the Councils
The President
S.A. POSTHUMUS

**REGULATION (EEC, EURATOM, ECSC) No 259/68 OF THE COUNCIL
of 29 February 1968**

EXTRACT

**... instituting special measures temporarily applicable to officials of the
Commission**

THE COUNCIL OF THE EUROPEAN ECONOMIC COMMUNITIES,

Having regard to the Treaty establishing a Single Council and a Single Commission of the European Communities, and in particular Article 24 thereof,

Having regard to the Protocol on the Privileges and Immunities of the European Communities, and in particular Article 7 and Articles 12 to 16 thereof,

Having regard to the task assigned to the Commission under Annex I to the Final Act of the Conference held in Brussels on 8 April 1965 for signature of the Treaty establishing a Single Council and a Single Commission of the European Communities,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,¹

Having regard to the opinion of the Court of Justice,

Whereas it is for the Council, acting by a qualified majority on a proposal from the Commission after consulting the other institutions concerned, to lay down the Staff Regulations of officials and the conditions of employment of other servants of the European Communities;

Whereas the Staff Regulations and conditions of employment should be such as to secure for the Communities the services of officials and servants of the highest standard of independence, ability, efficiency and integrity, recruited on the broadest possible geographical basis from among nationals of Member States of the Communities, and at the same time to enable those officials and servants to discharge their duties in conditions which ensure maximum efficiency,

HAS ADOPTED THIS REGULATION:

CHAPTER 1

**STAFF REGULATIONS OF OFFICIALS AND
CONDITIONS OF EMPLOYMENT OF OTHER
SERVANTS OF THE EUROPEAN COMMUNITIES**

(see Part I)

CHAPTER II

**SPECIAL MEASURES TEMPORARILY
APPLICABLE TO OFFICIALS OF THE
COMMISSION**

Article 4

1. Until 30 June 1968 the Commission is authorized, in the interests of the service and in order either to rationalize its administration or to meet requirements resulting from a reduction in the number of posts, to adopt measures terminating the service of officials, provided for in Article 47 of the Staff Regulations, in manner provided for hereinafter.

2. Where the Commission intends to take the measures provided for in paragraph 1 in respect of officials of grades other than A 1 and A 2, it shall draw up a list of the officials to be affected by such measures in each grade, after consulting the Joint Committee, taking into account the officials' ability, efficiency, conduct in the service, family circumstances and seniority.

An official whose name appears on such a list may opt for termination of service as provided for in paragraph 1 or for non-active status. If the latter, Article 41(3), (4) and (5) of the Staff Regulations shall apply.

An official who proposes to opt for non-active status shall declare his choice within one month from the date on which he was informed that his name appeared on the list provided for in the first subparagraph; in default, he shall forgo the right to opt.

3. If the interests of the service permit, the Commission shall take into account an official's request that his service be terminated under paragraph 1.

4. The measures provided for in paragraphs 1 and 2 shall in no way constitute disciplinary measures.

5. Until 30 June 1968, but without prejudice to paragraph 2, the Commission shall take no decision placing an official on non-active status or retiring an official in the interests of the service.

Article 5

1. An official affected by the measures provided for in Article 4(1) shall be entitled:

(a) for a period of six months, to a monthly allowance equal to his last remuneration, and

¹ OJ C 10, 14.2.1968, pp. 44 and 45.

(b) for a period fixed in accordance with the table in paragraph 2, to a monthly allowance equal to:

85% of his basic salary from the seventh to the 12th month,

70% of his basic salary from the 13th to the 66th month,

60% of his basic salary thereafter.

Entitlement to that allowance shall cease not later

than the day on which the official reaches the age of 65.

2. In order to determine on the basis of the official's age the period during which he shall receive the allowance provided for in paragraph 1(b), the coefficient fixed in the following table shall be applied to the length of his service; the period shall be rounded down, where necessary, to the immediately preceding month.

Age	%	Age	%	Age	%	Age	%	Age	%
20	18	30	33	40	48	50	63	60	78
21	19.5	31	34.5	41	49.5	51	64.5	61	79.5
22	21	32	36	42	51	52	66	62	81
23	22.5	33	37.5	43	52.5	53	67.5	63	82.5
24	24	34	39	44	54	54	69		
25	25.5	35	40.5	45	55.5	55	70.5		
26	27	36	42	46	57	56	72		
27	28.5	37	43.5	47	58.5	57	73.5		
28	30	38	45	48	60	58	75		
29	31.5	39	46.5	49	61.5	59	76.5		

3. The allowance provided for in paragraph 1 shall be weighted, in accordance with the second subparagraph of Article 82(1) of the Staff Regulations, for the Community country where the recipient provides proof of residence.

If the recipient of that allowance resides outside the Community countries the weighting to be applied to the allowance shall be that valid for Brussels.

4. The income accruing to the official concerned from any new employment during this period shall be deducted from the allowance provided for in paragraph 1, in so far as that income plus that allowance exceed the total remuneration last received by the official in the performance of his duties. That remuneration shall be weighted as provided for in paragraph 3.

5. All family allowances shall remain payable where the official receives the allowance provided for in paragraph 1.

6. During the period for which he is entitled to receive that allowance, the official shall be entitled, in respect of himself and of persons covered by his insurance, to benefits under the sickness insurance scheme common to the institutions of the European Communities, provided that he pays the contribution calculated on the basis of the basic salary attaching to his grade and step and is not covered against sickness by another scheme.

7. During the period for which he is entitled to receive the grant the official shall, up to a maximum of five years, continue to acquire further rights to retirement pension based on the salary attaching to his grade and step, provided that he pays the contributions provided for in the Staff Regulations during that period. For the purposes of Article 5 of Annex

VIII to the Staff Regulations, such period shall be considered to be a period of service.

If the official is reinstated in an institution of the European Communities and thus acquires further pension rights he shall cease during this further period of service to benefit from the provisions provided for in the first subparagraph above. However, for that part of the period referred to in the first subparagraph which is not yet completed at the time of reinstatement, the official may request that both his contribution to the pension scheme and his pension rights be calculated on the basis of the basic salary attaching to the grade and step reached in his previous post.

For the purposes of Article 77 of the Staff Regulations an official receiving the allowance provided for in paragraph 1 shall be treated as an official removed from his post in the interests of the service.

At the end of such period the official shall be entitled to a pension without application of the reduction laid down in Article 9 of Annex VIII to the Staff Regulations, provided that he has reached the age of 55.

In fixing the amount of the survivor's pension, to which the widow of an official who has died during such period is entitled, the provisions of the second subparagraph of Article 79 of the Staff Regulations shall apply.

8. If, in application of these provisions, the official is entitled to receive a pension before the age of 60, he shall be entitled, for each dependent child within the meaning of Article 2 of Annex VII to the Staff Regulations, to the dependent child allowance.

9. In order to receive the resettlement allowance the official shall not be required to satisfy the condition of length of service referred to in the first subparagraph of Article 6(1) of Annex VII to the Staff Regulations.

10. For the purposes of Article 107 of the Staff Regulations and of Article 102(2) of the Staff Regulations of Officials of the European Coal and Steel Community, an official affected by measures provided for in Article 4(1) shall be treated as an official to whom the provisions of Articles 41 and 50 of the Staff Regulations have been applied.

Article 6

1. An official affected by the measures provided for in Article 4(1) who has not completed 11 years of service may renounce irrevocably his pension rights. In this case he shall receive a payment fixed under the conditions laid down in Article 12 of Annex VIII to the Staff Regulations. The provisions of Article 5(7) and (8) and Article 7 of this Regulation shall not apply to him.

For the purposes of Article 12(c) of Annex VIII to the Staff Regulations, the actual length of service shall include the period in which the official is entitled to the grant provided for in Article 5 and the extended period allowed him, where appropriate, in accordance with Article 5(10).

2. An official who proposes to opt for application of the provisions provided for in paragraph 1 must declare his choice within six months from the date of notification of the measure referred to in Article 4(1); in default, he shall forgo the right to opt.

Any sums which may have been paid by way of pension prior to the application of the provisions of this Article shall be deducted from the payment provided for in paragraph 1.

Article 7

1. The officials referred to in the last subparagraph of Article 2 and in Article 102(5) of the Staff Regulations, with the exception of those who before 1 January 1962 held Grade A 1 or A 2 posts under the Staff Regulations of the European Coal and Steel Community, to whom the measures provided for in Article 4(1) are applied, may request that their remuneration be determined in accordance with the provisions of Article 34 of the Staff Regulations of the European Coal and Steel Community and Article 50 of the Rules and Regulations of the European Coal and Steel Community.

2. Officials who before 1 January 1962 held Grade A 1 or A 2 posts under the Staff Regulations of the European Coal and Steel Community, to whom the measures provided for in Article 4(1) are applied,

may request that their remuneration be determined in accordance with the provisions of Article 42 of the Staff Regulations of the European Coal and Steel Community.

Article 8

1. Before taking any measures in accordance with Article 4(1), the Commission may in the interests of the service request the official concerned to state within one month whether he will accept transfer to a post corresponding to the career bracket immediately below that applicable to his grade. If the official accepts, he may be transferred to such a post notwithstanding the provisions of Article 7(1) of the Staff Regulations.

2. An official affected by a decision taken in accordance with the second subparagraph of paragraph 1 shall retain his grade and all rights relating thereto. He shall have a priority right of transfer to any post corresponding to his grade which may fall vacant or be created provided that he is suitable for the post in question.

CHAPTER III

TRANSITIONAL AND FINAL PROVISIONS

Article 9

The installation allowance, the resettlement allowance and the severance grant, to which an official may be entitled if during 1968 he is established or if he is transferred to another place or his service is terminated, shall be subject to a corrective factor of 117.5%.

Article 10

Until the setting-up of a Staff Committee, which must take place by 31 December 1968 at the latest, the functions of that Committee shall be performed by a Committee consisting of members of the Staff Committee or Committees elected before the entry into force of this Regulation.

Article 11

This Regulation shall enter into force on the day following its publication in the *Official Journal of the European Communities*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 29 February 1968.

For the Council
The President
M. COUVE DE MURVILLE

REGULATION (EEC, EURATOM, ECSC) No 260/68 OF THE COUNCIL

of 29 February 1968

laying down the conditions and procedure for applying the tax for the benefit of the European Communities

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing a Single Council and a Single Commission of the European Communities,

Having regard to the Protocol on the Privileges and Immunities of the European Communities, and in particular Article 13 thereof,

Having regard to the proposal from the Commission,

Whereas it is necessary to lay down the conditions and procedure under which the salaries, wages, and emoluments of officials and other servants of the Communities, and of persons to whom Article 13 of the Protocol on Privileges and Immunities also applies, shall be liable to the tax instituted by that Article,

HAS ADOPTED THIS REGULATION:

Article 1

The tax on salaries, wages and emoluments paid by the Communities to their officials and other servants, indicated by the first paragraph of Article 13 of the Protocol on the Privileges and Immunities of the European Communities, shall be determined under the conditions and collected according to the procedure laid down in this Regulation.

Article 2

The following shall be liable to the tax:

- persons coming under the Staff Regulations of officials or the conditions of employment of other servants of the Communities, including recipients of the compensation provided for in the event of removal from post in the interests of the service, but excluding local staff;
- recipients of invalidity, retirement and survivor's pensions paid by the Communities;
- recipients of the compensation on termination of service provided for in Article 5 of Council Regulation (EEC, Euratom, ECSC) No 259/68;
- those entitled to the allowance for termination of service under Article 3 of Regulation (Euratom, ECSC, EEC) No 2530/72;
- those entitled to the allowance for termination of service under Article 4 of Regulation (Euratom, ECSC, EEC) No 2530/72;
- those entitled to the allowance for termination of service under Articles 3 and 4 of Regulation (ECSC, EEC, Euratom) No 1543/73;

- those entitled to the allowance for termination of service under Article 5 of Regulation (ECSC, EEC, Euratom) No 1543/73;
- those entitled to the allowance for termination of service under Article 2 of Regulation (ECSC, EEC, Euratom) No 2150/82;
- those entitled to the allowance for termination of service under Article 3 of Regulation (ECSC, EEC, Euratom) No 1679/85;
- those entitled to unemployment benefit under Article 28a of the conditions of employment of other servants, as resulting from Article 33 of Regulation (ECSC, EEC, Euratom) No 2799/85;
- those entitled to the allowance for termination of service under Article 4 of Regulation (ECSC, EEC, Euratom) No 3518/85;
- those entitled to the allowance provided for in the event of termination of service under Article 4 of Regulation (ECSC, EEC, Euratom) No 2274/87, as amended by Regulation (EEC) No 2168/89;
- those entitled to the allowance provided for in the event of termination of service under Article 3 of Regulation (EEC) No 1857/89.

Article 3

1. The tax shall be payable each month on salaries, wages and emoluments paid by the Communities to each person liable.
2. However, monies and allowances, whether lump sums or not, which represent compensation for expenses incurred in the performance of official duties, shall be excluded from the basic taxable amount.
3. The family allowance and social benefits listed below shall be deducted from the basic taxable amount:
 - (a) family allowances:
 - household allowance,
 - dependent child's allowance,
 - education allowance,
 - allowance on the birth of a child;
 - (b) social assistance;
 - (c) allowances paid on account of occupational disease or accident;
 - (d) that part of any payment which represents family allowances.

The amount to be deducted shall be calculated with due regard, where appropriate, to the provisions of Article 5.

4. Subject to the provisions of Article 5, an abatement of 10% for occupational and personal expenses shall be made from the amount obtained by applying the preceding provisions.

An additional abatement equivalent to twice the amount of the allowance for a dependent child shall

be made for each dependent child of the person liable as well as for each person treated as a dependent child within the meaning of Article 2(4) of Annex VII to the Staff Regulations.

5. Deductions from remuneration of persons liable on account of pensions and retirement allowances or of social security shall be deducted from the basic taxable amount.

Article 4

The tax shall be calculated, subject to the provisions of Article 5, on the taxable amount obtained by applying Article 3 and disregarding any amount not exceeding BFR 803 and by applying the rate of:

- 8% to amounts between BFR 803 and 14 178,
- 10% to amounts between BFR 14 179 and 19 528,
- 12.50% to amounts between BFR 19 529 and 22 380,
- 15% to amounts between BFR 22 381 and 25 413,
- 17.50% to amounts between BFR 25 414 and 28 265,
- 20% to amounts between BFR 28 266 and 31 030,
- 22.50% to amounts between BFR 31 031 and 33 883,
- 25% to amounts between BFR 33 884 and 36 648,
- 27.50% to amounts between BFR 36 649 and 39 500,
- 30% to amounts between BFR 39 501 and 42 265,
- 32.50% to amounts between BFR 42 266 and 45 118,
- 35% to amounts between BFR 45 119 and 47 883,
- 40% to amounts between BFR 47 884 and 50 735,
- 45% to amounts above BFR 50 735.¹

Article 5

When salaries, wages and emoluments are subject to a corrective factor:

- the amount of each of the elements included in the calculation of the tax, except deductions made from the remuneration of persons liable on account of pensions, and retirement allowances or of social security, shall, for the application of this Regulation, be obtained by applying the corrective factor to the amount of this element as calculated before applying any corrective factor to the remuneration;
- the amount of abatements mentioned in Article 3(4) shall be obtained by applying the corrective factor to the amount of the abatements as calculated before applying any corrective factor to the remuneration;
- the amounts of income shown in Article 4 shall be subject to the corrective factor.

¹ With effect from 1 July 1993, these amounts shall be subject to a weighting of 3.882198.

Article 6

1. By way of derogation from the provisions of Articles 3 and 4:

(a) the sums paid:

- as compensation for overtime,
- for work of a particularly arduous nature,
- for exceptional service,
- for patented inventions,
- under Articles 56a and 56b of the Staff Regulations of Officials,
- under Article 70a of the Staff Regulations,²

shall be assessed for purposes of the tax at the rate which, in the month preceding that of payment, was applied to the highest taxable amount of the official's remuneration;

(b) payments made on account of termination of

² Regulation (Euratom, ECSC, EEC) No 913/78, 2.5.1978, OJ L 119, 3.5.1978, p. 7.

service shall be taxed, after applying the abatements laid down in Article 3(4), at a rate equal to two thirds of the ratio existing at the time of last salary payment, between:

- the amount of tax payable, and
- the basic taxable amount as defined in Article 3.

These provisions shall also apply to payments made pursuant to Article 4 of Regulation (Euratom, ECSC, EEC) No 2530/72.

These provisions shall apply also to payments made pursuant to Article 5 of Regulation (ECSC, EEC, Euratom) No 1543/73.

2. The application of this Regulation shall not have the effect of reducing salaries, wages and emoluments of any kind paid by the Communities to an amount less than the minimum subsistence rate as defined in Article 6 of Annex VIII to the Staff Regulations of officials of the Communities.

Article 7

When the taxable payment covers a period of less than one month, the rate of the tax shall be that which is applicable to the corresponding monthly payment.

When the taxable payment covers a period of more than one month the tax shall be calculated as if this payment had been spread evenly over the months to which it relates.

Corrective payments not related to the month during which they are paid shall be subject to the tax to which they would have been subject had they been made at the proper time.

Article 8

Tax shall be collected by means of deduction at source. The amount shall be rounded off at the lower unit.

Article 9

The tax proceeds shall be entered as revenue in the budgets of the Communities.

Article 10

The governing bodies of institutions of the Communities shall cooperate for the purpose of applying this Regulation in a uniform manner.

The Council, acting on a proposal from the Commission, shall adopt any provisions necessary for the application of this Regulation.

Article 11

This Regulation shall also apply:

- to members of the Commission;
- to Judges, Advocates-General, the Registrar and Assistant Rapporteurs at the Court of Justice;
- to members of the Audit Board.

Article 12

This Regulation shall apply to members of the organs of the European Investment Bank, and to members of its staff and recipients of the pensions it pays, who are included in the categories determined by the Council in application of the first paragraph of the Article 16 of the Protocol on Privileges and Immunities, with regard to salaries, wages and emoluments and to disability, retirement and survivor's pensions paid by the Bank.

Article 12a

This Regulation shall apply to the President of the European Monetary Institute, to all other Members of the Council of the Institute, to members of its staff and to recipients of the pensions paid by the Institute who are included in the categories determined by the Council pursuant to the first paragraph of Article 16 of the Protocol on Privileges and Immunities, with regard to salaries, wages and emoluments and to disability, retirement and survivor's pensions paid by the Institute.

Article 13

The compensation and payments referred to in Article 12 of Regulation No 32 (EEC), 12 (EAEC)¹ shall be exempt from the tax.

Article 14

Regulation No 32 (EEC), 12 (EAEC) is hereby repealed.

Article 15

This Regulation shall enter into force on the day following its publication in the *Official Journal of the European Communities*.

¹ OJ 45, 14.6.1962, p. 1461/62.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 29 February 1968.

For the Council

The President

M. COUVE de MURVILLE

REGULATION (EURATOM, ECSC, EEC) No 549/69 OF THE COUNCIL**of 25 March 1969**

determining the categories of officials and other servants of the European Communities to whom the provisions of Article 12, the second paragraph of Articles 13 and 14 of the Protocol on the Privileges and Immunities of the Communities apply

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing a Single Council and a Single Commission of the European Communities, and in particular the first paragraph of Article 28 thereof,

Having regard to the Protocol of the Privileges and Immunities of the European Communities, and in particular Articles 16 and 22 thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,¹

Having regard to the opinion of the Court of Justice of the European Communities,

Whereas the privileges, immunities and facilities conferred on officials and other servants of the Communities by the Protocol on the Privileges and Immunities are granted solely in the interest of the Communities;

Whereas it is therefore important to ensure that officials and other servants, in view of their duties and responsibilities and of their particular situation, benefit from such privileges, immunities and facilities as are necessary for the proper functioning of the Communities,

HAS ADOPTED THIS REGULATION:

Article 1

The provisions of Article 12 of the Protocol on the Privileges and Immunities of the Communities shall apply to the following categories:

- (a) officials coming under the Staff Regulations of officials of the Communities, with the exception of officials placed on non-active status, to whom only Article 12(a) and, in respect of allowances paid by the Communities, Article 12(c) shall apply;
- (b) staff coming under the conditions of employment of other servants of the Communities, with the exception of:
1. local staff, to whom Article 12(a) shall apply;
 2. part-time auxiliary staff, to whom only Article 12(a) and (b) and, in respect of remuneration paid by the Communities, Article 12(c) shall apply.

¹ OJ C 135, 14.12.1968, p. 31.

Article 2

The provisions of the second paragraph of Article 13 of the Protocol on the Privileges and Immunities of the Communities shall apply to the following categories:

- (a) persons coming under the Staff Regulations of officials or the conditions of employment of other servants of the Communities, including those who receive the compensation provided for in the case of retirement in the interests of the service, with the exception of local staff;
- (b) persons receiving disability, retirement or survivor's pensions paid by the Communities;
- (c) persons receiving the compensation provided for in Article 5 of Regulation (EEC, Euratom, ECSC) No 259/68² in the case of termination of service;
- (d) those entitled to the allowance provided for in the event of termination of service under Article 3 of Regulation (Euratom, ECSC, EEC) No 2530/72;
- (e) those entitled to the allowance provided for in the event of termination of service under Article 4 of Regulation (Euratom, ECSC, EEC) No 2530/72;
- (f) those entitled to the allowance provided for in the event of termination of service under Articles 3 and 4 of Regulation (ECSC, EEC, Euratom) No 1543/73;
- (g) those entitled to the allowance provided for in the event of termination of service under Article 5 of Regulation (ECSC, EEC, Euratom) No 1543/73;
- (h) those entitled to the allowance provided for in the event of termination of service under Article 2 of Regulation (ECSC, EEC, Euratom) No 2150/82;
- (i) those entitled to the allowance provided for in the event of termination of service under Article 3 of Regulation (ECSC, EEC, Euratom) No 1679/85;
- (j) those entitled to the unemployment benefit provided for under Article 28a of the conditions of employment of other servants as resulting from Article 33 of Regulation (ECSC, EEC, Euratom) No 2799/85;

² OJ L 56, 4.3.1968, p. 1.

- (k) those entitled to the allowance provided for in the event of termination of service under Article 4 of Regulation (ECSC, EEC, Euratom) No 3518/85;
- (l) those entitled to the allowance provided for in the event of termination of service under Article 4 of Regulation (ECSC, EEC, Euratom) No 2274/87, as amended by Regulation (EEC) No 2168/89;
- (m) those entitled to the allowance provided for in the event of termination of service under Article 3 of Regulation (EEC) No 1857/89.

Article 3

The provisions of Article 14 of the Protocol on the Privileges and Immunities of the Communities shall apply to the following categories:

- (a) officials coming under the Staff Regulations of officials of the Communities;
- (b) staff coming under the conditions of employment of other servants of the Communities, with the exception of local staff.

Article 4

Without prejudice to the provisions of the first paragraph of Article 22 of the Protocol on the Privileges and Immunities of the European Community concerning members of the organs of the European Investment Bank, the privileges and immunities pro-

vided for in Article 12, in the second paragraph of Article 13 and in Article 14 of the Protocol shall apply under the same conditions and within the same limits as those laid down in Articles 1, 2 and 3 of this Regulation to:

- staff of the European Investment Bank;
- persons receiving disability, retirement or survivor's pensions paid by the European Investment Bank.

Article 4a

Without prejudice to Article 23 of the Protocol on Privileges and Immunities of the European Communities with regard to the members of the Council of the European Monetary Institute, the privileges and immunities provided for in Article 12, in the second paragraph of Article 13 and in Article 14 of the Protocol shall apply under the same conditions and within the same limits as those laid down in Articles 1, 2 and 3 of the Regulation to:

- staff of the European Monetary Institute;
- persons receiving disability, retirement or survivor's pensions paid by the European Monetary Institute.

Article 5

Regulation No 8/63/Euratom, 127/63/EEC¹ is hereby repealed.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 25 March 1969.

For the Council
The President
G. THORN

¹ OJ 181, 11.12.1963, p. 2880/63.

REGULATION (ECSC, EEC, EURATOM) No 1826/69 OF THE COUNCIL

of 15 September 1969¹laying down the form of the *laissez-passer* to be issued to members and servants of the institutions

THE COUNCIL OF THE EUROPEAN COMMUNITIES

Having regard to Article 7(1) of the Protocol of the Privileges and Immunities of the European Communities annexed to the Treaty establishing a Single Council and a Single Commission of the European Communities,

Whereas Article 7(1) of the Protocol on the Privileges and Immunities of the European Communities provides that the Council shall prescribe the form of the *laissez-passer* which may be issued to members and servants of the institutions by the Presidents of those institutions;

Whereas a single form of *laissez-passer* should be prescribed for all the institutions and whereas it is therefore appropriate to repeal Regulation No 2² of the Council of the European Economic Community and of the Council of the European Atomic Energy

Community establishing the form of the *laissez-passer* issued to members of the European Parliament,

HAS ADOPTED THIS REGULATION:

Article 1

The *laissez-passer* issued to members and servants of the institutions shall be drawn up in the form laid down in the Annex to this Regulation.

Article 2

Regulation No 2 of the Council of the European Economic Community and of the Council of the European Atomic Energy Community of 1 July 1958 is hereby repealed.

However, the *laissez-passer* issued pursuant to that Regulation shall remain valid until the issue of the *laissez-passer* in accordance with this Regulation.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 15 September 1969.

For the Council

The President

H. J. DE KOSTER

¹ Modified by:

- Regulation (ECSC, EEC, Euratom) No 950/73 of the Council of 2 April 1973 (OJ L 98, 12.4.1973, p. 1);
- Regulation (EEC, Euratom, ECSC) No 3288/80 of the Council of 4 December 1980 (OJ L 350, 23.12.1980, p. 17);
- Regulation (EEC, Euratom, ECSC) No 123/86 of the Council of 20 January 1986 (OJ L 18, 24.1.1986, p. 1).

² OJ 17, 6.10.1958, p. 387/58 and p. 403/58.

ANEXO – BILAG – ANHANG – ΠΑΡΑΡΤΗΜΑ – ANNEX – ANNEXE – ALLEGATO – BIJLAGE – ANEXO

COMUNIDADES EUROPEAS
DE EUROPÆISKE FÆLLESSKABER
EUROPÄISCHE GEMEINSCHAFTEN
ΕΥΡΩΠΑΪΚΕΣ ΚΟΙΝΟΤΗΤΕΣ
EUROPEAN COMMUNITIES
COMMUNAUTÉS EUROPÉENNES
COMUNITÀ EUROPEE
EUROPESE GEMEENSCHAPPEN
COMUNIDADES EUROPEIAS

**SALVOCONDUCTO
PASSERSEDEL
AUSWEIS
ΑΔΕΙΑ ΔΙΕΛΕΥΣΕΩΣ
LAISSEZ-PASSER
LAISSEZ-PASSER
LASCIAPASSARE
LAISSEZ-PASSER
LIVRE-TRANSITO**

El salvoconducto contiene 22 páginas.

Passerseddelen omfatter 22 sider.

Der Ausweis enthält 22 Seiten.

Η άδεια διελεύσεως περιλαμβάνει 22 σελίδες.

The laissez-passer contains 22 pages.

Le laissez-passer contient 22 pages.

Il lasciapassare è composto di 22 pagine.

Het laissez-passer bevat 22 bladzijden.

O livre-trânsito é composto por 22 páginas.

El presente salvoconducto se expide en virtud de las disposiciones del apartado 1 del artículo 7 del protocolo sobre los privilegios y las inmunidades de las Comunidades Europeas anejo al Tratado por el que se constituye un Consejo único y una Comisión única de las Comunidades Europeas.

El titular de este salvoconducto goza de los privilegios e inmunidades previstos en este Protocolo.

Denne passerseddel er udstedt i medfør af bestemmelserne i artikel 7, stk. 1, i protokollen vedrørende De Europæiske Fællesskabers privilegier og immuniteter, der er knyttet til traktaten om oprettelse af et fælles Råd og en fælles Kommission for De Europæiske Fællesskaber som bilag.

Indehaveren af denne passerseddel nyder de i denne protokol fastsatte privilegier og immuniteter.

Dieser Ausweis ist ausgestellt auf Grund des Artikels 7 Absatz 1 des dem Vertrag zur Einsetzung eines gemeinsamen Rates und einer gemeinsamen Kommission der Europäischen Gemeinschaften beigefügten Protokolls über die Vorrechte und Befreiungen der Europäischen Gemeinschaften.

Der Inhaber dieses Ausweises genießt die in diesem Protokoll vorgesehenen Vorrechte und Befreiungen.

Η παρούσα άδεια διελεύσεως εκδίδεται δυνάμει των διατάξεων του άρθρου 7, παράγραφος 1, του πρωτοκόλλου περί των προνομίων και ασυλιών των Ευρωπαϊκών Κοινοτήτων που επισυνάπτεται στη Συνθήκη περί ιδρύσεως ενιαίου Συμβουλίου και ενιαίας Επιτροπής των Ευρωπαϊκών Κοινοτήτων.

Ο δικαιούχος της παρούσας άδειας διελεύσεως απολαύει των προνομίων και ασυλιών που προβλέπονται στο εν λόγω πρωτόκολλο.

This laissez-passer is issued pursuant to Article 7(1) of the Protocol on the Privileges and Immunities of the European Communities annexed to the Treaty establishing a Single Council and a Single Commission of the European Communities.

The bearer of this laissez-passer shall enjoy the privileges and immunities provided for in that Protocol.

Le présent laissez-passer est délivré en vertu des dispositions de l'article 7, paragraphe 1, du protocole sur les privilèges et immunités des Communautés européennes, annexé au traité instituant un Conseil unique et une Commission unique des Communautés européennes.

Le titulaire de ce laissez-passer jouit des privilèges et immunités prévus à ce protocole.

Il presente lasciapassare è rilasciato in virtù delle disposizioni dell'articolo 7, paragrafo 1, del protocollo sui privilegi e sulle immunità delle Comunità europee allegato al trattato che istituisce un Consiglio unico e una Commissione unica delle Comunità europee.

Il titolare del presente lasciapassare gode dei privilegi e delle immunità previste da tale protocollo.

Dit laissez-passer is afgegeven krachtens de bepalingen van artikel 7, lid 1, van het Protocol betreffende de voorrechten en immuniteiten van de Europese Gemeenschappen dat aan het Verdrag tot instelling van één Raad en één Commissie van de Europese Gemeenschappen is gehecht.

De houder van dit laissez-passer geniet de privileges en immuniteiten, voorzien in dit Protocol.

O presente livre-trânsito é emitido nos termos do disposto no n.º 1 do artigo 7.º do Protocolo relativo aos Privilégios e Imunidades das Comunidades Europeias anexo ao Tratado que institui um Conselho único e uma Comissão única das Comunidades Europeias.

O titular deste livre-trânsito goza dos privilégios e imunidades previstos nesse Protocolo.

EL PRESIDENTE¹

ruega a todas las autoridades de los Estados miembros de las Comunidades Europeas dejar circular libremente al titular del presente salvoconducto y prestarle ayuda y protección en caso de necesidad.

FORMANDEN/PRÆSIDENTEN¹

anmoder alle myndigheder i De Europæiske Fællesskabers medlemsstater om at lade indehaveren af denne passerseddel rejse uhindret og i påkommende tilfælde at yde ham hjælp og beskyttelse.

DER PRÄSIDENT¹

bittet alle Behörden der Mitgliedstaaten der Europäischen Gemeinschaften, den Inhaber dieses Ausweises ungehindert reisen zu lassen und ihm erforderlichenfalls in jeder Weise Schutz und Hilfe zu gewähren.

Ο ΠΡΟΕΔΡΟΣ¹

παρακαλεί όλες τις αρχές των κρατών μελών των Ευρωπαϊκών Κοινοτήτων να επιτρέπουν την ελεύθερη κυκλοφορία του δικαιούχου της παρούσας άδειας διελύσεως και να του παρέχουν, αν χρειασθεί, βοήθεια και προστασία.

THE PRESIDENT¹

requests all authorities of Member States of the European Communities to allow the bearer to pass freely and to afford the bearer such assistance and protection as may be necessary.

LE PRÉSIDENT¹

prie toutes les autorités des États membres des Communautés européennes de laisser circuler librement le titulaire du présent laissez-passer et de lui porter aide et protection en cas de besoin.

IL PRESIDENTE¹

prega tutte le autorità degli Stati membri delle Comunità europee di lasciar liberamente circolare il titolare del presente lasciapassare e di prestargli, ove occorra, aiuto e protezione.

DE VOORZITTER¹

verzoekt alle overheden van de Lid-Staten van de Europese Gemeenschappen de houder van dit laissez-passer vrije doorgang te verlenen en hem zo nodig alle hulp en bijstand te verschaffen.

O PRESIDENTE¹

pede a todas as autoridades dos Estados-Membros das Comunidades Europeias que deixem circular livremente o titular do presente livre-trânsito e que lhe prestem auxílio e protecção, em caso de necessidade.

Apellidos y nombre / Navn og fornavn / Name und Vorname / Ονοματεπώνυμο / Name and forenames / Nom et prénoms / Cognome e nome / Naam en voornamen / Apelido e nome próprio:

Fecha de nacimiento / Født den / Geboren am / Ημερομηνία γεννήσεως / Date of birth / Né le / Nato il / Geboren op / Nascido em: en / i / in / εις / â / à / 'te / em:

¹ Indicación de la institución de que se trate.
Angivelse af den pågældende institution.
Angabe der betreffenden Institution.
Ονομασία του οργάνου.
Name of institution concerned.
Indication de l'institution concernée.
Indicazione dell'istituzione di cui si tratta.
Aanduiding van de betrokken instelling.
Indicação da instituição em causa.

Nacionalidad / Nationalitet / Staatsangehörigkeit / Υπηκοότητα / Nationality / Nationalité / Nazionalità / Nationaliteit / Nacionalidade:
Función / Stilling / Funktion / Επάγγελμα / Position held / Fonction / Funzione / Functie / Função:.....
Dirección / Adresse / Adresse / Διεύθυνση / Address / Adresse / Indirizzo / Adres / Morada:
.....

**DATOS PERSONALES / SIGNALEMENT / PERSONENBESCHREIBUNG /
ΠΕΡΙΓΡΑΦΗ ΚΑΤΟΧΟΥ / DESCRIPTION / SIGNALEMENT / CONNOTATI / SIGNALEMENT /
DADOS PESSOAIS**

Ojos / Øjne / Augen / Οφθαλμοί / Eyes / Yeux / Occhi / Ogen / Olhos:

Pelo / Hår / Haare / Κόμη / Hair / Cheveux / Capelli / Haren / Cabelos:

Talla / Højde / Größe / Ανάστημα / Height / Taille / Statura / Lengte / Altura:

Signos particulares / Særlige kendetegn / Besondere Kennzeichen / Ιδιαιτέρα χαρακτηριστικά / Special peculiarities / Signes particuliers / Segni particolari / Bijzondere kentekenen / Sinais particulares:

Firma del titular

Fotografia

Indehaverens underskrift

Fotografi

Unterschrift des Inhabers

Lichtbild

Υπογραφή κατόχου

Φωτογραφία

Usual signature of bearer.....

Photograph

Signature du titulaire

Photographie

Firma del titolare

Fotografia

Handtekening van de houder

Foto

Assinatura do titular

Fotografia

Este salvoconducto es válido para los territorios mencionados en los apartados 1 y 4 del artículo 227 del Tratado constitutivo de la Comunidad Económica Europea, así como para el territorio de los Estados terceros con los que la Comunidad haya celebrado acuerdos tal como se define en el párrafo segundo del apartado 1 del artículo 7 del Protocolo sobre los privilegios y las inmunidades de las Comunidades Europeas.

Denne passerseddel er gyldig i de områder, der er omhandlet i artikel 227, stk. 1 og 4, i traktaten om oprettelse af Det Europæiske Økonomiske Fællesskab, samt i de områder i tredjelande, med hvilke Kommissionen har indgået aftaler efter artikel 7, stk. 1, andet afsnit, i protokollen vedrørende De Europæiske Fællesskabers privilegier og immuniteter.

Dieser Ausweis gilt für die Hoheitsgebiete, die in Artikel 227 Absätze 1 und 4 des Vertrages zur Gründung der Europäischen Wirtschaftsgemeinschaft genannt sind, sowie für das Hoheitsgebiet der dritten Staaten, mit denen die Kommission gemäß Artikel 7 Absatz 1 Unterabsatz 2 des Protokolls über die Vorrechte und Befreiungen der Europäischen Gemeinschaften Abkommen geschlossen hat.

Η παρούσα άδεια διελεύσεως ισχύει για τα εδάφη που προβλέπονται στις παραγράφους 1 και 4 του άρθρου 227 της Συνθήκης περί ιδρύσεως της Ευρωπαϊκής Οικονομικής Κοινότητας, καθώς και για τα εδάφη των τρίτων χωρών, με τις οποίες η Επιτροπή συνάπτει συμφωνίες, σύμφωνα με το άρθρο 7, φιπαράγραφος 1, δεύτερο εδάφιο, του πρωτοκόλλου περί των προνομίων και ασυλιών των Ευρωπαϊκών Κοινοτήτων.

This laissez-passer is valid for the territories referred to in Article 227(1) and (4) of the Treaty establishing the European Economic Community and for the territory of the third countries with which the Commission has concluded agreements within the meaning of the second subparagraph of Article 7(1) of the Protocol on the Privileges and Immunities of the European Communities.

Ce laissez-passer est valable pour les territoires visés aux paragraphes 1 et 4 de l'article 227 du traité instituant la Communauté économique européenne ainsi que pour le territoire des États tiers avec lesquels la Commission aura conclu des accords au sens de l'article 7, paragraphe 1, deuxième alinéa, du protocole sur les privilèges et immunités des Communautés européennes.

Il presente lasciapassare è valido per i territori di cui all'articolo 227, paragrafi 1 e 4, del trattato che istituisce la Comunità economica europea, nonché per il territorio degli Stati terzi con i quali la Commissione avrà concluso accordi ai sensi dell'articolo 7, paragrafo 1, secondo comma, del protocollo sui privilegi e sulle immunità delle Comunità europee.

Dit laissez-passer is geldig voor de grondgebieden bedoeld in artikel 227, leden 1 en 4, van het Verdrag tot oprichting van de Europese Economische Gemeenschap alsmede voor het grondgebied van derde staten waarmede de Commissie akkoorden zal hebben gesloten in de zin van artikel 7, lid 1, tweede alinea, van het Protocol betreffende de voorrechten en immuniteten van de Europese Gemeenschappen.

Este livre-trânsito é válido nos territórios referidos nos n.ºs 1 e 4 do artigo 227.º do Tratado que institui a Comunidade Económica Europeia, bem como nos territórios de Estados terceiros com que a Comissão tenha celebrado acordos na aceção do n.º 1, segundo parágrafo, do artigo 7.º do Protocolo relativo aos Privilégios e Imunidades das Comunidades Europeias.

Este salvoconducto expira el / Denne passerseddels gyldighed udløber den / Dieser Ausweis wird ungültig am / Η παρούσα άδεια διελεύσεως λήγει την / This laissez-passer expires on / Expire le / Scade il / De geldigheid van dit laissez-passer eindigt op / Este livre-tránsito é válido até:

.....den / le / il

EL PRESIDENTE	1
FORMANDEN/PRÆSIDENTEN	1
DER PRÄSIDENT	1
Ο ΠΡΟΕΔΡΟΣ	1
THE PRESIDENT	1
LE PRÉSIDENT	1
IL PRESIDENTE	1
DE VOORZITTER	1
O PRESIDENTE	1

La validez del presente salvoconducto se prorroga

Denne passerseddels gyldighed forlænges

Die Gültigkeit dieses Ausweises wird verlängert

Η ισχύς της παρούσας άδειας διελεύσεως παρατείνεται

The validity of this laissez-passer is extended

La validité du présent laissez-passer est prorogée

La validità del presente lasciapassare è prorogata

De geldigheidsduur van dit laissez-passer wordt verlengd

A validade deste livre-tránsito é prorrogada

del / fra / vom / από την / from / du / dal / van / de

hasta el / til / bis / μέχρι τες / to / au / al / tot / até

.....den / le / il

EL PRESIDENTE	1
FORMANDEN/PRÆSIDENTEN	1
DER PRÄSIDENT	1
Ο ΠΡΟΕΔΡΟΣ	1
THE PRESIDENT	1
LE PRÉSIDENT	1
IL PRESIDENTE	1
DE VOORZITTER	1
O PRESIDENTE	1

La validez del presente salvoconducto se prorroga

Denne passerseddels gyldighed forlænges

Die Gültigkeit dieses Ausweises wird verlängert

Η ισχύς της παρούσας άδειας διελεύσεως παρατείνεται

The validity of this laissez-passer is extended

La validité du présent laissez-passer est prorogée

La validità del presente lasciapassare è prorogata

¹ Indicación de la institución de que se trate.
 Angivelse af den pågældende institution.
 Angabe der betreffenden Institution.
 Ονομασία του οργάνου.
 Name of institution concerned.
 Indication de l'institution concernée.
 Indicazione dell'istituzione di cui si tratta.
 Aanduiding van de betrokken instelling.
 Indicação da instituição em causa.

De geldigheidsduur van dit laissez-passer wordt verlengd

A validade deste livre-trânsito é prorrogada

del / fra / vom / από την / from / du / dal / van / de

hasta el / til / bis/μέχρι τις / to / au / al / tot / até

.....den / le / il

EL PRESIDENTE¹

FORMANDEN/PRÆSIDENTEN¹

DER PRÄSIDENT¹

Ο ΠΡΟΕΔΡΟΣ¹

THE PRESIDENT¹

LE PRÉSIDENT¹

IL PRESIDENTE¹

DE VOORZITTER¹

O PRESIDENTE¹

La validez del presente salvoconducto se prorroga

Denne passerseddels gyldighed forlænges

Die Gültigkeit dieses Ausweises wird verlängert

Η ισχύς της παρούσας άδειας διελεύσεως παρατείνεται

The validity of this laissez-passer is extended

La validité du présent laissez-passer est prorogée

La validità del presente lasciapassare è prorogata

De geldigheidsduur van dit laissez-passer wordt verlengd

A validade deste livre-trânsito é prorrogada

del / fra / vom / από την / from / du / dal / van / de

hasta el / til / bis / μέχρι τις / to / au / al / tot / até

.....den / le / il

EL PRESIDENTE¹

FORMANDEN/PRÆSIDENTEN¹

DER PRÄSIDENT¹

Ο ΠΡΟΕΔΡΟΣ¹

THE PRESIDENT¹

LE PRÉSIDENT¹

IL PRESIDENTE¹

DE VOORZITTER¹

O PRESIDENTE¹

Páginas 10 a 22 inclusive en blanco.

Siderne 10 til og med 22 er blanke.

Seiten 10 bis einschließlich 22: leer.

Σελίδες 10 έως και 22 λευκές

Pages 10 to 22 inclusive: blank

¹ Indicación de la institución de que se trate.

Angivelse af den pågældende institution.

Angabe der betreffenden Institution.

Ονομασία του οργάνου.

Name of institution concerned.

Indication de l'institution concernée.

Indicazione dell'istituzione di cui si tratta.

Aanduiding van de betrokken instelling.

Indicação da instituição em causa.

Pages 10 à 22 incluse en blanc

Pagine, da 10 a 22 compresa, in bianco

Bladzijden 10 tot en met 22 blanco

Páginas 10 a 22 inclusive em branco

REGULATION (EEC) No 1799/72 OF THE COUNCIL

of 18 August 1972

determining the rates and conditions of the special allowances provided for in Article 100 of the Staff Regulations which may be granted to compensate for particularly arduous working conditions

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Staff Regulations of officials and the conditions of employment of other servants of the European Communities laid down in Regulation (EEC, Euratom, ECSC) No 259/68,¹ as last amended by Regulation (EEC, Euratom, ECSC) No 1369/72,² and in particular Article 100 of the Staff Regulations,

Having regard to the proposal from the Commission submitted after consulting the Staff Regulations Committee,

Whereas it is for the Council, acting on a proposal from the Commission, to determine the rates and conditions of the special allowances which may be granted to certain of the officials covered by Article 92 of the Staff Regulations to compensate for particularly arduous working conditions,

HAS ADOPTED THIS REGULATION:

Article 1

Special allowances determined in accordance with the following Articles shall be granted to officials covered by Article 92 of the Staff Regulations who are called upon to do particularly arduous work.

Article 2

The allowances shall be expressed in points. A point shall be equal to 0.032% of the basic salary of an official in Grade D 4, first step. Such allowances shall be adjusted by the weighting applicable to the remuneration of officials.

The allowances shall be paid monthly.

Article 3

1. The following table shows the special working conditions for which allowances may be granted and the number of points per hour of actual work:

Special working conditions	Number of points per hour of actual work for Categories A, B, C and D
<i>I. Safety of the individual:</i>	
(a) Wearing of particularly uncomfortable clothing for protection against fire, contamination, radiation or corrosive substances:	
1. particularly heavy clothing,	10
2. self-contained protective suits against fire,	50
3. other self-contained protective suits,	34
4. protective clothing with self-contained breathing apparatus,	25
5. other protective clothing with breathing apparatus;	20
(b) Partial protection:	
1. self-contained breathing apparatus,	16
2. complete respirators,	10
3. anti-dust respirators,	6
4. other protective apparatus against toxic, asphyxiating, corrosive substances, etc.,	2
5. glove-box and telemanipulators;	2
<i>II. Place of work:</i>	
(a) Confined: work in confined premises, without daylight, which are crossed by high-tension cables or by high-temperature piping and which are so cluttered up as to make it difficult to move about;	2

¹ OJ L 56, 4.3.1968, p. 1.

² OJ L 149, 1.7.1972, p. 1.

Special working conditions	Number of points per hour of actual work for Categories A, B, C and D
(b) Noisy: work in premises with an average sound volume exceeding 85 decibels;	2
(c) Dangerous sites which necessitate the use of onerous protective appliances:	
1. underground passages,	2
2. places where work is carried out at more than six metres from the ground involving exceptional risks. In these cases the allowance shall be granted by decision of the appointing authority after consulting, where appropriate, the Joint Committee.	5
<i>III. Nature of work:</i>	
(a) Handling or working with certain substances in conditions which make the work arduous (see list in Annex);	2
(b) Work with explosives as a pyrotechnist.	5

2. In order to make constant supervision possible, work carried out under the conditions laid down in paragraph 1 must be recorded promptly and in chronological order. This record shall give details of the work carried out with reference to the table above. The appointing authority shall lay down the procedure for carrying out this supervision; where the number of hours of work in question can be taken as being the same every month, the appointing authority may disregard the record.

Article 4

The allowances for work carried out under the conditions laid down in item I of the table in Article 3 may not be aggregated; this applies also to those allowances in items II and III of the table.

Moreover, the allowances for work carried out under the conditions laid down in items I and II of the table may not be aggregated. For the purposes of the preceding paragraphs, where several allowances would be due at the same time the highest one only shall be paid.

Article 5

Subject to application of Article 4 of Regulation (Euratom) No 1371/72¹ determining the special allowances for certain services of a special nature, the allowances paid pursuant to this Regulation shall not exceed 1 500 points per month for each official.

¹ OJ L 149, 1.7.1972, p. 4.

Article 6

This Regulation shall apply by analogy to temporary, auxiliary and establishment staff.

Article 7

In April each year the Commission shall submit to the Council a report on:

- the number of officials and servants in each category who have received the special allowances referred to in this Regulation, analysed according to the various installations of the Research Centre and on the number of hours worked under the various conditions set out in the table in Article 3,
- the total expenditure relating to these allowances.

Article 8

Regulation No 4/631/Euratom² shall be repealed on the day on which this Regulation enters into force.

Article 9

This Regulation shall enter into force on the first day of the month following its publication in the *Official Journal of the European Communities*.

² OJ L 112, 24.7.1963, p. 2005/63.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 18 August 1972.

For the Council
The President
T. WESTERTERP

REGULATION (EURATOM, ECSC, EEC) No 2530/72 OF THE COUNCIL

of 4 December 1972

introducing special and temporary measures applicable to the recruitment of officials of the European Communities in consequence of the accession of new Member States, and for the termination of service of officials of those Communities

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing a Single Council and a Single Commission for the European Communities, and in particular Article 24 thereof,

Having regard to Council Regulation (Euratom, ECSC, EEC) No 259/68¹ of 29 February 1968 laying down the Staff Regulations of Officials and the conditions of employment of other servants of the European Communities, and instituting special measures temporarily applicable to officials of the Commission, as last amended by Regulation (EEC, Euratom, ECSC) No 1473/72,² and in particular Article 2 thereof, and Articles 4, 27 and 29 of the Staff Regulations of the European Communities,

Having regard to the proposal from the Commission made after consulting the Staff Regulations Committee,

Having regard to the opinion of the European Parliament,

Having regard to the opinion of the Court of Justice,

Whereas, in consequence of the accession of new Member States to the Communities, special measures concerning the Staff Regulations of the European Communities should be adopted on a temporary basis; whereas, as regards the personnel of the Commission, the application of those measures should be confined to officials paid out of credits under Title 1 of the section of the budget relating to that institution,

HAS ADOPTED THIS REGULATION:

CHAPTER I

**SPECIAL AND TEMPORARY MEASURES
APPLICABLE TO THE RECRUITMENT OF
OFFICIALS OF THE EUROPEAN COMMUNITIES
IN CONSEQUENCE OF THE ACCESSION OF
NEW MEMBER STATES**

Article 1

1. Notwithstanding Articles 27(3), 28(d) and 29 of the Staff Regulations of officials of the European Communities, provision may be made until 31 December 1973 for vacant posts to be filled by nationals of the new Member States up to the number of budgeted posts reserved for this purpose in the

¹ OJ 56, 4.3.1968, p. 1.

² OJ L 160, 16.7.1972, p. 1.

list of posts or made available by the application of measures for the termination of service provided for in this Regulation.

However, provision may be made during the same period and under the same conditions laid down in the preceding paragraph for vacant posts in Grades A 1 and A 2 to be filled by nationals of the original Member States. Except in the case of posts in Grades A 1 and A 2, adequate publicity shall be made of vacant posts both inside the Community institutions and outside.

2. Appointments to Grades A 4, A 5, LA 4, LA 5, LA 6, B 1, B 2, B 3 and C 1 shall be made after a competition organized in accordance with the provisions of Annex III of the Staff Members, or after the opinion of the Selection Committee(s). Article 3 of Annex III shall apply. The Selection Committee(s) shall present to the appointing authority the list of candidates whom they consider suitable.

Appointments to Grades A 6, A 7, LA 7, LA 8, B 4, B 5 and C 2 to C 5 shall be made after a competition organized in accordance with the conditions laid down in Annex III to the Staff Regulations.

CHAPTER II

**SPECIAL AND TEMPORARY MEASURES FOR
THE TERMINATION OF SERVICE OF
OFFICIALS OF THE EUROPEAN
COMMUNITIES**

Article 2

1. Until 30 June 1973, the institutions of the European Communities are authorized, in the interests of the service and in order to meet requirements resulting from the accession to the European Communities of new Member States, to adopt for their officials in Grades A 1 to A 5 inclusive measures terminating the service of officials, as provided for in Article 47 of the Staff Regulations, under the conditions provided for hereinafter.

The same conditions shall apply when the institution exercises in the interests of the service the option provided for in the second paragraph of Article 1(1).

2. Where an institution intends to take the measures provided for in paragraph 1 in respect of officials of grades other than A 1 and A 2, it shall, without prejudice to paragraph 3, draw up a list of the officials to be affected by such measures in each grade, after consulting the Joint Committee, taking

into account the official's ability, efficiency, conduct in the service, family circumstances and seniority.

An official whose name appears on such a list may opt for termination of service as provided for in paragraph 1 or for non-active status. If the latter, Article 41(3), (4) and (5) of the Staff Regulations shall apply.

An official who proposes to opt for non-active status shall declare his choice within two months from the date on which he was informed that his name appeared on the list provided for in the first subparagraph; in default, he shall forgo the right to opt.

3. If the interests of the service permit, the institution shall take into account the requests of officials that their service be terminated under paragraph 1.

However, requests made by officials over 60 years for the termination of their service shall be granted automatically.

4. The measures provided for in paragraphs 1 and 2 are in no way disciplinary.

5. Until 30 June 1973, but without prejudice to paragraph 2, the institution shall take no decision placing an official on non-active status or retiring an official in the interests of the service.

Article 3

1. An official affected by the measures provided for in Article 2(1) shall be entitled:

(a) for a period of a year, to a monthly allowance equal to his last remuneration, and

(b) for a period fixed in accordance with the table in paragraph 2, to a monthly allowance equal to:

- 80% of his basic salary for the 30 following months;
- 70% of his basic salary thereafter.

Entitlement to that allowance shall cease not later than the day on which the official reaches the age of 65. Where the official is entitled to the maximum pension before the age of 65, he may continue to receive the allowance until the end of the month in which he attained the age of 65. The basic salary to be taken into account when fixing the allowances provided for under this paragraph is that applicable on the first day of the month for which the allowance is payable.

2. In order to determine on the basis of the official's age the period during which he shall receive the allowance provided for in paragraph 1(b), the coefficient fixed in the following table shall be applied to the length of his service, including continuous service as a member of the temporary or auxiliary staff.

3. The allowance provided for in paragraph 1 shall be weighted, in accordance with the second paragraph of Article 82(1) of the Staff Regulations, for the Community country where the recipient provides proof of residence.

Age	%	Age	%	Age	%	Age	%	Age	%
20	18	30	33	40	48	50	63	60	78
21	19.5	31	34.5	41	49.5	51	64.5	61	79.5
22	21	32	36	42	51	52	66	62	81
23	22.5	33	37.5	43	52.5	53	67.5	63	82.5
24	24	34	39	44	54	54	69		
25	25.5	35	40.5	45	55.5	55	70.5		
26	27	36	42	46	57	56	72		
27	28.5	37	43.5	47	58.5	57	73.5		
28	30	38	45	48	60	58	75		
29	31.5	39	46.5	49	61.5	59	76.5		

If the recipient of that allowance resides outside the Community countries the weighting to be applied to the allowance shall be that valid for Belgium.

The allowance shall be expressed in Belgian francs. It shall be paid in the currency of the country of residence of the recipient.

The allowance paid in a currency other than Belgian francs shall be calculated on the basis of the par values specified in the second paragraph of Article 63 of the Staff Regulations.¹

¹ Regulation (Euratom, ECSC, EEC) No 3085/78, OJ L 369, 29.12.1978, p. 6.

4. The income accruing to the official concerned from any new employment during this period shall be deducted from the allowance provided for in paragraph 1, in so far as that income plus that allowance exceeds the total remuneration last received by the official in the performance of his duties. That remuneration shall be weighted as provided for in paragraph 3.

The official concerned shall provide any written proof which may be required and shall notify the institution of any factor which may affect his right to payment.

5. All family allowances shall remain payable where the official receives the allowance provided

for in paragraph 1. Article 67(2) of the Staff Regulations shall apply.

6. During the period for which he is entitled to receive that allowance, the official shall be entitled, in respect of himself and persons covered by his insurance, to benefits under the sickness insurance scheme laid down in Article 72 of the Staff Regulations, provided he pays the contribution calculated on the basis of the basic salary attaching to his grade and step and is not covered against sickness by another scheme. At the end of the period during which the official is entitled to the allowance, his contribution shall be calculated on the basis of the last monthly allowance he receives.

Where the official benefits from a pension under the pension scheme provided for in the Staff Regulations of the Communities, he shall, for the purposes of Article 72, be treated in the same way as an official who has remained in service until the age of 60.

7. During the period for which he is entitled to receive the allowance, the official shall continue to acquire further rights to retirement pension based on the salary attaching to his grade and step, provided that he pays the contributions provided for in the Staff Regulations during that period and provided that the total pension does not exceed the maximum amount laid down in Article 77, second subparagraph of the Staff Regulations. For the purposes of Article 5 of Annex VIII to the Staff Regulations and Article 108 of the general Regulations of the ECSC, such period shall be considered to be a period of service.

An official falling within the provisions of Article 1(2) shall receive a retirement pension amounting to 35% of his basic salary, if, under the provisions of the Staff Regulations and this Regulation, his pension is more than 30% but less than 35%; where his pension under the provisions of the Staff Regulations and this Regulation is more than 20% but less than 30%, it shall be increased by 15%.

If the official is reinstated in an institution of the European Communities and thus acquires further pension rights he shall cease during this further period of service to benefit from the provisions provided for in the first subparagraph above. However, for that part of the period referred to in the first subparagraph which is not yet completed at the time of reinstatement, the official may request that both his contribution to the pension scheme and his pension rights be calculated on the basic salary attaching to the grade and step reached in his previous post.

For the purposes of Article 77 of the Staff Regulations an official receiving the allowance provided for in paragraph 1 shall be treated as an official removed from his post in the interests of the service.

An official who, at the time of termination of service, has served a minimum of 10 years and who is no longer entitled to the allowance provided for in Article 3 may, on attaining the age of 55, claim immediate payment of his retirement pension, with-

out any reduction thereof being made under Article 9 of Annex VIII to the Staff Regulations.

In fixing the amount of the survivor's pension, to which the widow of an official who has died during such period is entitled, the provisions of the second subparagraph of Article 79 of the Staff Regulations shall apply.

8. If, in application of these provisions, the official is entitled to receive a pension before the age of 60, he shall be entitled, for each dependent child within the meaning of Article 2 of Annex VII to the Staff Regulations, to the dependent child allowance.

9. In order to receive the resettlement allowance the official shall not be required to satisfy the condition of length of service referred to in the first subparagraph of Article 6(1) of Annex VII to the Staff Regulations.

10. For the purposes of Article 107 of the Staff Regulations and of Article 102(2) of the Staff Regulations of officials of the European Coal and Steel Community, an official affected by measures provided for in Article 4(1) shall be treated as an official to whom the provisions of Articles 41 and 50 of the Staff Regulations have been applied.

Article 4

1. An official affected by the measures provided for in Article 2(1) who has not completed 15 years' service may renounce irrevocably his pension rights. In this case he shall receive a payment fixed under the conditions laid down in Article 12 of Annex VIII to the Staff Regulations. The provisions of Article 5(7) and (8) and Article 7 of this Regulation shall not apply to him.

For the purposes of Article 12(c) of Annex VIII to the Staff Regulations, the actual length of service shall include the period in which the official is entitled to the grant provided for in Article 5 and the extended period allowed him, where appropriate, in accordance with Article 5(10).

2. An official who proposes to opt for application of the provisions provided for in paragraph 1 must declare his choice within six months from the date of notification of the measure referred to in Article 4(1); in default, he shall forgo the right to opt.

Any sums which may have been paid by way of pension prior to the application of the provisions of this Article shall be deducted from the payment provided for in paragraph 1.

Article 5

1. The officials referred to in the last subparagraph of Article 2 of Regulation (EEC, Euratom, ECSC) No 259/68 of the Council and in Article 102(5) of the Staff Regulations, with the exception of those who before 1 January 1962 held Grade A 1 or A 2 posts under the Staff Regulations of the European Coal and Steel Community, to whom the measures provided for in Article 4(1) are applied, may request that their remuneration be determined in accordance

with the provisions of Article 34 of the Staff Regulations of the European Coal and Steel Community and Article 50 of the Rules and Regulations of the European Coal and Steel Community.

2. Officials who before 1 January 1962 held Grade A 1 or A 2 posts under the Staff Regulations of the European Coal and Steel Community, to whom the measures provided for in Article 4(1) are applied, may request that their remuneration be determined in accordance with the provisions of Article 42 of the Staff Regulations of the European Coal and Steel Community.

3. However, the provisions of Articles 3(3), (5), (6) and the fifth subparagraph of (7) and (8) of this Regulation shall continue to apply to the officials referred to in this Article.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 4 December 1972.

CHAPTER III

GENERAL AND FINAL PROVISIONS

Article 6

The provisions of this Regulation shall, as regards the personnel of the Commission of the European Communities, apply only to officials paid out of credits entered under Title I of the section of the budget of the European Communities relating to that institution.

Article 7

This Regulation shall enter into force on the day following its publication in the *Official Journal of the European Communities*.

For the Council

The President

N. SCHMELZER

REGULATION (ECSC, EEC, EURATOM) No 1543/73 OF THE COUNCIL

of 4 June 1973

introducing special measures temporarily applicable to officials of the European Communities paid from research and investment funds

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing a Single Council and a Single Commission of the European Communities, and in particular Article 24 thereof,

Having regard to the proposal from the Commission, submitted after consulting the Staff Regulations Committee,

Having regard to the opinion of the European Parliament,

Having regard to the opinion of the Court of Justice,

Whereas in Regulation (Euratom, ECSC, EEC) No 2530/72,¹ the Council adopted special temporary measures concerning the Staff Regulations of officials of the European Communities, affecting only such officials as are paid out of credits under Title I of the Section of the budget relating to the Commission; whereas certain special measures temporarily applicable to officials paid from research and investment funds should also be adopted;

Whereas special provision must be made to enable officials affected by such measures to overcome the serious financial difficulties resulting from loss of employment and to transfer to other duties as smoothly as possible;

HAS ADOPTED THIS REGULATION:

CHAPTER I

SPECIAL AND TEMPORARY MEASURES APPLICABLE TO THE RECRUITMENT OF OFFICIALS OF THE EUROPEAN COMMUNITIES IN CONSEQUENCE OF THE ACCESSION OF NEW MEMBER STATES

Article 1

1. Notwithstanding the second and third subparagraphs of Article 27, Article 28(d) and Article 29 of the Staff Regulations of officials of the European Communities, provision may be made until 30 June 1974 for vacant posts in Grades A 1 and A 2 paid from research and investment funds to be filled by nationals of the new Member States up to the number of budgeted posts reserved for this purpose in the list of posts or made available by the application of measures for the termination of service provided for in this Regulation.

During the same period, notwithstanding the third subparagraph of Article 27 of the Staff Regulations

of officials of the European Communities, provision may be made for vacant posts in grades other than A 1 and A 2 paid from research and investment funds to be filled by nationals of the new Member States up to the number of budgeted posts reserved for this purpose in the list of posts or made available by the application of measures for the termination of service provided for in this Regulation.

2. However, provision may be made, during the same period and under the same conditions laid down in paragraph 1, for vacant posts in Grades A 1 and A 2 to be filled by nationals of the original Member States.

CHAPTER II

SPECIAL AND TEMPORARY MEASURES FOR THE TERMINATION OF SERVICE OF OFFICIALS OF THE EUROPEAN COMMUNITIES

Article 2

1. In order to deal with exceptional problems arising from the adoption of research programmes involving a reduction in the number of posts provided in the plan of staff paid from European Atomic Energy Community research and investment funds, and problems arising from the accession of new Member States to the European Communities, the Commission is hereby authorized until 31 December 1973 and within the limit of the number of posts affected, to take measures to terminate the service, within the meaning of Article 47 of the Staff Regulations, of those of its officials who are paid from research and investment funds, under the conditions laid down below.

In exceptional cases, when the needs of the service so require, this provision may be applied up to 30 June 1974.

The same conditions shall apply when, in the interests of the service, the Commission exercises the option provided for in Article 1(2).

2. The Commission shall determine which posts are to be affected by the measures provided for in paragraph 1.

The Commission shall draw up a list of officials according to grade, affected by these measures after consulting the Joint Committee, which shall accord a hearing to the official when he so requests. It shall take into account the interests of the service and take into consideration the official's age, ability, efficiency, conduct in the service, family circumstances and seniority.

¹ OJ L 272, 5.12.1972, p. 1.

Notwithstanding Article 4(2) and (3), and Articles 29 and 45(2) of the Staff Regulations, an official whom the Commission intends to include in the abovementioned list and who has not asked for his employment to be terminated may, at his own request, be appointed to a vacant post of a corresponding grade that is not paid for from research and investment funds, provided always that he possesses the necessary qualifications for such a post. Following such appointment, the special provisions relating to scientific or technical officials of the Communities shall no longer apply to the official concerned.

The Commission shall, where the interest of the service so permits, accord priority treatment to applications from officials who request termination of service under paragraph 1. When such an application is rejected, the rejection must indicate the reasons and be communicated in writing to the person concerned.

However, requests made by officials of 60 years of age or more for the termination of their service shall be granted automatically by the Commission.

3. An official other than those in Grade A 1 or A 2, whose name appears on the list provided for in paragraph 2 must opt either for the application of Article 3 or Article 4 within two months from the date on which he was informed that his name had been entered on the list. The appointing authority shall apply Article 3 where an official has not communicated his choice within this time-limit.

4. An official other than those in Grade A 1 or A 2, whose name appears on the list provided for in paragraph 2 may opt either for termination of service as laid down in paragraph 1 or for non-active status. If the latter, Article 41(3), (4) and (5) of the Staff Regulations shall apply. An official who proposes to opt for non-active status shall declare his choice within two months from the date on which he was informed that his name had been entered on the list; in default, he shall forgo the right to opt.

5. The measures provided for in paragraph 1 are in no way disciplinary.

6. Up to 30 June 1974, and without prejudice to paragraph 4, the Commission shall not take any decision in respect of officials to whom this Regulation applies, to place on non-active status or to retire such officials in the interests of the service under the conditions laid down in Articles 41 and 50 respectively of the Staff Regulations.

Article 3

1. An official whose service is terminated pursuant to Article 2(1) shall be entitled:

(a) for a period of one year, to a monthly allowance equal to his last remuneration,

(b) for a period fixed in accordance with the table in paragraph 2, to a monthly allowance equal to:

- 80% of his basic salary, for the 30 following months;
- 70% of his basic salary thereafter.

Entitlement to that allowance shall cease not later than the day on which the official reaches the age of 65. Where the official is entitled to the maximum pension before the age of 65, he may continue to receive the allowance until the end of the month in which he attained the age of 65. The basic salary to be taken into account when fixing the allowances provided for under this paragraph is that applicable on the first day of the month for which the allowance is payable.

2. In order to determine on the basis of the official's age the period during which he shall receive the allowance provided for in paragraph 1(b), the coefficient fixed in the following table shall be applied to the length of his service, including continuous service as a member of the temporary or auxiliary staff; this period is rounded off, where appropriate, to the earlier month.

Age	%	Age	%	Age	%	Age	%	Age	%
20	18	30	33	40	48	50	63	60	78
21	19.5	31	34.5	41	49.5	51	64.5	61	79.5
22	21	32	36	42	51	52	66	62	81
23	22.5	33	37.5	43	52.5	53	67.5	63	82.5
24	24	34	39	44	54	54	69		
25	25.5	35	40.5	45	55.5	55	70.5		
26	27	36	42	46	57	56	72		
27	28.5	37	43.5	47	58.5	57	73.5		
28	30	38	45	48	60	58	75		
29	31.5	39	46.5	49	61.5	59	76.5		

3. The allowance provided for in paragraph 1 shall be weighted, in accordance with the second subparagraph of Article 82(1) of the Staff Regulations, for the Community country where the recipient provides proof of residence.

If the recipient of that allowance resides outside the Community countries the weighting to be applied to the allowance shall be that valid for Belgium.

The allowance shall be expressed in Belgian francs.

It shall be paid in the currency of the country of residence of the recipient.

The allowances paid in a currency other than Belgian francs shall be calculated on the basis of the par values specified in the second paragraph of Article 63 of the Staff Regulations.¹

4. The income accruing to the official concerned from any new employment during the period specified in paragraph 1(b) above shall be deducted from the allowance provided for during that period, in so far as that income plus that allowance exceeds the total remuneration last received by the official calculated on the basis of the salary scale in force on the first day of the month for which the allowance is payable. That remuneration shall be weighted as provided for in paragraph 3.

The official concerned shall provide any written proof which may be required and shall notify the Commission of any factor which may alter his right to payment.

5. All family allowances shall remain payable where the official receives the allowance provided for in paragraph 1. Article 67(2) of the Staff Regulations shall apply.

6. The official shall be entitled, in respect of himself and persons covered by his insurance, to social security benefits under the scheme laid down in Article 72 of the Staff Regulations, provided he pays the contribution calculated on the basis of the basic salary attaching to his grade and step or that proportion of it specified in paragraph 1 and he is not covered against the same risks by another public scheme. At the end of the period during which the official is entitled to the allowance, his contribution shall be calculated on the basis of the last monthly allowance he receives.

Where the official benefits from a pension under the pension scheme provided for in the Staff Regulations of officials of the Communities, he shall, for the purposes of Article 72, be treated in the same way as an official who has remained in service until the age of 60.

7. During the period for which he is entitled to receive the allowance, the official shall continue to acquire further rights to retirement pension based on the salary attaching to his grade and step, provided that he pays the contributions provided for in the Staff Regulations during that period and provided that the total pension does not exceed the maximum amount laid down in the second subparagraph of Article 77 of the Staff Regulations. For the purposes of Article 5 of Annex VIII to the Staff Regulations and Article 108 of the former general Regulations of the ECSC such period shall be considered to be a period of service.

An official falling within the provisions of Article 2(1) shall receive a retirement pension amounting to

35% of his basic salary, if, under the provisions of the Staff Regulations and this Regulation, his pension is more than 30% but less than 35%; where his pension under the provisions of the Staff Regulations and this Regulation is more than 20% but less than 30%, it shall be increased by 15%.

If the official is reinstated in an institution of the European Communities and thus acquires further pension rights, he shall cease during this further period of service to benefit from the provisions provided for in the first subparagraph above. However, for that part of the period referred to in the first subparagraph which is not yet completed at the time of reinstatement, the official may request that both his contribution to the pension scheme and his pension rights be calculated on the basis of the basic salary attaching to the grade and step reached in his previous post.

For the purposes of Article 77 of the Staff Regulations an official receiving the allowance provided for in paragraph 1 shall be treated as an official removed from his post in the interests of the service.

An official who, at the time of termination of service, has served a minimum of 10 years and who is no longer entitled to the allowance provided for in paragraph 1 may, on attaining the age of 55, claim immediate payment of his retirement pension, without any reduction thereof being made under Article 9 of Annex VIII of the Staff Regulations.

In fixing the amount of the survivor's pension, to which the widow of an official who has died during such period is entitled, the provisions of the second subparagraph of Article 79 to the Staff Regulations shall apply *mutatis mutandis*.

8. If, in application of these provisions, the official is entitled to receive a pension before the age of 60, he shall be entitled to the family allowances provided for in Article 67 of the Staff Regulations.

9. In order to receive the resettlement allowance the official shall not be required to satisfy the condition of length of service laid down in the first subparagraph of Article 6(1) of Annex VII to the Staff Regulations.

10. For the purposes of Article 107 of the Staff Regulations and of Article 102(2) of the Staff Regulations of officials of the European Coal and Steel Community, an official affected by measures provided for in Article 2(1) shall be treated as an official to whom the provisions of Articles 41 and 50 of the Staff Regulations have been applied.

Article 4

An official below the age of 55 on the day of his termination of service, and entitled to the allowance provided for in Article 3(1)(b) during a period of at least 18 months, who can prove regular attendance at re-adaptation or retraining lectures or courses approved by the Commission may request that the allowance paid him under the first indent of Article 3(1)(b) shall be equal to 100% of his basic salary

¹ Regulation (Euratom, ECSC, EEC) No 3085/78, OJ L 369, 29.12.1978, p. 6.

while he is attending such lectures or courses during a period not exceeding the first 12 months of the period referred to in Article 3(1)(b).

However, where an amount paid in this way exceeds the amount resulting from the application of the first indent of Article 3(1)(b), the excess shall be recovered either by means of a proportional reduction in the rate of the allowance, or by means of a refund from the official concerned.

Article 5

1. An official affected by the measures provided for in Article 2(1) who has not completed 15 years' service may renounce irrevocably his pension rights. In this case he shall receive a grant fixed under the conditions laid down in Article 12 of Annex VIII to the Staff Regulations. The provisions of Article 3(7) and (8) and Article 6 of this Regulation shall not apply to him.

For the purposes of Article 12(c) of Annex VIII to the Staff Regulations, the actual length of service shall include the period in which the official is entitled to the grant provided for in Articles 3 and 4 and, where appropriate, the extended period allowed him in accordance with Article 3(10).

2. An official who proposes to opt for application of the provisions provided for in paragraph 1 must declare his choice within six months from the date of notification of the measure referred to in Article 2(1); in default, he shall forgo the right to opt.

Any sums which may have been paid by way of pension to the application of the provisions of this Article shall be deducted from the grant provided for in paragraph 1.

Article 6

1. The officials referred to in the last subparagraph of Article 2 of Regulation (EEC, Euratom, ECSC) No 259/68¹ and in Article 102(5) of the Staff Regulations, with the exception of those who before 1 January 1962 held Grade A 1 or A 2 posts under the Staff Regulations of the European Coal and Steel Community, to whom the measures provided for in Article 2(1) are applied, may request that their remuneration be determined in accordance with the provisions of Article 34 of the Staff Regulations of the European Coal and Steel Community and Article 50 of the Rules and Regulations of the European Coal and Steel Community.

2. Officials who before 1 January 1962 held Grade A 1 or A 2 posts under the Staff Regulations of the European Coal and Steel Community, to whom the termination of service arrangements provided for in Article 2(1) are applied, may request that their remuneration be determined in accordance with the provisions of Article 42 of the Staff Regulations of the European Coal and Steel Community.

3. However, paragraphs 3, 5 and 6, the 5th subparagraph of paragraph 7 and paragraph 8 of Article 2 shall continue to apply to the officials referred to in this Article.

CHAPTER III

FINAL PROVISION

Article 7

This Regulation shall enter into force on the day following its publication in the *Official Journal of the European Communities*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Luxembourg, 4 June 1973.

For the Council

The President

R. VAN ELSLANDE

¹ OJ L 56, 4.3.1968, p. 1.

COUNCIL REGULATION (ECSC, EEC, EURATOM) No 300/76

of 9 February 1976

**determining the categories of officials entitled to allowances for shiftwork,
and the rates and conditions thereof**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Staff Regulations of officials and the conditions of employment of other servants of the European Communities laid down in Regulation (EEC, Euratom, ECSC) No 259/68,¹ as last amended by Regulation (Euratom, ECSC, EEC) No 3085/78,² and in particular Article 56a, second paragraph of the said Staff Regulations,

Having regard to the proposal from the Commission submitted after consulting the Staff Regulations Committee,

Whereas it is for the Council, acting on a proposal from the Commission submitted after consulting the Staff Regulations Committee, to determine the categories of officials entitled to allowances for shiftwork, and the rates and conditions thereof,

HAS ADOPTED THIS REGULATION:

Article 1

1. An official paid from research and investment appropriations and employed in an establishment of the Joint Research Centre or in indirect action, or paid from operating appropriations and employed in a computer centre, a security department or a telex service or involved in the dispatch of the *Official Journal of the European Communities*, who is engaged in shiftwork within the meaning of Article 56a of the Staff Regulations, shall be entitled to an allowance of:

- BFR 10 849, where the department operates on a two-shift basis, excluding Saturdays, Sundays and public holidays;
- BFR 16 374, where the department operates on a two-shift basis, one of them at night, including Saturdays, Sundays and public holidays;
- BFR 17 903, where the department operates on a round-the-clock basis, excluding Saturdays, Sundays and public holidays;
- BFR 24 409, where the department operates on a continuous basis.³

The allowance shall be adjusted by the weighting applicable to the official's salary.

2. Where shiftwork does not continue throughout the month, one thirtieth of the said allowance shall

¹ OJ L 56, 4.3.1968, p. 1.

² OJ L 369, 29.12.1978, p. 6.

³ These amounts have been laid down with effect from 1 July 1993 by Article 8 of Council Regulation (Euratom, ECSC, EEC) No 3608/93 (OJ L 328, 29.12.1993, p. 1).

be paid for each day on which shifts are worked. However, no allowance shall be paid if the number of days of shiftwork is fewer than three per month.

3. An official who can show that for a period not exceeding one month he was prevented from doing shiftwork on grounds of illness, accident, shutdown, leave for attendance at training courses or annual leave, shall retain his entitlement to the allowance. If the period during which he is prevented from doing shiftwork extends to more than one month, his entitlement to the allowance shall be suspended at the end of that month until he resumes work.

Article 2

An official who is entitled to payment of the allowance provided for in Article 1 may receive the allowances for particularly arduous work provided for in Article 100 of the Staff Regulations only up to a maximum of 600 points, to be determined in accordance with Regulation (Euratom) No 1799/72.⁴

Article 3

This Regulation shall apply *mutatis mutandis* to temporary, auxiliary and establishment staff.

Article 4

Articles 1 and 4, second paragraph, of Council Regulation (Euratom) No 1371/72 of 27 June 1972 determining the rates and the conditions of the special allowances which may be granted to officials or servants who are paid from appropriations in the research and investment budget and employed in an establishment of the Joint Research Centre or on indirect action for services of a special nature,⁵ are repealed.

Article 5

This Regulation shall enter into force on the day following its publication in the *Official Journal of the European Communities*.

It shall apply from 1 February 1976.

⁴ OJ L 192, 22.8.1972, p. 1.

⁵ OJ L 149, 1.7.1972, p. 4.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 9 February 1976.

For the Council
The President
G. THORN

COUNCIL REGULATION (EEC, EURATOM, ECSC) No 495/77

of 8 March 1977

determining the categories of officials entitled to, and the conditions for and rates of, allowances for regular standby duty

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Staff Regulations of officials and the conditions of employment of other servants of the European Communities laid down in Regulation (EEC, Euratom, ECSC) No 259/68,¹ as last amended by Regulation (ECSC, EEC, Euratom) No 3178/76,² and in particular the second paragraph of Article 56b of the Staff Regulations,

Having regard to the proposal from the Commission,

Whereas it is for the Council, acting on a proposal from the Commission, to determine the categories of officials entitled to and the conditions for and rates of, allowances which may be granted to officials who are regularly required to carry out standby duty at the place of employment or at home outside normal working hours,

HAS ADOPTED THIS REGULATION:

1. Officials paid from appropriations in the research and investment budget and employed in an establishment of the Joint Research Centre or on indirect action, or paid from appropriations in the operating budget and employed to run or supervise technical installations or to work in the medical service, shall be entitled to an allowance when they are regularly required to carry out standby duty in accordance with Article 56b of the Staff Regulations.

The allowance shall be determined as follows:

(a) the allowance shall be expressed in points. A point shall be equal to 0.032% of the basic salary of an official in Grade D 4, step 1. The allowance shall be adjusted by the weighting applicable to the official's remuneration;

(b) the number of points per hour of actual standby duty shall be:

- for standby duty at the place of employment: 11 for working days and 22 for Saturdays, Sundays and public holidays,
- for standby duty at home: 2.15 for working days and 43 for Saturdays, Sundays and public holidays.

2. No allowance shall be granted for standby duty at home if the actual period of duty does not amount to at least 14 hours.

3. An official who can show that for a period not exceeding one month he was prevented from doing standby duty at the place of employment as a result of illness or accident, or because he was on annual leave, shall retain his entitlement to the allowance. If he is prevented from doing standby duty for more than one month owing to sickness or accident, his entitlement to the allowance shall be suspended at the end of the first month until he resumes work.

For the period referred to in the previous subparagraph, the official shall be entitled to an allowance of 42 points for each day of absence due to sickness or accident for which he has a medical certificate, or for each day of annual leave.

Article 2

This Regulation shall apply by analogy to temporary, auxiliary and establishment staff.

Article 3

In April each year, the Commission shall submit to the Council a report on the number of officials and servants in each category who have received the allowance referred to in this Regulation.

Article 4

Council Regulation (Euratom) No 1371/72 of 27 June 1972 determining the rates and conditions of the special allowances which may be granted to officials or servants who are paid from appropriations in the research and investment budget and employed in an establishment of the Joint Research Centre or on indirect action, for certain services of a special nature,³ is hereby repealed.

Article 5

This Regulation shall enter into force on the third day following its publication in the *Official Journal of the European Communities*.

¹ OJ L 56, 4.3.1968, p. 1.

² OJ L 359, 30.12.1976, p. 9.

³ OJ L 149, 1.7.1972, p. 4.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done in Brussels, 8 March 1977.

For the Council
The President
D. OWEN

COUNCIL REGULATION (ECSC, ECC, EURATOM) No 662/82

of 22 March 1982

introducing special and temporary measures applicable to the recruitment of officials of the European Communities in consequence of the accession of the Hellenic Republic to the Communities

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing a Single Council and a Single Commission of the European Communities, and in particular Article 24 thereof,

Having regard to the proposal from the Commission, made after consulting the Staff Regulations Committee,

Having regard to the opinion of the European Parliament,¹

Having regard to the opinion of the Court of Justice,

Whereas, in consequence of the accession of the Hellenic Republic to the Communities, special measures derogating from the Staff Regulations of officials of the European Communities should be adopted on a temporary basis,

HAS ADOPTED THIS REGULATION:

Article 1

1. Notwithstanding the second and third subparagraphs of Article 4, Article 7(1), the third subparagraph of Article 27 and Article 29(1) points (a), (b) and (c) of the Staff Regulations of officials of the

European Communities, provision may be made until 31 December 1982 for the vacant posts to be filled by Greek nationals up to the number of posts set aside for this purpose in the context of budgetary deliberations within the relevant institutions.

Except in the case of posts in Grades A 1 and A 2, vacant posts shall be adequately advertised both inside the Community institutions and outside.

2. Appointments to Grades A 3, A 4, A 5, LA 3, LA 4, LA 5, B 1, B 2, B 3 and C 1 shall be made after a competition on the basis of qualifications organized in accordance with Annex III to the Staff Regulations.

Appointments to Grades A 6, A 7, A 8, LA 6, LA 7, LA 8, B 4, B 5, C 2 to C 5 and D 1 to D 4 shall be made after a competition on the basis of qualifications and tests, organized in accordance with Annex III to the Staff Regulations.

Article 2

This Regulation shall enter into force on the day following its publication in the *Official Journal of the European Communities*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 22 March 1982.

For the Council

The President

L. TINDEMANS

¹ OJ C 101, 4.5.1981, p. 102.

COUNCIL REGULATION (ECSC, EEC, EURATOM) No 2150/82

of 28 July 1982

**introducing special and temporary measures to terminate the service of
officials of the European Communities consequent upon the accession of the
Hellenic Republic**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing a Single Council and a Single Commission of the European Communities, and in particular Article 24 thereof,

Having regard to the proposal from the Commission made after consulting the Staff Regulations Committee,

Having regard to the opinion of the European Parliament,¹

Having regard to the opinion of the Court of Justice,

Whereas, consequent upon the accession of the Hellenic Republic, special measures for the termination of service should temporarily be adopted, to apply until 31 December 1982,

HAS ADOPTED THIS REGULATION:

Article 1

1. In the interests of the service and in order to meet requirements resulting from the accession of the Hellenic Republic to the European Communities, the European Parliament, the Council and the Commission are authorized until 31 December 1982 to adopt for officials in Grade A 3 who are over 55 years of age measures terminating their service as specified below.

2. The number of officials eligible for the said measures shall not exceed, for the 1982 budget year:

- three for the European Parliament,
- two for the Council,
- 15 for the Commission.

3. Having due regard to the interests of the service, the institution shall select, after consulting the Joint Committee, from the officials requesting the application of measures terminating their service under paragraph 1 those to whom it applies such measures.

Article 2

1. A former official affected by the measure provided for in Article 1 shall be entitled to a monthly allowance equal to 70% of the basic salary for the grade and step held at the time of departure, determined by reference to the table set out in Article 66 of the Staff Regulations in force on the first day of the month for which the allowance is payable.

¹ OJ C 101, 4.5.1981, p. 102.

2. Entitlement to the allowance shall cease not later than the last day of the month in which the former official attains the age of 65 and in any event as soon as the former official is eligible for the maximum retirement pension.

At that point the former official shall automatically receive a retirement pension, which shall take effect on the first day of the calendar month following the month in which the allowance was paid for the last time.

3. The allowance provided for in paragraph 1 shall be adjusted by the weighting fixed for the country in which the recipient proves that he is resident.

If the recipient of the allowance resides in a country for which no weighting has been fixed, the weighting to be applied to the allowance shall be equal to 100.

The allowance shall be expressed in Belgian francs. It shall be paid in the currency of the country of residence of the recipient. However, if it is subject to the weighting of 100 under the second subparagraph it shall be paid in Belgian francs.

The allowance paid in a currency other than the Belgian franc shall be calculated on the basis of the exchange rates specified in the second paragraph of Article 63 of the Staff Regulations.

4. Gross income accruing to the former official concerned from any new employment shall be deducted from the allowance provided for in paragraph 1, in so far as that income plus that allowance exceeds the total gross remuneration last received by the official, determined by reference to the salary scales in force on the first day of the month for which the allowance is payable. That remuneration shall be weighted as provided for in paragraph 3.

Gross income and total gross remuneration last received, as referred to above, mean sums paid after deduction of social security contributions but before deduction of tax.

The former official concerned shall provide any written proof which may be required and shall notify the institution of any factor which may affect his right to the allowance.

5. Under the conditions set out in Article 67 of the Staff Regulations and Articles 1, 2 and 3 of Annex VII to the Staff Regulations, family allowances shall be payable to recipients of the allowance provided for in paragraph 1; the household allowance shall be calculated by reference to that allowance.

6. Recipients of the allowance shall be entitled, in respect of themselves and persons covered by their insurance, to benefit under the sickness insurance scheme provided for in Article 72 of the Staff Regulations, provided they pay the relevant contribution, calculated on the basis of the allowance provided for in paragraph 1, and are not covered by another sickness insurance by virtue of legal or regulatory provisions.

7. During the period for which he is entitled to receive the allowance, the former official shall continue to acquire further rights to retirement pension based on the salary attaching to his grade and step, provided that the contribution provided for in the Staff Regulations by reference to that salary is paid during that period and provided that the total pension does not exceed the maximum specified in the second paragraph of Article 77 of the Staff Regulations. For the purposes of Article 5 of Annex VIII to the Staff Regulations and Article 108 of the former Rules and Regulations of the European Coal and Steel Community, such period shall be considered to be a period of service.

8. Subject to Articles 1(1) and 22 of Annex VIII to the Staff Regulations, the surviving spouse of a former official who dies while in receipt of the monthly allowance provided for in paragraph 1 shall be entitled, provided that he or she had been his or her spouse for at least one year when the former official left the service of an institution, to a survivor's pension equal to 60% of the retirement pension which, irrespective of length of service and age, would have been payable to the former official if he had qualified for it at the time of death.

The amount of the survivor's pension referred to in the previous subparagraph shall not be less than the amounts specified in the second paragraph of Article 79 of the Staff Regulations. However, in no case may it exceed the amount of the first payment

of retirement pension to which the former official would have been entitled had he survived and been granted a retirement pension when he ceased to be eligible for the allowance provided for in paragraph 1.

The duration of the marriage referred to in the first subparagraph shall not be taken into account if there are one or more children of a marriage contracted by the official before he or she left the service, provided that the surviving spouse maintains or has maintained those children.

The same shall apply if the former official's death resulted from one of the circumstances referred to at the end of the second paragraph of Article 17 of Annex VIII to the Staff Regulations.

9. On the death of a former official in receipt of the allowance provided for in paragraph 1, dependent children within the meaning of Article 2 of Annex VII to the Staff Regulations shall be entitled to an orphan's pension under the conditions set out in the first, second and third paragraphs of Article 80 of the Staff Regulations and in Article 21 of Annex VIII to the Staff Regulations.

10. For the purposes of Article 107 of the Staff Regulations and of Article 102(2) of the Staff Regulations of officials of the European Coal and Steel Community, an official affected by the measure referred to in Article 1 shall be treated as an official who has remained in service until the age of 65 provided he continues to pay the contribution during the period of receipt of the allowance referred to in Article 2(1) of this Regulation.

Article 3

This Regulation shall enter into force on the day following its publication in the *Official Journal of the European Communities*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 28 July 1982.

For the Council
The President
 O. MØLLER

COUNCIL REGULATION (EEC) No 3332/82

of 3 December 1982

**laying down special transitional measures for the recruitment as officials of
the European Communities of 56 members of the staff of the headquarters of
the European Association for Cooperation**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing a Single Council and a Single Commission of the European Communities, and in particular Article 24 thereof,

Having regard to the proposal from the Commission, made after obtaining the opinion of the Staff Regulations Committee,¹

Having regard to the opinion of the European Parliament,²

Whereas under Regulation (EEC) No 3245/81³ a European Agency for Cooperation, hereinafter referred to as 'the Agency', was set up with the aim of taking over the activities previously carried out by the European Association for Cooperation, hereinafter referred to as 'the Association';

Whereas it is necessary to resolve the problems relating to the position of the 56 members of the staff of the headquarters of the Association;

Whereas the 1982 budget of the Communities granted 56 established posts, broken down by grade, to the Commission to enable it to recruit those staff members;

Whereas it is for the Council, acting by a qualified majority on a proposal from the Commission and after consulting the other institutions concerned, to take the necessary special transitional measures, by way of derogation from the Staff Regulations of officials and conditions of employment of other servants of the European Communities as laid down in Regulation (EEC, Euratom, ECSC) No 259/68,⁴ as last amended by Regulation (ECSC, EEC, Euratom) No 372/82,⁵

HAS ADOPTED THIS REGULATION:

Article 1

A staff member who occupies a post at the headquarters of the Association on 1 January 1982 and

who may still occupy a post there at the date of entry into force of this Regulation, may be appointed a probationer official of the Commission of the European Communities and assigned to one of the posts indicated for that purpose in the Commission establishment plan for the financial year 1982.

Article 2

The appointment of the staff member referred to in Article 1 shall be carried out by way of derogation from the second and third paragraphs of Article 4, Article 28(d) and Article 29 of the Staff Regulations of officials of the European Communities after obtaining the opinion of an *ad hoc* committee set up by the appointing authority to review the qualifications and competence of the staff referred to in Article 1.

Members of the *ad hoc* committee must have a grade at least equal to that of the post to be filled.

Article 3

By way of derogation from Articles 31 and 32 of the Staff Regulations, officials recruited by virtue of this Regulation shall be appointed to the appropriate grade and step indicated in the table of equivalence in the Annex.

Seniority in grade shall be reckoned from the date of appointment as a probationer official.

Seniority in step shall be that acquired by the said official in the service of the Association.

Article 4

This Regulation shall enter into force on the day following its publication in the *Official Journal of the European Communities*.

¹ OJ C 201, 5.8.1982, p. 7.

² OJ L 292, 8.11.1982, p. 93.

³ OJ L 328, 16.11.1981, p. 1.

⁴ OJ L 56, 4.3.1968, p. 1.

⁵ OJ L 47, 19.2.1982, p. 13.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 3 December 1982.

For the Council
The President
Ch. CHRISTENSEN

ANNEX

Table of grades and steps (Staff Regulations)		EAC hierarchy	
Grade	Step	Grade	Step
A 1	1, 2, 3, 4, 5, 6		
A 2	1, 2, 3, 4, 5, 6		
A 3	1, 2, 3, 4, 5, 6, 7, 8	13	1, 2, 3, 4, 5, 6, 7, 8
A 4	1, 2, 3, 4, 5, 6, 7, 8	14	1, 2, 3, 4, 5, 6, 7, 8
A 5	1, 2, 3, 4, 5, 6, 7, 8	15	1, 2, 3, 4, 5, 6, 7, 8
A 6	1, 2, 3, 4, 5, 6, 7, 8	16	1, 2, 3, 4, 5, 6, 7, 8
A 7	1, 2, 3, 4, 5, 6, 7, 8	17	1, 2, 3, 4, 5, 6, 7, 8
A 8	1, 2	18	1, 2
B 1	1, 2, 3, 4, 5, 6, 7, 8	21	1, 2, 3, 4, 5, 6, 7, 8
B 2	1, 2, 3, 4, 5, 6, 7, 8	22	1, 2, 3, 4, 5, 6, 7, 8
B 3	1, 2, 3, 4, 5, 6, 7, 8	23	1, 2, 3, 4, 5, 6, 7, 8
B 4	1, 2, 3, 4, 5, 6, 7, 8	24	1, 2, 3, 4, 5, 6, 7, 8
B 5	1, 2, 3, 4	25	1, 2, 3, 4
C 1	1, 2, 3, 4, 5, 6, 7, 8	31	1, 2, 3, 4, 5, 6, 7, 8
C 2	1, 2, 3, 4, 5, 6, 7, 8	32	1, 2, 3, 4, 5, 6, 7, 8
C 3	1, 2, 3, 4, 5, 6, 7, 8	33	1, 2, 3, 4, 5, 6, 7, 8
C 4	1, 2, 3, 4, 5, 6, 7, 8	34	1, 2, 3, 4, 5, 6, 7, 8
C 5	1, 2, 3, 4	35	1, 2, 3, 4
D 1	1, 2, 3, 4, 5, 6, 7, 8	41	1, 2, 3, 4, 5, 6, 7, 8
D 2	1, 2, 3, 4, 5, 6, 7, 8	42	1, 2, 3, 4, 5, 6, 7, 8
D 3	1, 2, 3, 4, 5, 6, 7, 8	43	1, 2, 3, 4, 5, 6, 7, 8
D 4	1, 2, 3, 4	44	1, 2, 3, 4

COUNCIL REGULATION (ECSC, EEC, EURATOM) No 1679/85

of 19 June 1985

introducing special and temporary measures to terminate the service of certain officials in the scientific and technical services of the European Communities

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing a Single Council and a Single Commission of the European Communities, and in particular Article 24 thereof,

Having regard to the proposal from the Commission made after consulting the Staff Regulations Committee,

Having regard to the opinion of the European Parliament,¹

Having regard to the opinion of the Court of Justice,

Whereas Article 4 of Council Decision 84/1/Euratom, EEC) of 22 December 1983 adopting a research programme to be implemented by the Joint Research Centre for the European Atomic Energy Community and for the European Economic Community (1984 to 1987)² provides for the implementation of termination-of-service measures affecting the staff of the centre, designed to permit the introduction of new skills and a reduction in the average age of the present staff;

Whereas, to achieve the objectives thus defined, special termination-of-service measures should be temporarily adopted which would be valid until 31 December 1986, thus enabling the skills of the staff as a whole to be better adapted to the requirements of the research programmes carried out by the centre;

Whereas, although in this context application of the termination-of-service measures must generally be made conditional on the officials' willingness to terminate their service, such measures may, by way of exception and if the exclusive interest of the services so requires, also be taken in a mandatory fashion with regard to officials holding posts corresponding to a particularly high degree of scientific and technical responsibility in the execution of programmes,

HAS ADOPTED THIS REGULATION:

Article 1

1. In the interests of the service, and in order to take account of the adjustment of skills required by the new structure of the Joint Research Centre, the Commission is hereby authorized until 31 December 1986 to adopt, within the meaning of Article 47 of the Staff Regulations of officials of the European Communities, hereinafter referred to as 'the Staff

Regulations', and on the conditions set out in this Regulation, measures terminating the service of officials in the scientific and technical services who are in active employment or on secondment, who are paid from research and investment appropriations and who are included in the list of posts of the centre.

2. The number of officials to whom the measures are to be applied shall not exceed 120.

Article 2

1. After consulting the Joint Committee, the Commission shall:

(a) draw up the list of Grade A 3 or A 4 officials, aged 50 or over, exercising responsibility for the conduct of scientific programmes or performing management tasks, to whom the measures referred to in Article 1 are to be applied. To this end it shall:

- give priority, showing due regard to the interests of the service, to those officials who request application of these measures, and
- in all cases, take account of the age, ability, efficiency, conduct in the service, marital status and seniority of officials, and, where appropriate, of the arduous nature of certain duties they have to perform;

(b) draw up the list of Grade A 7, A 6, A 5 and category B and C officials aged 55 years or over who request application of these measures, giving priority to officials who have reached the final step of their grade and taking account of the criteria set out in the second indent of subparagraph (a).

Article 3

1. A former official affected by the measures provided for in Article 1 shall be entitled to a monthly allowance equal to 70% of the basic salary for the grade and step held at the time of departure, determined by reference to the table set out in Article 66 of the Staff Regulations in force on the first day of the month for which the allowance is payable.

2. Entitlement to the allowance shall cease not later than the last day of the month in which the former official attains the age 65 and in any event as soon as the former official is eligible for the maximum retirement pension.

At that point the former official shall automatically receive a retirement pension, which shall take effect

¹ OJ C 46, 18.2.1985, p. 102.

² OJ L 3, 5.1.1984, p. 21.

on the first day of the calendar month following the month in which the allowance was paid for the last time.

3. The allowance provided for in paragraph 1 shall be adjusted by the weighting fixed for the country inside or outside the Communities in which the recipient proves that he is resident.

If the recipient of the allowance resides in a country for which no weighting has been fixed, the weighting to be applied to the allowance shall be equal to 100.

The allowance shall be expressed in Belgian francs. It shall be paid in the currency of the country of residence of the recipient. However, if it is subject to the weighting of 100 under the second subparagraph it shall be paid in Belgian francs.

The allowance paid in a currency other than the Belgian franc shall be calculated on the basis of the exchange rates specified in the second paragraph of Article 63 of the Staff Regulations.

4. Gross income accruing to the former official concerned from any new employment shall be deducted from the allowance provided for in paragraph 1, in so far as that income plus that allowance exceeds the total gross remuneration last received by the official, determined by reference to the salary scales in force on the first day of the month for which the allowance is payable. That remuneration shall be weighted as provided for in paragraph 3.

Gross income and total gross remuneration last received, as referred to above, mean sums paid after deduction of social security contributions but before deduction of tax.

The former official concerned shall provide any written proof which may be required and shall notify the institution of any factor which may affect his right to the allowance.

5. Under the conditions set out in Article 67 of the Staff Regulations and Articles 1, 2 and 3 of Annex VII thereto, family allowances shall be payable to recipients of the allowance provided for in paragraph 1; the household allowance shall be calculated by reference to that allowance.

6. Recipients of the allowance shall be entitled, in respect of themselves and persons covered by their insurance, to benefit under the sickness insurance scheme provided for in Article 72 of the Staff Regulations provided they pay the relevant contribution, calculated on the basis of the allowance provided for in paragraph 1, and are not covered by another sickness insurance by virtue of legal or regulatory provisions.

7. During the period for which he is entitled to receive the allowance, the former official shall continue to acquire further rights to retirement pension based on the salary attaching to his grade and step, provided that the contribution provided for in the Staff Regulations by reference to that salary is paid during that period and provided that the total pension does not exceed the maximum specified in the

second paragraph of Article 77 of the Staff Regulations. For the purposes of Article 5 of Annex VIII to the Staff Regulations and Article 108 of the former Rules and Regulations of the European Coal and Steel Community, such period shall be considered to be a period of service.

8. Subject to Articles 1(1) and 22 of Annex VIII to the Staff Regulations, the surviving spouse of a former official who dies while in receipt of the monthly allowance provided for in paragraph 1 shall be entitled, provided that he or she had been his or her spouse for at least one year when the former official left the service of an institution, to a survivor's pension equal to 60% of the retirement pension which, irrespective of length of service and age, would have been payable to the former official if he had qualified for it at the time of death.

The amount of the survivor's pension referred to in the first subparagraph shall not be less than the amounts specified in the second paragraph of Article 79 of the Staff Regulations. However, in no case may it exceed the amount of the first payment of retirement pension to which the former official would have been entitled had he survived and been granted a retirement pension when he ceased to be eligible for the allowance provided for.

The duration of the marriage referred to in the first subparagraph shall not be taken into account if there are one or more children of a marriage contracted by the official before he or she left the service, provided that the surviving spouse maintains or has maintained those children.

The same shall apply if the former official's death resulted from one of the circumstances referred to at the end of the second paragraph of Article 17 of Annex VIII to the Staff Regulations.

9. On the death of a former official in receipt of the allowance provided for in paragraph 1, dependent children within the meaning of Article 2 of Annex VII to the Staff Regulations shall be entitled to an orphan's pension under the conditions set out in the first, second and third paragraphs of Article 80 of the Staff Regulations and in Article 21 of Annex VIII to the Staff Regulations.

10. For the purposes of Article 107 of the Staff Regulations of officials of the European Communities and of Article 102(2) of the Staff Regulations of officials of the European Coal and Steel Communities, an official affected by the measure referred to in Article 1 shall be treated as an official who has remained in service until the age 65 provided he continues to pay the contribution during the period of receipt of the allowance referred to in paragraph 1.

Article 4

This Regulation shall enter into force on the day following its publication in the *Official Journal of the European Communities*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Luxembourg, 19 June 1985.

For the Council
The President
G. ANDREOTTI

COUNCIL REGULATION (ECSC, EEC, EURATOM) No 3517/85

of 12 December 1985

introducing special and temporary measures applicable to the recruitment of officials of the European Communities as a result of the accession of Spain and Portugal

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing a Single Council and a Single Commission of the European Communities, and in particular Article 24 thereof,

Having regard to the proposal from the Commission made after consulting the Staff Regulations Committee,

Having regard to the opinion of the European Parliament,¹

Having regard to the opinion of the Court of Justice,

Whereas, as a result of the accession of Spain and Portugal to the European Communities, special measures derogating from the Staff Regulations of officials of the European Communities should be adopted on a temporary basis,

HAS ADOPTED THIS REGULATION:

Article 1

1. Notwithstanding the second and third paragraphs of Article 4, Article 5(3), Article 7(1), the third paragraph of Article 27, Article 29(1)(a), (b) and (c) and Article 31 of the Staff Regulations of

officials of the European Communities, provision may be made until 31 December 1988 for vacant posts to be filled by Spanish and Portuguese nationals up to the limits set in the context of budgetary discussions within the institutions responsible.

2. Appointments to Grades A 3, A 4, A 5, LA 3, LA 4, LA 5, B 1, B 2, B 3 and C 1 shall be made after a competition on the basis of qualifications, organized in accordance with Annex III to the Staff Regulations.

Appointments to Grades A 6, A 7, A 8, LA 6, LA 7, LA 8, B 4, B 5, C 2 to C 5 and D 1 to D 4 shall be made after a competition on the basis of qualifications and tests, or of tests, organized in accordance with Annex III to the Staff Regulations.

3. Except in the case of A 1 and A 2 posts, vacant posts shall be adequately advertised both inside and outside the Community institutions.

Article 2

This Regulation shall enter into force on the day following its publication in the *Official Journal of the European Communities*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 12 December 1985.

For the Council

The President

R. GOEBBELS

¹ OJ C 229, 9.9.1985, p. 97.

COUNCIL REGULATION (ECSC, EEC, EURATOM) No 3518/85

of 12 December 1985

introducing special measures to terminate the service of officials of the European Communities as a result of the accession of Spain and Portugal

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing a Single Council and a Single Commission of the European Communities, and in particular Article 24 thereof,

Having regard to the proposal from the Commission,¹ made after consulting the Staff Regulations Committee,

Having regard to the opinion of the European Parliament,²

Having regard to the opinion of the Court of Justice,

Whereas the accession of Spain and Portugal gives rise to necessity for adjustments to the make-up of the Community civil service;

Whereas special measures should accordingly be adopted with regard to termination of service,

HAS ADOPTED THIS REGULATION:

Article 1

In the interests of the service and taking account of requirements arising from the accession of Spain and Portugal to the European Communities, the institutions within the meaning of Article 1 of the Staff Regulations of the officials of the European Communities are authorized, until 31 December 1990, to adopt measures terminating the service of officials who have reached the age of 55, with the exception of those in Grade A 1 and A 2, under the conditions specified below.

This Regulation shall not apply to officials paid from research and investment appropriations employed in the scientific and technical service where, and for as long as, they are covered by other specific termination-of-service arrangements approved by the Council.

Article 2

1. The number of officials regarding whom the measures referred to in Article 1 may be taken shall be:

- 150 for the European Parliament,
- 120 for the Council,
- 500 for the Commission, under the 'operating' budget,
- 50 for the Commission, under the 'research' budget,

¹ OJ C 250, 2.10.1985, p. 5.

² OJ C 229, 9.9.1985, p. 97.

- 25 for the Court of Justice,
- 14 for the Economic and Social Committee,
- 12 for the Court of Auditors,

2. Within the limits laid down in paragraph 1, the Council, acting by a qualified majority on a proposal from the Commission, shall decide on the number of officials eligible for such termination of service measures in a given year.

For 1986 that number shall be:

- 75 for the European Parliament,
- 30 for the Council,
- 155 for the Commission, under the 'operating' budget,
- 15 for the Commission, under the 'research' budget,
- 7 for the Court of Justice,
- 8 for the Economic and Social Committee,
- 3 for the Court of Auditors.

Article 3

Having due regard to the interests of the service, the institution shall select, within the limits laid down in Article 2 and after consulting the Joint Committee, from officials requesting the application of measures terminating their service under Article 1, those to whom such measures shall be applied.

To this end it shall take into consideration the age, ability, efficiency, conduct in the service, family situation and seniority of the officials. Minimum seniority of 10 years shall be required. However, in the case of officials of the Court of Auditors, the seniority required shall be:

- 7 years for measures terminating service in 1986,
- 8 years for such measures in 1987,
- 9 years for such measures in 1988.

Article 4

1. A former official affected by the measure provided for in Article 1 shall be entitled to a monthly allowance equal to 70% of the basic salary for the grade and step held at the time of departure, determined by reference to the table set out in Article 66 of the Staff Regulations in force on the first day of the month for which the allowance is payable.

2. Entitlement to the allowance shall cease not later than the last day of the month in which the former official attains the age of 65 and in any event

as soon as the former official is eligible for the maximum retirement pension.

At that point the former official shall automatically receive a retirement pension, which shall take effect on the first day of the calendar month following the month in which the allowance was paid for the last time.

3. The allowance provided for in paragraph 1 shall be adjusted by the weighting fixed for the country situated inside or outside the Community in which the recipient proves that he is resident.

If the recipient of the allowance resides in a country for which no weighting has been fixed, the weighting to be applied to the allowance shall be equal to 100.

The allowance shall be expressed in Belgian francs. It shall be paid in the currency of the country of residence of the recipient. However, if it is subject to the weighting of 100 under the second subparagraph, it shall be paid in Belgian francs.

Allowances paid in a currency other than the Belgian franc shall be calculated on the basis of the exchange rates specified in the second paragraph of Article 63 of the Staff Regulations.

4. Gross income accruing to the former official from any new employment shall be deducted from the allowance provided for in paragraph 1, in so far as that income plus that allowance exceeds the total gross remuneration last received by the official, determined by reference to the salary scales in force on the first day of the month for which the allowance is payable. That remuneration shall be weighted as provided for in paragraph 3.

Gross income and total gross remuneration last received, as referred to above, mean sums paid after deduction of social security contributions but before deduction of tax.

The former official concerned shall provide any written proof which may be required and shall notify the institution of any factor which may affect his right to the allowance.

5. Under the conditions set out in Article 67 of the Staff Regulations and Articles 1, 2 and 3 of Annex VII to the Staff Regulations, family allowances shall be payable either to the recipient of the allowance provided for in paragraph 1 or to the person or persons to whom custody of the child or children has been entrusted by law or by an order of court or of the competent administrative authority; the household allowance shall be calculated by reference to that allowance.

6. Recipients of the allowance shall be entitled, in respect of themselves and persons covered by their insurance, to benefit under the sickness insurance scheme provided for in Article 72 of the Staff Regulations provided they pay the relevant contribution, calculated on the basis of the allowance provided for in paragraph 1, and are not covered by another sickness insurance by virtue of legal or statutory provisions.

7. During the period for which he is entitled to receive the allowance, the former official shall continue to acquire further rights to retirement pension based on the salary attaching to his grade and step, provided that the contribution provided for in the Staff Regulations by reference to that salary is paid during that period and provided that the total pension does not exceed the maximum specified in the second paragraph of Article 77 of the Staff Regulations. For the purposes of Article 5 of Annex VIII to the Staff Regulations and Article 108 of the former Rules and Regulations of the European Coal and Steel Community, such period shall be considered to be a period of service.

8. Subject to Articles 1(1) and 22 of Annex VIII to the Staff Regulations, the surviving spouse of a former official who dies while in receipt of the monthly allowance provided for in paragraph 1 shall be entitled, provided that he or she had been his or her spouse for at least one year when the former official left the service of an institution, to a survivor's pension equal to 60% of the retirement pension which, irrespective of length of service or age, would have been payable to the former official if he had qualified for it at the time of death.

The amount of the survivor's pension referred to in the previous subparagraph shall not be less than the amounts specified in the second paragraph of Article 79 of the Staff Regulations. However, in no case may it exceed the amount of the retirement pension to which the former official would have been entitled had he survived and been granted a retirement pension when he ceased to be eligible for the allowance referred to above.

The duration of the marriage referred to in the first subparagraph shall not be taken into account if there are one or more children of a marriage contracted by the official before he or she left the service, provided that the surviving spouse maintains or has maintained those children.

The same shall apply if the former official's death resulted from one of the circumstances referred to at the end of the second paragraph of Article 17 of Annex VIII to the Staff Regulations.

9. On the death of a former official in receipt of the allowance provided for in paragraph 1, dependent children within the meaning of Article 2 of Annex VII to the Staff Regulations shall be entitled to an orphan's pension under the conditions set out in the first, second and third paragraphs of Article 80 of the Staff Regulations and in Article 21 of Annex VIII to the Staff Regulations.

10. For the purposes of Article 107 of the Staff Regulations and of Article 102(2) of the Staff Regulations of officials of the European Coal and Steel Community, an official affected by the measure provided for in Article 1 shall be treated as an official who has remained in service until the age 65 provided he continues to pay the contribution during the period of receipt of the allowance referred to in paragraph 1 of this Article.

Article 5

1. Officials referred to in the last paragraph of Article 2 of Council Regulation (EEC, Euratom, ECSC) No 259/68¹ and in Article 102(5) of the Staff Regulations, with the exception of those who occupied an established post in Grades A 1 or A 2 under the Staff Regulations of the European Coal and Steel Community before 1 January 1962 and to whom the measures under Article 1 are applied, shall be entitled to ask for their pecuniary claims to be settled in accordance with Article 34 of the Staff Regulations of the European Coal and Steel Com-

munity and Article 50 of the Rules and Regulations of the European Coal and Steel Community.

2. Nevertheless, Article 4(3) and (5) to (9) of this Regulation shall continue to apply to the officials referred to in this Article and their entitled beneficiaries.

Article 6

This Regulation shall enter into force on the day following its publication in the *Official Journal of the European Communities*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 12 December 1985.

For the Council

The President

R. GOEBBELS

¹ OJ L 56, 4.3.1968, p. 1.

COUNCIL REGULATION (EURATOM, ECSC, EEC) No 2274/87

of 23 July 1987

**introducing special measures to terminate the service of temporary staff of
the European Communities**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing a Single Council and a Single Commission of the European Communities, and in particular Article 24 thereof,

Having regard to the proposal from the Commission, made after consulting the Staff Regulations Committee,

Having regard to the opinion of the European Parliament,¹

Having regard to the opinion of the Court of Justice,

Whereas, by Regulation (ECSC, EEC, Euratom) No 3518/85,² the Council adopted special measures as a result of the accession of Spain and Portugal to terminate the service of officials of the European Communities;

Whereas, although the seniority requirement for eligible officials was set in principle at a minimum of 10 years, that minimum was lowered in the case of officials of the Court of Auditors to allow for the particular situation of that institution, namely the fact that it was set up more recently;

Whereas, as a result of the accession of Spain and Portugal, it is also necessary to adopt similar measures for temporary staff with contracts of indefinite duration, by means of a Regulation couched as far as possible in similar terms;

Whereas the purpose of these measures is to enable preference to be given to Spanish and Portuguese nationals when the posts thus released are filled;

Whereas it is clear that temporary staff carrying out their duties under the conditions specified in Article 2(c) of the conditions of employment of other servants, and in particular those working for the political groups in the European Parliament, would not be eligible for termination of service in order to enable Spanish and Portuguese nationals to be recruited in sufficient numbers and with normal career prospects if the age-limit were set at 55 as was the case for officials and for temporary staff within the meaning of Article 2(a) and (d) of the conditions of employment;

Whereas, in the interests of the institutions and to take account of the particular situation of the European Parliament, a sufficient number of Spanish and Portuguese nationals should be recruited to fill, with normal career prospects, the posts referred to in

Article 2(c); whereas the minimum age for termination of service of staff in that category should therefore be lowered to 50;

Whereas, moreover, in the case of certain officials in the scientific and technical services, Regulation (ECSC, EEC, Euratom) No 1679/85³ introducing special and temporary measures to terminate the service of such officials stipulated, in order to achieve the desired ends, an age limit of 50 for officials in Grade A 3 or A 4 as opposed to 55 for the other grades,

HAS ADOPTED THIS REGULATION:

Article 1

In the interests of the service, and in order to meet requirements resulting from the accession of Spain and Portugal to the European Communities, certain institutions within the meaning of Article 1 of the Staff Regulations of officials of the European Communities fixed by Regulation (EEC, Euratom, ECSC) No 259/68⁴ are authorized until 31 December 1990 to adopt measures terminating the service of temporary staff within the meaning of Article 2(a), (c) and (d) of the conditions of employment of other servants of the European Communities under the conditions specified below. The temporary staff in question, who hold a contract of indefinite duration, must have a total of at least 15 years' service and be aged at least 50 in the case of temporary staff within the meaning of Article 2(c) of the conditions of employment and at least 55 in the case of temporary staff within the meaning of Article 2(a) and (d) of the conditions of employment.

Article 2

The numbers of temporary staff in respect of whom the measures referred to in Article 1 may be taken shall be 15 in the case of the European Parliament and 150 in the case of the Commission. These numbers shall be spread over the years of application of this Regulation as follows:

	European Parliament	Commission
1987	0	32
1988	3	32
1989	6	36
1990	6	50

¹ OJ C 7, 12.1.1987, p. 299.

² OJ L 335, 13.12.1985, p. 56.

³ OJ L 162, 21.6.1985, p. 1.

⁴ OJ L 56, 4.3.1968, p. 1.

Article 3

Having due regard to the interests of the service, the institution shall select, within the limits laid down in Article 2 and after consulting the Joint Committee, from temporary staff requesting the application of measures terminating their service under Article 1, those to whom such measures shall be applied. To this end it shall take into consideration their age, ability, efficiency, conduct in the service, family situation and seniority.

Article 4

1. A former member of the temporary staff affected by the measure provided for in Article 1 shall be entitled to a monthly allowance equal to 70% of the basic salary for the grade and step held at the time of departure, determined by reference to the table set out in Article 66 of the Staff Regulations in force on the first day of the month for which the allowance is payable.

2. Entitlement to the allowance shall cease not later than the last day of the month in which the former member of the temporary staff attains the age of 65 and in any event as soon as he becomes eligible for the maximum retirement pension.

At that point the former member of the temporary staff shall automatically receive a retirement pension calculated in accordance with Articles 39 and 40 of the conditions of employment, which shall take effect on the first day of the calendar month following the month in which the allowance was paid for the last time.

3. The allowance provided for in paragraph 1 shall be adjusted by the weighting fixed for the country in which the recipient proves that he is resident.

If the recipient of the allowance resides in a country for which no weighting has been fixed, the weighting to be applied to the allowance shall be equal to 100.

The allowance shall be expressed in Belgian francs. It shall be paid in the currency of the country of residence of the recipient. However, if it is subject to the weighting of 100 under the second subparagraph, it shall be paid in Belgian francs.

Allowances paid in a currency other than the Belgian franc shall be calculated on the basis of the exchange rates specified in the second subparagraph of Article 63 of the Staff Regulations.

4. Gross income accruing to the former member of the temporary staff from any new employment shall be deducted from the allowance provided in paragraph 1, in so far as that income plus that allowance exceeds the total gross remuneration last received by him, determined by reference to the salary scales in force on the first day of the month for which the allowance is payable. That remuneration shall be weighted as provided for in paragraph 3.

Gross income and total gross remuneration last received, as referred to above, mean sums paid after deduction of social security contributions but before deduction of tax.

The former member of the temporary staff shall provide any written proof which may be required and shall notify the institution of any factor which may affect his right to the allowance.

5. Under the conditions set out in Article 67 of the Staff Regulations and Articles 1, 2 and 3 of Annex VII to the Staff Regulations, family allowances shall be payable either to the recipient of the allowance provided for in paragraph 1 or to the person or persons to whom custody of the child or children has been entrusted by law or by an order of court or of the competent administrative authority; the household allowance shall be calculated by reference to that allowance.

6. Recipients of the allowance shall be entitled, in respect of themselves and persons covered by their insurance, to benefit under the sickness insurance scheme provided for in Article 72 of the Staff Regulations, provided they pay the relevant contribution, calculated on the basis of the allowance provided for in paragraph 1, and are not covered by another sickness insurance by virtue of legal or statutory provisions.

7. During the period for which he is entitled to receive the allowance, the former member of the temporary staff shall continue to acquire further rights to retirement pension based on the salary attaching to his grade and step, provided that the contribution provided for in the Staff Regulations by reference to that salary is paid during that period and provided that the total pension does not exceed the maximum specified in Title II, Chapter 6 of the conditions of employment. For the purposes of Article 5 of Annex VIII to the Staff Regulations, such period shall be considered to be a period of service.

8. Subject to Articles 1(1) and 22 of Annex VIII to the Staff Regulations, the surviving spouse of a former member of the temporary staff who dies while in receipt of the monthly allowance provided for in paragraph 1 shall be entitled, provided that he or she has been his or her spouse for at least one year when the former member of the temporary staff left the service of an institution, to a survivor's pension equal to 60% of the retirement pension which, irrespective of length of service or age, would have been payable to the former member of the temporary staff if he had qualified for it at the time of death.

The amount of the survivor's pension referred to in the previous subparagraph shall not be less than the amounts specified in Title II, Chapter 6 of the conditions of employment. However, in no case may it exceed the amount of the retirement pension to which the former member of the temporary staff would have been entitled had he survived and been granted a retirement pension when he ceased to be eligible for the allowance referred to above.

The duration of the marriage referred to in the first subparagraph shall not be taken into account if there are one or more children of a marriage contracted by the member before he or she left the service, provided that the surviving spouse maintains or has maintained those children.

The same shall apply if the death of the former member of the temporary staff resulted from one of the circumstances referred to at the end of the second paragraph of Article 17 of Annex VIII to the Staff Regulations.

9. On the death of a former member of the temporary staff in receipt of the allowance provided for

in paragraph 1, dependent children within the meaning of Article 2 of Annex VII to the Staff Regulations shall be entitled to an orphan's pension under the conditions set out in Title II, Chapter 6 of the conditions of employment and in Article 21 of Annex VIII to the Staff Regulations.

Article 5

This Regulation shall enter into force on the day following its publication in the *Official Journal of the European Communities*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 23 July 1987.

For the Council

The President

K. E. TYGESEN

COUNCIL REGULATION (EURATOM, ECSC, EEC) No 3018/87

of 5 October 1987

**introducing special transitional measures for the recruitment of overseas staff
of the European Association for Cooperation as officials of the European
Communities**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing a Single Council and a Single Commission of the European Communities, and in particular Article 24 thereof,

Having regard to the proposal from the Commission,¹ submitted after consulting the Staff Regulations Committee,

Having regard to the opinion of the European Parliament,²

Having regard to the opinion of the Court of Justice,

Whereas staff of the European Association for Cooperation serving in the ACP States carry out a representative function for the Commission which has increased in the course of time and is now on a scale which justifies appointing them officials;

Whereas the entry into force of this Regulation does not affect the special temporary measures adopted by Regulation (ECSC, EEC, Euratom) No 3517/85³ for the recruitment of Spanish and Portuguese nationals as officials of the European Communities;

Whereas it is for the Council, acting by a qualified majority on a proposal from the Commission and after consulting the other institutions concerned, to amend the Staff Regulations of Officials of the European Communities laid down by Regulation (EEC, Euratom, ECSC) No 259/68⁴ as last amended by Regulation (Euratom, ECSC, EEC) No 793/87,⁵

HAS ADOPTED THIS REGULATION:

Article 1

Staff members holding a contract of employment as delegate, adviser or attaché with the European Association for Cooperation on 1 January 1988 and still under contract on the date this Regulation comes

into force may be appointed officials of the Commission of the European Communities and assigned to one of the posts earmarked for this purpose in the Commission's establishment plan for 1988.

Probationer staff members holding a contract of employment may be appointed probationer officials.

Article 2

The staff members referred to in Article 1 shall be appointed, by way of derogation from the second and third subparagraphs of Article 4, Article 28(a), Article 28(d) and Article 29 of the Staff Regulations of officials of the European Communities, and, in the case of those referred to in the first subparagraph of Article 1, by way of derogation also from Article 34 of the Staff Regulations, following an opinion from an *ad hoc* committee set up by the appointing authority to examine their qualifications and ability.

Article 3

Officials appointed under this Regulation shall be appointed, if necessary by way of derogation from Articles 31 and 32 of the Staff Regulations of officials of the European Communities, to the category, grade and step whose basic salary corresponds to the basic salary received from the Association. Grading shall be determined by the appointing authority on the following basis: Grades I, II and III of the Association shall correspond to category A under the Staff Regulations and Grades IV and V of the Association shall correspond to category B under the Staff Regulations.

Seniority in grade shall be reckoned from the date of appointment as an official.

Seniority in step shall be that acquired with the Association.

Article 4

This Regulation shall enter into force on the day following its publication in the *Official Journal of the European Communities*.

¹ OJ C 74, 3.4.1986, p. 15.

² OJ C 255, 13.10.1986, p. 245.

³ OJ L 335, 13.12.1985, p. 55.

⁴ OJ L 56, 4.3.1968, p. 1.

⁵ OJ L 79, 21.3.1987, p. 1.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Luxembourg, 5 October 1987.

For the Council
The President
N. WILHELM

COMMISSION REGULATION (ECSC, EEC, EURATOM) No 91/88

of 13 January 1988

laying down provisions for implementing Article 28a(2) of the conditions of employment of other servants

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the conditions of employment of other servants of the European Communities, laid down by Council Regulation (EEC, Euratom, ECSC) No 259/68,¹ as last amended by Regulation (ECSC, EEC, Euratom) No 3580/85² and in particular Article 28a thereof,

Having regard to the opinion of the Committee of experts set up by paragraph 2 of that Article,

Whereas Article 28a of the conditions of employment of other servants of the European Communities lays down the conditions for granting an unemployment allowance to a former member of the temporary staff who is unemployed when his service with an institution of the European Communities has been terminated;

Whereas it is for the Commission to lay down such provisions as it deems necessary for applying paragraph 2 of that Article;

Whereas steps must be taken to ensure that former members of the temporary staff fulfil the obligations laid down by the law applied by the competent authorities in their place of residence, in the same way as if they were in receipt of unemployment benefit under that law,

HAS ADOPTED THIS REGULATION:

Article 1

To qualify for the unemployment allowance provided for in Article 28a of the conditions of employment of other servants of the European Communities, a former member of the temporary staff who satisfies the conditions laid down in the first paragraph of that Article shall be required to complete the following formalities:

1. He shall forward a certificate to the Community institution to which he belonged within eight days of the date of termination of his service with that institution, stating:

- (a) that he is unemployed following termination of his service;
- (b) that he is resident or is establishing his residence in the territory, of a Member State of the Communities;
- (c) his address at his place of residence;

2. (a) He shall register as seeking employment with the competent employment authorities in his place of residence, as soon as possible and no later than 30 days following the termination of his service with a Community institution;

(b) If unemployment benefit is payable under national legislation, he shall apply for it to the appropriate authorities in his place of residence;

3. When registering as indicated at 2(a) above, he shall submit a certificate sent to him by the Community institution to which he belonged to the employment authorities who shall, if possible, complete it immediately, or at least complete the column certifying that the person concerned has registered as seeking employment. A specimen form is annexed to this Regulation;

4. He shall forward the certificate forthwith to the Community institution to which he belonged;

5. He shall comply with the obligations and checks laid down by the legislation which the competent authorities in his place of residence apply to persons seeking employment and, where applicable, to persons applying for unemployment benefit;

6. (a) Starting from the second calendar month following registration under 2 above, he shall, at the beginning of each month, present a form to the authorities with responsibility for employment, and, where applicable, the unemployment authorities in his place of residence, who shall certify by this means, as soon as possible:

- whether he is registered as seeking employment and has applied for unemployment benefit in accordance with the national legislation of his place of residence,
- whether he has fulfilled the obligations referred to at 5 above,
- whether he is entitled to unemployment benefit and, if so, the amount of this benefit and the period for which it is to be paid;

(b) He shall forward the form or forms duly completed to the Community institution to which he belonged within 15 days from the date of their issue.

Article 2

The former member of the temporary staff shall immediately inform the institution to which he be-

¹ OJ L 56, 4.3.1968, p. 1.

² OJ L 343, 20.12.1985, p. 1.

longed of any change in his situation or that of the members of his family which have a bearing on the application of the provisions of Article 28a of the conditions of employment. The institution shall transmit this information to the Commission forthwith.

Article 3

In order for entitlement to the allowance provided for in Article 28a of the abovementioned conditions of employment, the former member of the temporary staff shall continue to be subject to the obligations and checks laid down for persons in receipt of benefit even if he has forfeited entitlement to national unemployment benefits under the relevant national legislation. Accordingly, the competent authorities in his place of residence shall continue to impose those obligations and carry out checks.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 13 January 1988.

Article 4

Should the former member of the temporary staff, having completed the formalities referred to at Article 1 above in one Member State, establish his residence in another Member State during the period for which the unemployment allowance provided for in Article 28a(4) of the abovementioned conditions of employment is granted, he shall on each occasion register as seeking employment in his new country of residence within 30 days and complete all the other formalities listed in Article 1.

Article 5

This Regulation shall enter into force on the 20th day following its publication in the *Official Journal of the European Communities*.

For the Commission

Henning CHRISTOPHERSEN

Vice-President

ANNEX

EUROPEAN COMMUNITIES

FORM
EC - FTS¹

CERTIFICATE CONCERNING THE REGISTRATION AS A PERSON SEEKING EMPLOYMENT AND CONCERNING THE RIGHT TO UNEMPLOYMENT BENEFITS OF A FORMER MEMBER OF THE TEMPORARY STAFF OF THE EUROPEAN COMMUNITIES

(Council Regulation (ECSC, EEC, Euratom) No 2799/85, Article 33)

1. Institution of the European Communities to which the form is addressed

1.1. Name:

1.2. Address:

.....

2. Information concerning the former member of the temporary staff

2.1. Surname:

2.2. Maiden name:

2.3. Fornames:

2.4. Date of birth:

2.5. Residence:

.....

2.6. Personnel number or file reference number:

Section A - Registration and checks

3. This is to certify that the above named person:
- 3.1. registered as a person seeking employment on
with the employment services of
- 3.2. was registered as seeking employment from to
- 3.3. did not subject himself/herself to the obligations under national legislation from
to because

4. National institution issuing this certificate (Section A)

4.1. Name:

4.2. Address:

4.3. Stamp:

(date)

(signature)

¹ EC = European Communities.
FTS = Former member of the temporary staff.

Section B – Claim for unemployment benefit

5. This is to certify that:

- 5.1. the person referred to in Box 2 submitted a claim for unemployment benefit on
- 5.2. the claim is currently being examined
- 5.3. no claim has been made

6. The person referred to in Box 2:

- 6.1. is not entitled to unemployment benefit because:
- 6.2. has not registered as a person seeking employment
- 6.3. has not subjected himself/herself to the obligations under national legislation
- 6.4. does not satisfy the conditions for payment of unemployment benefit
- 6.5. (other reasons; please specify)

7. The person referred to in Box 2

- 7.1. is entitled to unemployment benefit
- 7.2. from (date)
- 7.3. gross daily amount
- 7.4. gross weekly amount
- 7.5. gross monthly amount
- 7.6. for days
- 7.7. until
- 7.8. amount of benefit paid for the month in question

8. Payment of unemployment benefit was

- 8.1. suspended from to
- 8.2. withdrawn
- 8.3. because

9. National institution issuing this certificate (Section B)

9.1. Name:

9.2. Address:

9.3. Stamp:

.....
(date)

.....
(signature)

INSTRUCTIONS

(Please complete this form in block letters, writing on the dotted lines only)

A. Instructions for the administrative services of the European Communities

1. The appropriate department of the institution of the European Communities for which the former member of the temporary staff worked should complete Boxes 1 and 2.
2. It should give five copies of the completed form to the former member of the temporary staff.

B. Instructions for the national administrative services

1. When the person concerned is registered as a person seeking employment, the competent national institution should at least complete Section 3.1, Box 4 and Section 5 of this form, which the former member of the temporary staff should present to it. He should then send it thus completed to the European Communities institution shown in Box 1.
2. Next, the national institution should at monthly intervals fill in the other appropriate sections, in addition to Section 3.1, Box 4 and Section 5 referred to above.

C. Instructions for the former member of the temporary staff

In order to receive the unemployment benefits provided for in Article 33 of Council Regulation (ECSC, EEC, Euratom) No 2799/85,

you should,

1. **before the 31st day** following the end of your employment as a member of the temporary staff, register as a person looking for work with the employment office of the Member State where you take up residence (or domicile);
Note: These offices are shown in a list prepared and updated by the Commission which will be provided by the institution to which you belonged,
 2. comply with the obligations regarding unemployment laid down by the legislation of the Member State in which you register as a person looking for work;
 3. present a copy of this form to the national employment office when you register as a person looking for work and subsequently once a month in order to have it filled in (see B above);
 4. send the completed form to the institution shown in Box 1.
-

COUNCIL REGULATION (ECSC, EEC, EURATOM) No 2175/88

of 18 July 1988

laying down the weightings applicable in third countries

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing a Single Council and a Single Commission of the European Communities,

Having regard to the Staff Regulations of officials and the conditions of employment of other servants of the European Communities laid down by Regulation (EEC, Euratom, ECSC) No 259/68,¹ as last amended by Regulation (Euratom, ECSC, EEC) No 3784/87,² and in particular Article 13 of Annex X thereto,

Having regard to the proposal from the Commission,

Whereas following the adoption of Council Regulation (Euratom, ECSC, EEC) No 3019/87 of 5 October 1987 laying down special and exceptional provisions applicable to officials of the European Communities serving in a third country,³ it is appropriate to lay down the weightings referred to in Articles 12 and 13 of Annex X to the Staff Regulations applicable to the proportion of remuneration payable in the currency of the country of employment at the official's request;

Whereas these weightings, designed to ensure as far as possible that officials enjoy equivalent purchasing power, irrespective of their place of employment, deal solely with the situation of officials serving in third countries to whom Annex X to the Staff Regulations applies;

Whereas the adoption of these weightings calls for the repeal of previous rules laying down the weightings applicable in third countries to remunerations, pensions, allowances under Article 50 of the Staff Regulations and Regulations (ECSC, EEC, Euratom) No 2150/82,⁴ (ECSC, EEC, Euratom) No 1679/85,⁵ (ECSC, EEC, Euratom) No 3518/85⁶ and (Euratom, ECSC, EEC) No 2274/87,⁷ and to family allowances payable to officials and former officials in respect of dependent children;

Whereas, principally because of the new provisions governing the weightings which apply specifically and exclusively to the remuneration of staff serving in third countries in so far as they are payable in local currency, these weightings, which are applied by way of derogation, cannot apply to the pecuniary

rights of persons living in third countries who are not in active employment;

Whereas provisions should be made for transitional measures to ensure that the amounts payable to such persons prior to the entry into force of this Regulation are not reduced in the future,

HAS ADOPTED THIS REGULATION:

Article 1

1. For the purposes of Article 13 of Annex X to the Staff Regulations the weightings to be applied to remuneration paid in the currency of the country of employment shall be as laid down in the Annex hereto.

2. The exchange rates for the payment of such remuneration shall be those used for implementation of the budget of the European Communities during the month preceding the date of implementation of this Regulation.

Article 2

The provisions of Articles 5 and 14 of Regulation (Euratom, ECSC, EEC) No 3784/87 in so far as they concern the weightings applicable in third countries are hereby repealed.

Article 3

In accordance with the third subparagraph of Article 82(1) of the Staff Regulations, the weighting to be applied to a pension where the recipient has established his residence in a third country shall be 100.

Article 4

In accordance with the seventh subparagraph of Article 41(3) and Article 50 of the Staff Regulations, the weightings applicable to an allowance payable to a former official who has been retired and who has established his residence in a third country shall be 100.

Article 5

In accordance with the second subparagraph of Article 2(3) of Regulation (ECSC, EEC, Euratom) No 2150/82, the weighting applicable to the allowance payable to a former official whose service has been terminated under that Regulation and who has established his residence in a third country shall be 100.

Article 6

In accordance with the second subparagraph of Article 3(3) of Regulation (ECSC, EEC, Euratom) No 1679/85, the weighting applicable to the allowance

¹ OJ L 56, 4.3.1968, p. 1.

² OJ L 356, 18.12.1987, p. 1.

³ OJ L 286, 9.10.1987, p. 3.

⁴ OJ L 228, 4.8.1982, p. 1.

⁵ OJ L 162, 21.6.1985, p. 1.

⁶ OJ L 335, 13.12.1985, p. 56.

⁷ OJ L 209, 31.7.1987, p. 1.

payable to a former official whose service has been terminated under that Regulation and who has established his residence in a third country shall be 100.

Article 7

In accordance with the second subparagraph of Article 4(3) of Regulation (ECSC, EEC, Euratom) No 3518/85, the weighting applicable to the allowance payable to a former official whose service has been terminated under that Regulation and who has established his residence in a third country shall be 100.

Article 8

In accordance with the second subparagraph of Article 4(3) of Regulation (ECSC, EEC, Euratom) No 2274/87, the weighting applicable to the allowance payable to a former member of the temporary staff whose service has been terminated under that Regulation and who has established his residence in a third country shall be 100.

Article 9

The weighting applicable to family allowances paid to a person other than the official, member of the temporary staff, former official or former member of the temporary staff under the Staff Regulations, the conditions of employment of other servants, or the Regulations referred to in Articles 5 to 8, where that person has established his residence in a third country, shall be 100.

Article 10

1. If the adoption of this Regulation results in the reduction of pecuniary rights, a compensatory allowance equal to the difference between the net amount received prior to the date of entry into force of this

Regulation and the net amount due on that date shall be paid each month to:

- the person entitled on that date to a pension under Annex VIII to the Staff Regulations,
- the person entitled on that date to one of the allowances referred to in Articles 4 to 8,
- the person to whom the family allowances referred to in Article 9 and payable on that date as long as that person retains entitlement to such allowances.

2. A person entitled to one of the allowances referred to in Articles 4 to 8 shall continue to benefit from the compensatory allowance referred to in paragraph 1 when he qualifies for a pension. The allowance shall then be adjusted in proportion to the pension.

3. In the event of the death of a person entitled to a compensatory allowance provided for under paragraph 1, the allowance shall be payable to those entitled under him in proportion to the pension.

4. The allowances provided for under paragraph 1 may be adjusted in the light of changes in the pecuniary rights of the beneficiaries.

5. This Article shall remain applicable for as long as the person entitled retains his residence in a third country.

6. This Article shall apply by analogy to members of the temporary staff.

Article 11

This Regulation shall enter into force on the day following its publication in the *Official Journal of the European Communities*.

It shall apply with effect from 10 October 1987.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 18 July 1988.

For the Council

The President

Y. POTTAKIS

COUNCIL REGULATION (EEC) No 1857/89

of 21 June 1989

introducing special and temporary measures to terminate the service of officials of the European Communities

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing a Single Council and a Single Commission of the European Communities, and in particular Article 24 thereof,

Having regard to the proposal from the Commission, made after consulting the Staff Regulations Committee,

Having regard to the opinion of the European Parliament,¹

Having regard to the opinion of the Court of Justice,

Whereas performance of future activities and the specific research programmes of the Joint Research Centre call for a radical restructuring of the centre designed to ensure that it has adequate skills at its disposal;

Whereas this restructuring must be carried out with no increase in staffing and the number of retirements is far from sufficient to allow the recruitments needed to attain the centre's new objectives;

Whereas in order to ensure that the restructuring and the attainment of these new objectives are not impeded by inadequate staff skills, special termination-of-service measures must be adopted;

Whereas these special measures could prove ineffective if in every case their application required the prior agreement of the officials concerned; whereas, since they are dictated by the interests of the service, it must be possible for such measures to be mandatory and not subject to such agreement in the case of category A officials, whose administrative and advisory duties are of particular importance for the implementation of research programmes;

Whereas in the limited number of cases where such mandatory measures are necessary, the situation of the officials likely to be concerned should be examined in detail before implementation of the prescribed procedures,

HAS ADOPTED THIS REGULATION:

Article 1

1. In the interests of the service, the Commission is authorized until 28 February 1990 to adopt, within the meaning of Article 47 of the Staff Regulations of the European Communities, hereinafter referred to as the 'Staff Regulations', and on the conditions set out in this Regulation, measures terminating the service of officials in active employment or on secondment, in grades other than A 1

and A 2, who are aged at least 50, have completed at least 15 years' service, are paid from research and investment appropriations and are included in the establishment plan of the Joint Research Centre.

2. The number of officials in all categories to whom these measures may be applied shall not exceed 100.

Article 2

1. After consulting the Joint Committee, which shall give a hearing to any official who so requests, the Commission shall draw up the list of officials affected by the measures referred to in Article 1.

When drawing up this list, the Commission shall take into consideration:

- by way of priority and if the interests of the service so permit, the officials who have requested the application of such measures,
- in all cases, age, competence, performance, conduct within the service, the family situation and the seniority of the officials as well as, where appropriate, the irksome nature of certain tasks linked to the duties carried out.

2. However, the Commission shall grant any requests for termination of service under this Regulation from officials aged 60 and over.

3. In the case of officials who have not requested application of the measures provided for in Article 1, only officials in category A may be included on the list referred to in paragraph 1 of this Article.

4. The measures provided for in Article 1 and in paragraph 1 of this Article shall in no way be disciplinary in nature.

Article 3

1. A former official affected by the measure provided for in Article 1 shall be entitled to a monthly allowance equal to 70% of the basic salary for the grade and step held at the time of departure, determined by reference to the table set out in Article 66 of the Staff Regulations in force on the first day of the month for which the allowance is payable.

2. Entitlement to the allowance shall cease not later than the last day of the month in which the former official attains the age of 65 and in any event as soon as the former official is eligible for the maximum retirement pension.

At that point the former official shall automatically receive a retirement pension, which shall take effect

¹ OJ C 158, 26.6.1989.

on the first day of the calendar month following the month in which the allowance was paid for the last time.

3. The allowance provided for in paragraph 1 shall be weighted at the rate fixed in accordance with the second subparagraph of Article 82(1) of the Staff Regulations for the country situated inside or outside the Community where the recipient proves he has his residence.

If the recipient of the allowance establishes his residence in a country outside the Community, the weighting of 100 shall be applied.

The allowance shall be expressed in Belgian francs. It shall be paid in the currency of the country of residence of the recipient. However, if it is subject to the weighting of 100 under the second subparagraph, it shall be paid in Belgian francs.

Allowances paid in a currency other than the Belgian franc shall be calculated on the basis of the exchange rates specified in the second paragraph of Article 63 of the Staff Regulations.

4. Gross income accruing to the former official from any new employment shall be deducted from the allowance provided for in paragraph 1, in so far as that income plus that allowance exceeds the total gross remuneration last received by the official, determined by reference to the salary scales in force on the first day of the month for which the allowance is payable. That remuneration shall be weighted as provided for in paragraph 3.

Gross income and total gross remuneration last received, as referred to above, mean sums paid after deduction of social security contributions but before deduction of tax.

The former official concerned shall provide the written proof required by the Commission when the annual return of gross income accruing to him from any new employment is requested and shall in the interval between annual requests notify the institution of any factor which may affect his right to the allowance.

5. Under the conditions referred to in Article 67 of the Staff Regulations and Articles 1, 2 and 3 of Annex VII to the Staff Regulations, family allowances shall be payable either to the recipient of the allowances provided for in paragraph 1 or in his name and on his behalf to the person or persons to whom custody of the child or children has been entrusted by law or by an order of court or of the competent administrative authority; the household allowance shall be calculated by reference to that allowance.

6. Recipients of the allowance shall be entitled, in respect of themselves and persons covered by their insurance, to benefit under the sickness insurance scheme provided for in Article 72 of the Staff Regulations provided they pay the relevant contribution calculated on the basis of the allowance provided

for in paragraph 1 and are not covered by another sickness insurance by virtue of legal or statutory provisions.

7. During the period for which he is entitled to receive the allowance, the former official shall continue to acquire further rights to retirement pension based on the salary attaching to his grade and step, provided that the contribution provided for in the Staff Regulations by reference to that salary is paid during that period and provided that the total pension does not exceed the maximum specified in the second paragraph of Article 77 of the Staff Regulations. For the purposes of Article 5 of Annex VIII to the Staff Regulations and Article 108 of the former Rules and Regulations of the European Coal and Steel Community, such period shall be considered to be a period of service.

8. Subject to Articles 1(1) and 22 of Annex VIII to the Staff Regulations, the surviving spouse of a former official who dies while in receipt of the monthly allowance provided for in paragraph 1 shall be entitled, provided that he or she had been his or her spouse for at least one year when the former official left the service of the Commission, to a survivor's pension equal to 60% of the retirement pension which, irrespective of length of service or age, would have been payable to the former official if he had qualified for it at the time of death.

The amount of the survivor's pension referred to in the previous subparagraph shall not be less than the amounts specified in the second paragraph of Article 79 of the Staff Regulations. However, in no case may it exceed the amount of the retirement pension to which the former official would have been entitled had he survived and been granted a retirement pension when he ceased to be eligible for the allowance referred to above.

The duration of the marriage referred to in the first subparagraph shall not be taken into account if there are one or more children of a marriage contracted by the official before he or she left the service, provided that the surviving spouse maintains or has maintained those children.

The same shall apply if the former official's death resulted from one of the circumstances referred to at the end of the second paragraph of Article 17 of Annex VIII to the Staff Regulations.

9. On the death of the former official in receipt of the allowance provided for in paragraph 1, dependent children within the meaning of Article 2 of Annex VII to the Staff Regulations shall be entitled to an orphan's pension under the conditions set out in the first, second and third paragraphs of Article 80 of the Staff Regulations and in Article 21 of Annex VIII to the Staff Regulations.

10. For the purposes of Article 107 of the Staff Regulations and of Article 102(2) of the Staff Regulations of officials of the European Coal and Steel

Community, an official affected by the measure provided for in Article 1 shall be treated as an official who has remained in service until the age of 65 provided he continues to pay the contribution during the period of receipt of the allowance referred to in paragraph 1 of this Article.

Article 4

This Regulation shall enter into force on the day following its publication in the *Official Journal of the European Communities*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Luxembourg, 21 June 1989.

For the Council

The President

C. ARANZADI

The Commission has the honour to acknowledge the receipt of your letter of 14 October 1977 concerning the application of the Rules applicable to officials and other servants of the European Communities drawn up by agreement between the institutions.

IV

**Rules applicable to officials and other servants of the
European Communities drawn up by agreement
between the institutions**

CONTENTS

	<i>page</i>
List of statutory public holidays of officials of the European Communities.	173
Procedure for appointing members of the Staff Regulations Committee.....	174
Rules laying down conditions for the reimbursement of travel expenses in respect of missions carried out under particularly tiring conditions	175
Rules on sickness insurance for officials of the European Communities.....	176
Rules on the insurance of officials of the European Communities against the risk of accident and of occupational disease	194
Rules laying down the procedure for the transfer of part of an official's emoluments	203
Rules determining the list of organizations devoted to furthering the Communities' interests referred to in the second indent of Article 37(1)(b) of the Staff Regulations of officials of the European Communities.....	205
Rules laying down the detailed arrangements for applying the provisions relating to the grant of the unemployment allowance to members of the temporary staff pursuant to Article 28a(10) of the conditions of employment of other servants	206
Rules for giving effect to Articles 2 to 6 of Council Regulation (EEC, Euratom, ECSC) No 3947/92 of 21 December 1992 amending the Staff Regulations of officials and the conditions of employment of other servants of the European Communities.....	209

**LIST OF STATUTORY PUBLIC HOLIDAYS OF OFFICIALS OF THE
EUROPEAN COMMUNITIES**

THE INSTITUTION,¹

Having regard to Regulation No 11 (Euratom), No 31 (EEC) of the Councils laying down the Staff Regulations of officials and the conditions of employment of other servants of the European Atomic Energy Community and the European Economic Community,² and the Committee of Presidents of the European Coal and Steel Community laying down the Staff Regulations of officials and the conditions of employment of other servants of the Community and in particular Article 61 of these Staff Regulations,

Having regard to the opinion of the Provisional Staff Regulations Committee,

Having regard to the consensus of the institutions of the European Communities,

HAS ADOPTED THIS REGULATION:

Article 1

1. The following shall be public holidays:

New Year's Day 1 January

Easter Monday

Labour Day 1 May

The anniversary of the declaration made by President Robert Schuman in 1950 9 May

Ascension

Whit Monday

Assumption 15 August

All Saints' Day 1 November

All Souls' Day 2 November

Christmas Day 25 December

and the national holidays of the countries in which officials are employed.

2. The following may be public holidays:

Good Friday

Easter Saturday

Christmas Eve 24 December

Boxing Day 26 December

The afternoon of New Year's Eve ... 31 December.

3. By special decision the institution may derogate from the rules laid down in paragraphs 1 and 2.

Article 2

These provisions shall take effect on 1 October 1966.

¹ Each institution of the Communities has adopted for itself the following rules.

² OJ 45, 14.6.1962, p. 1385/62.

**PROCEDURE FOR APPOINTING MEMBERS OF THE STAFF
REGULATIONS COMMITTEE**

THE INSTITUTION,¹

Having regard to the Staff Regulations of officials of the European Communities, and in particular Article 10 thereof,

Having regard to the common accord of the institutions of the European Communities,

HAS DECIDED:

Article 1

1. The Staff Regulations Committee, provided for in Article 10 of the Staff Regulations and hereinafter called the Committee, shall consist of 18 members, namely,

- one member nominated by the European Parliament,
- one member nominated by the Council,
- four members nominated by the Commission,
- one member nominated by the Court of Justice,
- one member nominated by the Economic and Social Committee,
- one member nominated by the Court of Auditors,
- one member nominated by the Staff Committee of the European Parliament,
- one member nominated by the Staff Committee of the Council,
- four members nominated by the Staff Committee of the Commission,

- one member nominated by the Staff Committee of the Court of Justice,
 - one member nominated by the Staff Committee of the Economic and Social Committee,
 - one member nominated by the Staff Committee of the Court of Auditors.
2. Every full member may be represented at a meeting of the Committee by a deputy member. The deputies shall be nominated under the same conditions as the full members.
3. The Committee members may be represented by experts having an advisory capacity.

Article 2

The meeting of the Committee shall be valid if more than half of the full members are present or represented by their deputies.

The Committee shall act by a majority of 10 votes. Minutes of the meetings of the Committee shall be communicated to the appropriate bodies. Each member may request his opinion to be entered in the minutes.

If the meeting of the Committee duly convened is not valid, a second meeting shall be called. This must be done within the normal time except in a case of obvious urgency. If the quorum is not reached at this new meeting, this fact shall be entered in the minutes, which the Chairman of the Committee shall bring to the notice of the appropriate bodies.

Article 3

The Committee shall adopt its rules of procedure.

¹ Each institution of the Communities has adopted for itself the following rules.

RULES

laying down conditions for the reimbursement of travel expenses in respect of missions carried out under particularly tiring conditions

THE INSTITUTION,¹

Having regard to Council Regulation (EEC, Euratom, ECSC) No 259/68 of 29 February 1968 laying down Staff Regulations of officials and the conditions of employment of other servants of the European Communities and instituting special measures temporarily applicable to officials of the Commission² as last amended by Regulation (ECSC, EEC, Euratom) No 558/73,³ and the third subparagraph of Article 12(2) of Annex VII to the Staff Regulations,

Having regard to the opinion of the Staff Regulations Committee,

Having regard to the common agreement of the institutions of the European Communities, recorded by the President of the Court of Justice of the European Communities on 16 July 1974,

Whereas in accordance with the third subparagraph of Article 12(2) of Annex VII to the Staff Regulations, rules laying down conditions for the reimbursement of travel expenses in respect of missions carried out under particularly tiring conditions should be laid down,

HAS ADOPTED THE FOLLOWING RULES:

Article 1

Officials may, subject to the conditions defined below, be authorized by the appointing authority to travel luxury class or first class by air when travelling on mission under particularly tiring conditions.

Article 2

Flights of at least nine hours' duration, including intermediate stops, the actual flying time being at least seven hours, shall be considered to be journeys made under particularly tiring conditions.

The duration of the flight and of the flying time shall be calculated on the basis of official timetables, from the hour of departure until that of arrival of the aircraft making the flight.

The following, which do not satisfy the requirements set out in the first and second paragraphs, may also be considered as travel under particularly tiring conditions:

- (a) travel by an official suffering from a physical handicap giving rise to particular difficulties in the case of air travel, attested by the institution's medical officer;
- (b) travel to a destination outside Europe where the official has to visit several places or to undertake a series of missions of a repetitive nature, the total flying time being at least 12 hours in any one period of 72 hours;
- (c) travel outside Europe where the official is entrusted by his institution for entertainment obligations;
- (d) in exceptional circumstances, and by explicit decision of the appointing authority, travel to a destination within Europe involving entertainment obligations or carried out under particularly arduous conditions.

Article 3

The application for authorization to travel luxury class or first class must, save in exceptional circumstances, be made by the official before travel documents are made out.

The appointing authority shall decide whether to reimburse the cost of luxury class or first-class travel on production of tickets.

Reimbursement of the cost of luxury class or first-class travel may be authorized by way of exception where, for reasons beyond the official's control, it has not been possible to obtain a flight ticket in the class immediately below luxury class or first class.

Article 4⁴

This Regulation shall enter into force on 1 August 1974.

¹ Each institution of the Communities has adopted for itself the following rules.

² OJ L 56, 4.3.1968, p. 1.

³ OJ L 55, 28.2.1973, p. 1.

⁴ See the agreement between the institutions of the European Communities of 27 June 1980.

RULES

on sickness insurance for officials of the European Communities

THE INSTITUTION,¹

Having regard to the Staff Regulations of officials and the conditions of employment of other servants of the European Communities, as laid down in Regulation (EEC, Euratom, ECSC) No 259/68² and last amended by Regulation (EEC, Euratom, ECSC) No 3736/90,³ and in particular Article 72 of the Staff Regulations and Article 28 of the conditions of employment,

Having regard to the Rules on sickness insurance for officials of the European Communities, and in particular Article 30 thereof,

Having regard to the opinion of the Staff Regulations Committee,

Having regard to the opinion of the Sickness Insurance Management Committee,

Whereas the present situation of the special non-budgetary account provided for in Article 29(1) of the Rules is such that measures are needed to restore the financial balance in accordance with Article 28(2) of the Rules;

Whereas savings must therefore be made and the contributions paid by the institutions and by members must be increased,

Having regard to the agreement reached between the institutions of the European Communities,¹

HAS ADOPTED THESE RULES:⁴

RULES ON SICKNESS INSURANCE FOR OFFICIALS OF THE EUROPEAN COMMUNITIES

CHAPTER I

GENERAL PROVISIONS

Article 1

Object

A Sickness Insurance Scheme common to the institutions of the European Communities is hereby set up. Within the limits and under the conditions set forth in these Rules and the Annexes thereto the Scheme will guarantee to persons covered by it the reimbursement of expenses incurred as a result of

illness, accident or confinement and the payment of an allowance towards funeral expenses.

The Scheme shall apply to its members and persons covered by their insurance.

Article 2

Members

The following shall be members:

1. Officials of the Communities, without prejudice to the provisions of Article 4(1) to (4) of these Rules;
2. Persons referred to in Article 72(1a), (2) and (2a) of the Staff Regulations, under the conditions set out therein;
3. Former officials to whom Article 41 or Article 50 of the Staff Regulations has been applied, under the conditions set out in Annex IV to the Staff Regulations;
4. Persons entitled to a survivor's pension following the death of one of the persons referred to in point 3, under the conditions laid down in Article 4(5) of these Rules;
5. Former officials whose service has been terminated pursuant to Article 4(1) of Regulation (EEC, Euratom, ECSC) No 259/68 during the period of entitlement to the allowance provided for in Articles 5 and 7 of that Regulation, under the conditions laid down in Article 5(6) of the said Regulation;
6. Former officials whose service has been terminated pursuant to Article 2(1) of Regulation (Euratom, ECSC, EEC) No 2530/72, under the conditions laid down in Article 3(6) of that Regulation;
7. Former officials whose service has been terminated pursuant to Article 2(1) of Regulation (ECSC, EEC, Euratom) No 1543/73, under the conditions laid down in Article 3(6) of that Regulation;
8. Former officials whose service has been terminated pursuant to Article 1(1) of Regulation (ECSC, EEC, Euratom) No 2150/82, under the conditions laid down in Article 2(6) of that Regulation;
9. Temporary staff of the Communities, subject to Article 4(6) and Article 7 of these Rules;
10. Former temporary staff entitled to an invalidity pension, persons entitled to a survivor's pension following the death of a member of the temporary staff and former temporary staff referred to in the third and final subparagraphs

¹ These Rules have been adopted by all the institutions; their agreement was recorded by the President of the Court of Justice on 28 August 1987.

² OJ L 56, 4.3.1968, p. 1.

³ OJ L 360, 22.12.1990, p. 1.

⁴ As amended by general agreement between the institutions recorded by the President of the Court of Justice on 5 December 1990 and 28 November 1991.

- of Article 28 and in Article 28a(5) of the conditions of employment of other servants of the Communities;
11. The President, Vice-Presidents and Members of the Commission of the European Communities, the President, Judges, Advocates-General and Registrar of the Court of Justice of the European Communities, the President, Members and Registrar of the Court of First Instance of the European Communities and the President and Members of the Court of Auditors of the European Communities;
 12. Former Presidents, Vice-Presidents and Members of the High Authority of the European Coal and Steel Community, of the Commissions of the European Economic Community and the European Atomic Energy Community and the Commission of the European Communities, former Presidents, Judges, Advocates-General and Registrars of the Court of Justice of the European Coal and Steel Community and of the European Communities, former Presidents, Members and Registrars of the Court of First Instance of the European Communities and former Presidents and Members of the Court of Auditors of the European Communities entitled to the transitional allowance provided for in the Regulation determining their emoluments, subject to Article 4(7) of these Rules;
 13. Former Presidents, Vice-Presidents and Members of the High Authority of the European Coal and Steel Community, of the Commissions of the European Economic Community and the European Atomic Energy Community, and of the Commission of the European Communities, former Presidents, Judges, Advocates-General and Registrars of the Court of Justice of the European Coal and Steel Community and of the European Communities, former Presidents, Members and Registrars of the Court of First Instance of the European Communities and former Presidents and Members of the Court of Auditors of the European Communities entitled to a retirement or invalidity pension, subject to Article 4(8) of these Rules;
 14. Persons entitled to a survivor's pension following the death of one of the persons referred to under 11, 12 and 13, subject to Article 4(5) of these Rules;
 15. Staff of the European Centre for the Development of Vocational Training and the persons referred to in Article 38(2), (3) and (4) of Regulation (ECSC, EEC, Euratom) No 1859/76, under the conditions laid down therein;
 16. Staff of the European Foundation for the Improvement of Living and Working Conditions and the persons referred to in Article 38(2), (3) and (4) of Regulation (ECSC, EEC, Euratom) No 1860/76, under the conditions laid down therein;
 17. Former officials whose service has been terminated under Article 1(1) of Regulation (ECSC, EEC, Euratom) No 1679/85, under the conditions laid down in Article 3(6) of that Regulation;
 18. Former officials whose service has been terminated under Article 1(1) of Regulation (ECSC, EEC, Euratom) No 3518/85, under the conditions laid down in Article 4(6) of that Regulation;
 19. Former members of the temporary staff whose service has been terminated pursuant to Article 1 of Regulation (Euratom, ECSC, EEC) No 2274/87, under the conditions laid down in Article 4(6) of the said Regulation;
 20. Former officials whose service has been terminated pursuant to Article 1 of Regulation (EEC) No 1857/89, under the conditions laid down in Article 3(6) of the said Regulation.

Article 3

Persons covered by members' insurance

The persons covered by a member's insurance shall be:

1. The spouse, unless he or she is a member of the Scheme, provided that:
 - (i) he or she is not gainfully employed; or
 - (ii) if he or she is gainfully employed or in receipt of income deriving from previous gainful employment, he or she is covered against the same risks by any other legal provisions or rules and his or her annual income from such employment before tax does not exceed the basic annual salary of an official in the first step of Grade C 5, subject to the weighting for the country in which the spouse receives his or her direct or deferred income from gainful employment;
2. Dependent children of the member within the meaning of Article 2 of Annex VII to the Staff Regulations or within the meaning of Article 7 of Annex IV to Regulations (ECSC, EEC, Euratom) No 1859/76 and No 1860/76;
3. Persons treated as dependent children of the member pursuant to Article 2(4) of Annex VII to the Staff Regulations or to Article 7(4) of Annex IV to Regulations (ECSC, EEC, Euratom) No 1859/76 and No 1860/76, provided that such persons cannot obtain cover under any other sickness insurance scheme provided for by law or regulation;
4. The divorced spouse of a member, provided that he or she was insured at the date of the divorce pursuant to the provisions in point 1, a child who ceases to be a member's dependant or a person who ceases to be treated as a dependent child within the meaning of point 3, if he or she can provide evidence that he or she cannot be covered by any other sickness insurance scheme provided for by law or regulation, subject to Article 4(9) of these Rules.

Article 4

Special conditions of cover

1. An official on unpaid secondment under Article 39(e) of the Staff Regulations shall continue to be covered by the Scheme until he is required to resign, provided he pays all the contributions calculated by reference to the updated basic salary carried by his grade and step specified in Article 39(d) of the Staff Regulations.
2. An official on unpaid leave on personal grounds under Article 40 of the Staff Regulations who is not covered by the insurance of another member of the Scheme shall continue to be covered only if he provides evidence that he cannot be covered by any other public scheme of insurance and bears half the cost of the contributions required to cover the risks insured against for the first year of the leave on personal grounds and the full cost during the remainder of such leave; the contributions shall be calculated by reference to the updated basic salary carried by the official's grade and step.
3. An official on leave for military service under Article 42 of the Staff Regulations shall not be covered by the Scheme; however, persons covered by his insurance shall continue to be covered by the Scheme as provided below:
 - (a) in the case referred to in the second subparagraph of Article 42 of the Staff Regulations, without the official having to pay contributions;
 - (b) in the case referred to in the third subparagraph of Article 42 provided the official pays his contribution calculated by reference to the updated basic salary carried by his grade and step.
4. The contribution of an official who forfeits his remuneration under Article 60 or Article 88 of the Staff Regulations shall be calculated by reference to the updated basic salary carried by his grade and step.
5. A person entitled to a survivor's pension following the death of one of the persons referred to in Article 2, points 3, 11, 12 and 13 shall be covered by the Scheme provided he pays his contribution calculated by reference to his basic pension, and cannot obtain cover against the same risks under any other public scheme of sickness insurance.
6. A member of the temporary staff who has been called to serve in the armed forces but whose employment has not been terminated in accordance with Article 48 of the conditions of employment of other servants of the Communities shall not be covered by the Scheme; however, persons covered by his insurance shall continue to be covered by changes in the Scheme provided the staff member pays his contribution, calculated by reference to the updated basic salary carried by his grade and step.
7. The persons referred to in Article 2, point 12, of these Rules shall be covered by the Scheme while they are entitled to the transitional allowance provided for in they Regulation determining their

emoluments, provided the pay their contribution, calculated by reference to their basic allowance, and cannot obtain cover against the same risks under any other public scheme of sickness insurance.

8. The persons referred to in Article 2, point 13, of these Rules shall be covered by the Scheme, provided they pay their contribution, calculated by reference to their basic pension, and cannot obtain cover against the same risks under any other public scheme of sickness insurance.

9. The persons referred to in Article 3, point 4, of these Rules shall continue to benefit for a maximum of one year from the cover provided by this Scheme under the insurance of the member through whom they were entitled to reimbursement; this cover shall not give rise to the levy of a contribution. This one-year period shall commence on the date of the decree absolute of divorce or of the loss of status of dependent child or of person treated as a dependent child.

Article 5

Compulsory membership of another sickness insurance scheme

Where an official or member of the temporary staff is employed in a country in which he is required by the law of that country to join a compulsory scheme of sickness insurance, the contributions due under that scheme shall be paid in full from the budget of the institution to which the person concerned belongs. In this event, Article 6 of these Rules shall apply.

Article 6

Application of Article 72(4) of the Staff Regulations

1. Where a member or a person covered by his insurance may claim reimbursement of expenses incurred under any other compulsory sickness insurance, the member shall:
 - (a) notify the office responsible for settling claims;
 - (b) in the first instance apply, or have the person concerned apply, for reimbursement under the other scheme;
 - (c) attach to any application for reimbursement made under this Scheme a statement, together with supporting documents, of reimbursements which the member or the person covered by his insurance has obtained under the other scheme.
2. Where the total which a member or a person covered by his insurance would receive by way of reimbursement exceeds the sum of the reimbursements provided for under this Scheme, the difference shall be deducted from the amount to be reimbursed under this Scheme, with the exception of reimbursements obtained under a private supplementary sickness insurance scheme covering that part of the expenditure which is not reimbursable by this Scheme.

*Article 7***Non-reimbursement of certain expenses**

1. Where, as a result of the medical examination on recruitment, it is decided, in accordance with the second subparagraph of Article 28 of the conditions of employment of other servants, that a member of the temporary staff shall not be entitled to reimbursement of certain expenses, the result of the medical examination shall be forwarded to the medical officer of the office responsible for settling claims; he shall inform the office of any treatment in respect of which expenses incurred shall not be reimbursable.

Upon expiry of a period of two years from the date on which the member of the temporary staff was engaged, the authority empowered to conclude contracts of employment on behalf of the institution to which the person concerned belongs may remove the restriction imposed if it is the opinion of the medical officer of the institution that the sickness or invalidity has not reappeared or given rise to unusual sequelae in the course of the said period.

*Article 8***Special reimbursements**

1. Special reimbursements may be granted when the expenses incurred are for treatment of the member or of a person covered by his insurance in a country where the cost of medical treatment is particularly high and the portion of expenses not reimbursed by the Scheme places a heavy financial burden on the member.

Under the third paragraph of Article 110 of the Staff Regulations, the institutions shall consult each other concerning the application of this paragraph on the basis of a report from the Central Office accompanied by the opinion of the Management Committee.

This paragraph shall not apply to insured persons covered by the supplementary sickness insurance provided for in Article 24 of Annex X to the Staff Regulations.

2. When the non-reimbursed portion of the expenses covered by the scales annexed to these Rules which are incurred by a member in respect of himself and in respect of persons covered by his insurance exceeds during any 12-month period half the average basic monthly salary or pension or, in the case of the members referred to in Article 2, points 3, 5, 6, 7, 8, 12, 17, 18, 19 and 20 of these Rules, half the average allowance received during the said period, the special reimbursement provided for in Article 72(3) of the Staff Regulations shall be determined as follows.

The non-reimbursed portion of the above expenses which is in excess of half the average basic monthly salary, pension or allowance shall be reimbursed at the following rates:

- 90% in the case of a member by whose insurance no other person is covered;
- 100% in other cases.

3. In the case of the members referred to in Article 4(1), (2), (3), (4) and (6) of these Rules who are no longer entitled to remuneration, the special reimbursement shall be calculated on the basis of half the last basic monthly salary received; in the case of the members referred to in Article 2, points 3, 5, 6 and 7 of these Rules who are no longer entitled to an allowance, the special reimbursement shall be calculated on the basis of half the last monthly allowance received.

4. Where the member so requests, the weighting for his place of employment or place of residence in the case of persons in receipt of a pension or allowance shall be applied to the basic monthly salary, pension or allowance referred to in paragraphs 1, 2 and 3.

5. Decisions on requests for special reimbursement shall be taken by:

- either the appointing authority of the applicant's institution, on the basis of an opinion delivered by the office responsible for settling claims in accordance with general criteria adopted by the Management Committee after consulting the Medical Council for determining whether the expenses incurred are excessive; or
- the office responsible for settling claims, on the basis of the same criteria, where it has been empowered by the appointing authority to do so.

*Article 9***Free choice of practitioner and hospital or clinic**

1. Persons covered by this Scheme shall be free to choose their practitioners and hospitals or clinics.

2. The institutions shall, wherever possible, endeavour to negotiate with the representatives of the medical profession and/or the competent authorities, associations and establishments agreements specifying the rates for both medical treatment and hospitalization applicable to persons covered by this Scheme, account being taken of local conditions and, where appropriate, the scales already in force.

*Article 10***Allowance towards funeral expenses**

The following persons shall be intitled to an allowance towards funeral expenses, as provided for in Annex 1:

- (a) in the event of the death of a person covered by his insurance or of a still birth: the member;
- (b) in the event of the death of a member: the spouse, the children or, where there are no such persons, any other person who proves that he has borne the funeral expenses.

*Article 11***Procedures***Application or prior authorization*

1. Where, pursuant to these Rules, reimbursement of expenses is subject to prior authorization, the decision shall be taken by the appointing authority or by the office responsible for settling claims designated by the appointing authority in accordance with the following procedure:

- (a) the application for prior authorization, together with a prescription and/or an estimate made out by the attending practitioner, shall be submitted by the member to the office responsible for settling claims, which shall refer the matter to the medical officer if need be. In the latter case, the medical officer shall transmit his opinion to the office responsible for settling claims within two weeks;
- (b) the office responsible for settling claims shall take a decision on the application if it has been appointed to do so or shall transmit its decision and, where applicable, that of the medical officer to the appointing authority for a decision. The member shall be informed of the decision forthwith;
- (c) applications for reimbursement of expenditure on treatment for which prior authorization is required shall not be considered unless the authorization was requested before the treatment began. An exception may be made in medically justified emergencies deemed to be such by the medical officer of the office responsible for settling claims.

Application for reimbursement

2. Application shall be made by members to the office responsible for settling claims on standard forms accompanied by the originals of the supporting documents; in the case of application for the supplementary reimbursement referred to in Article 6 of these Rules, a copy of the original receipted bill must be attached.

3. However, subject to the provisions of Article 3(4) of these Rules, the divorced former spouse may submit applications for prior authorization and reimbursement of expenses directly for him/herself and the children in his/her custody; the conditions laid down in paragraphs 1 and 2 of this Article shall apply.

*Article 12***Subrogation of rights**

Where an accident or illness is caused by a third party, the rights of action of the person concerned or of those entitled under him against the third party shall, within the limits of their obligations under these Rules, vest in the Communities, in accordance with Article 85a of the Staff Regulations.

*Article 13***Loss of entitlement**

1. Where the member has not applied for reimbursement of expenses incurred by him or by a person covered by his insurance during the year following the calendar half-year in which treatment was administered, he shall cease to be entitled to reimbursement save where *force majeure* is duly established.

2. Application for the special reimbursement referred to in Article 8(2) shall be made within 12 months of the date on which the expenses last incurred in respect of treatment within the 12-month period in question were reimbursed.

*Article 14***Recovery of undue payment**

Any sum overpaid shall be recovered if the recipient was aware that there was no due reason for the payment or if the fact of the overpayments was patently such that he could not have been unaware of it.

*Article 15***Fraud**

Notwithstanding Article 14 of these Rules, a member who fraudulently obtains or attempts to obtain benefits for himself or for a person covered by his insurance shall automatically cease to be entitled to such benefits and shall be liable to disciplinary action.

*Article 16***Appeals**

1. Any person to whom these Rules apply shall be entitled to resort to the appeal procedure provided for in Articles 90 and 91 of the Staff Regulations or, in the case of the members referred to in Article 2, points 15 and 16 of these Rules, in Articles 43 and 44 of Regulations (ECSC, EEC, Euratom) No 1859/76 and No 1860/76.

2. Before taking a decision regarding a complaint submitted under Article 90(2) of the Staff Regulations, or Article 43(2) of Regulations (ECSC, EEC, Euratom) No 1859/76 and No 1860/76, the appointing authority or, as the case may be, the Administrative Board shall consult the Management Committee.

The Management Committee may instruct its Chairman to make further investigations. Where the point at issue is of a medical nature, the Management Committee may seek expert medical advice before giving its opinion. The cost of the expert opinion shall be borne by the Scheme.

The Management Committee must give its opinion within two months of the request being received.

The opinion shall be transmitted simultaneously to the appointing authority and to the person concerned.

Should the Management Committee fail to deliver an opinion within the period prescribed above, the appointing authority or, as the case may be, the Administrative Board may take its decision.

CHAPTER II

ORGANIZATION OF THE SCHEME

Article 17

Organs

The Scheme shall operate through a Management Committee, a Central Office, offices responsible for settling claims and a Medical Council.

Article 18

Management Committee

1. The Management Committee shall be composed of the following 18 full members:

- four representatives of the Commission, appointed by the appointing authority;
- one representative of each of the other institutions, appointed in each case by the relevant appointing authority;
- four representatives of the staff of the Commission, appointed by its Central Staff Committee;
- one representative of the staff of each of the other institutions, appointed in each case by the relevant Staff Committee.

2. Eighteen alternative members shall be appointed in the same manner as provided for in paragraph 1.

3. The term of office of the full and alternate members shall be two years. It shall be renewable.

4. Each member, or in his absence an alternate member, shall be entitled to vote.

5. The Management Committee shall adopt its rules of procedure by a two-thirds majority of the members who are entitled to vote.

The rules of procedure shall include provisions concerning:

- the election of the Chairman;
- the organization, convening and frequency of the meetings;
- the appointment, if need be, of a Committee to prepare its meetings.

6. The Management Committee shall:

- (a) ensure that these Rules are applied consistently and put to the institutions any relevant suggestion or recommendation;
- (b) examine the financial position of this Scheme

and put to the institutions any relevant suggestion or recommendation;

(c) make a detailed annual report on the financial position of this Scheme and forward it to the institutions and their Staff Committees before 1 July;

(d) where necessary, propose or recommend to the administrations of the institutions any provisions required for applying these Rules and any measure required for the satisfactory operation of this Scheme, and make proposals as to the amount of the fund required for day-to-day transactions by the offices responsible for settling claims;

(e) deliver opinions as provided for in these Rules;

(f) deliver its opinion, where appropriate, on any matter arising directly or indirectly from the application of the provisions of the Staff Regulations concerning sickness insurance;

(g) deliver its opinion on the level of contributions and benefits, in particular where there is an appreciable change in the cost of medical treatment.

7. The proceedings of the Management Committee shall be secret.

Article 19

Central Office

1. The Central Office shall be attached to the Commission.

2. It shall:

- (a) coordinate and monitor the work of the offices responsible for settling claims;
- (b) ensure that the rules concerning the payment of benefits are consistently applied;
- (c) provide secretarial services for the Management Committee;
- (d) carry out any statistical survey or analysis required for the satisfactory operation of this Scheme so as to give the Management Committee an accurate view of the extent, distribution and trend of the risks insured against and enable it to deliver opinions as provided for in Article 18(6)(g) of these Rules.

Article 20

Offices responsible for settling claims

1. Offices responsible for settling claims shall be opened or closed down by the Commission whenever it considers this to be necessary, taking into account in particular the places where officials are employed.

An office responsible for settling claims may be opened or closed down in any other institution only with the consent of that institution and after the Management Committee has been consulted.

2. Medical and dental officers shall be attached to each office responsible for settling claims and shall perform the tasks specified in these Rules.

The function of medical officer attached to offices responsible for settling claims is incompatible with that of medical officer of an institution.

3. Each office responsible for settling claims shall:

(a) accept and process applications for reimbursement of expenses submitted by members registered with it and make the relevant payments;

(b) as provided for in these Rules and where matters of a medical nature connected with the payment of benefits are raised by the Management Committee or by the Central Office, consult the medical officer, who may, if need be, consult the medical officer of the institution concerned;

(c) examine applications for prior authorization and take the necessary action;

(d) deliver opinions as provided for in these Rules;

(e) provide secretarial services for the medical officers.

4. The staff assigned to the offices responsible for settling claims and the Central Office shall be bound by medical secrecy with regard to the expenses and/or documents which come to their attention in the exercise of their duties. They shall continue to be so bound after the termination of their service with the offices concerned.

Article 21

Registration

1. Persons covered by this Scheme shall be registered with the Central Office and with one of the offices responsible for settling claims.

2. Persons covered by this Scheme who reside in a country in which an office responsible for settling claims has been opened shall normally be registered with that office.

Persons covered by this Scheme who reside in a country in which no office responsible for settling claims has been opened shall be registered with an office designated by the Central Office.

Article 22

Medical Council

The Management Committee shall be assisted by a Medical Council composed of a medical officer from each institution and the medical officers from each office responsible for settling claims.

The Medical Council may be consulted by the Management Committee or the Central Office concerning any matter of a medical nature which arises in connection with this Scheme. It shall meet at the request of the Management Committee, of the Central Office or of the medical officers of the offices

responsible for settling claims and shall deliver its opinion within such time as may be specified.

CHAPTER III

FINANCIAL PROVISIONS

Article 23

Contributions

1. The institutions and the bodies concerned shall each month, not later than eight days after the payment of remunerations and pensions, or allowances in the case of members referred to in Article 2, points 3, 5, 6, 7, 8, 12, 17, 18, 19 and 20, pay to the Commission their own contributions and those of the members.

2. The contribution of the institutions and bodies concerned and the members' contributions shall be 3.40% and 1.70% respectively of the basic salaries set out in Article 66 of the Staff Regulations or of the basic pensions or allowances referred to in paragraph 1.

Article 24

Authorization and checking

Payments to be made by the offices responsible for settling claims shall be authorized and checked by the Commission in accordance with the provisions of the Financial Regulation applicable to the general budget of the European Communities.

Article 25

Special account

The Commission shall record in a special non-budgetary account entitled 'Sickness Insurance Scheme of the European Communities':

- contributions paid, showing the total received for each institution in subsidiary accounts;
- total payments made, showing in the said accounts the amounts paid in respect of each type of treatment, in conformity with an accounting schedule prepared by the Commission after consulting the Management Committee.

Article 26

Quarterly figures

1. Not later than 30 days after the end of each quarter the Commission shall compile in respect of each institution statistics showing running totals of income and expenditure for the quarter and for the preceding financial year or years compiled from information supplied by the Management Committee.

2. The quarterly figures, showing the accounting position for each of the offices responsible for settling claims, shall be transmitted by the Com-

mission to the Management Committee and to the other institutions not later than six weeks after the end of each quarter.

Article 27

Financial balance

The cost of benefits provided under this Scheme must be balanced by contributions from institutions and members over a three-year period.

Article 28

Deficit

1. Where the accounting position shows, in respect of all the institutions taken together, a deficit which leaves the Scheme out of balance financially, it shall be covered out of the surpluses referred to in Article 29 of these Rules.

2. Should the surpluses be insufficient to cover the deficit, the Management Committee shall immediately refer the matter to the institutions, which shall, after consulting the Staff Regulations Committee, determine what measures are to be taken to balance the accounts.

Article 29

Surpluses

1. Where the accounting position of the offices responsible for settling claims shows a surplus, the Commission may enter the surplus in a special non-budgetary account entitled 'Surpluses of the Sickness Insurance Scheme of the European Communities'.

The surpluses shall be available to cover any increase in the risks covered.

2. After consulting the Management Committee, the Commission shall invest the surpluses on the best terms available, subject to the cash requirements of the offices responsible for settling claims.

Every six months the Commission shall inform the other institutions and the Management Committee of the total amounts invested and the terms of the investments.

Interest received on the investments shall be credited to the special account referred to in Article 25.

3. Where the surpluses arising over a period of three years reach 20% of the arithmetic mean of the running total of expenditure during that period, the institutions shall, after consulting the Management Committee and the Staff Regulations Committee, consider whether the institutions and members' contributions should be reduced.

4. The total surpluses of the offices responsible for settling claims shall be entered on the liabilities side of the Commission's financial statement under the heading 'Sickness Insurance Scheme of the European Communities'.

CHAPTER IV

FINAL PROVISIONS

Article 30

Amendment

1. These Rules may be amended in accordance with Article 72(1) of the Staff Regulations upon a proposal from an institution or a Staff Committee.

2. The Management Committee shall deliver an opinion on any proposal to amend the Rules.

Article 31

The Rules on sickness insurance for officials of the European Communities, as last amended on 1 June 1984, are hereby repealed.

Article 32

These Rules shall enter into force on the first day of the month following that in which the agreement between the institutions provided for in Article 72(1) of the Staff Regulations is recorded by the President of the Court of Justice of the European Communities.

They shall apply from 1 January 1986.¹

¹ Articles 2, 3, 4, 8 and 23, points III, IV, VI, IX, X, XI, XII, XIV and XV of Annex I, and the new Annex IV, amended or added on 5 December 1990, apply with effect from 1 January 1991.

ANNEX I

Rules governing the reimbursement of medical expenses

Medical expenses shall be reimbursed subject to the limits and conditions hereinafter specified.

I. SURGERY VISITS AND HOME CALLS

Fees for surgery visits and home calls shall be reimbursed at the rate of 85%, subject to a maximum limit of:

1. General practitioners
 - (a) Visit to the doctor's consulting room BFR 744
 - (b) Call at the patient's home BFR 780
 - (c) Calls at night, on Sundays and on public holidays, emergency calls, as defined by local custom BFR 1 192
2. Specialists
 - (a) Visit to the doctor's consulting room BFR 1 258
 - (b) Call at the patient's home BFR 1 615
 - (c) Calls at night, on Sundays and on public holidays, emergency calls, as defined by local custom BFR 2 114
3. Psychological examination carried out as part of medical treatment BFR 4 045

Where doctors are authorized to make charges, in addition to their fees, for the distance they have to travel to patient's homes, or where a person covered by this Scheme is obliged to call in a doctor living outside his place of employment or residence or the place where he is staying, travelling expenses shall be reimbursed up to 85%, the limit being 20 km for the round trip.

II. SURGICAL OPERATIONS

These expenses shall be reimbursed at the rate of 85%, the maximum reimbursement for each operation being:

BFR 11 390 for category AA

BFR 22 780 for category AB

BFR 37 273 for category B

BFR 75 616 for category C

BFR 181 932 for category D

Annex 2 contains a classified list of surgical operations.

Any surgical operation not mentioned in this list shall be treated in the same way as operations listed which, in the opinion of the medical officer of the office responsible for settling claims, are of a comparable nature.

Plastic surgery shall be subject to prior authorization by the office responsible for settling claims, after the medical officer has given his opinion.

Plastic surgery which is considered to be purely cosmetic shall not be reimbursed.

Surgical expenses shall include surgical fees only; 85% of the expenses incurred for anaesthesia, the use of the operating theatre or plaster room, dressings and other expenses in respect of

any general care pertaining to surgical operations in any category shall be reimbursed at the rate of 85% and within the limit specified for each item.

In the case of a very major surgical operation, the expenses incurred shall be reimbursed at the rate of 85%, after the medical officer of the office responsible for settling claims has been consulted.

III. HOSPITALIZATION

1. The costs of a stay in hospital shall, in the case of a surgical operation or medical treatment, be reimbursed at the rate of 85%, subject to a maximum limit of BFR 4 127 and BFR 3 851 per day, respectively.

The costs of a stay shall comprise the costs of board and service, plus taxes.

2. The surgical operation expenses, as specified in Section II, the expenses incurred for the use of the operating theatre, plaster room, dressings and other expenses in respect of any general care pertaining to the surgical operation, medical fees for visits and calls, laboratory analyses and tests, X-rays, medicines and other diagnostic or therapeutic services shall be reimbursed separately, in accordance with the provisions for the reimbursement of each of these categories of expenditure. If at a hospital centre the all-in-charge for a day in hospital comprises the cost of the stay as defined in the second subparagraph of paragraph 1 and all or part of the expenses listed above, reimbursement shall be at the rate of 85%.

3. Where, in view of his age and the nature of his illness, a person covered by the scheme requires special family assistance and is accompanied in hospital on the practitioner's prescription by a member of his family, the cost of the latter's stay may, by way of exception and after consultation of the medical officer of the office responsible for settling claims, be reimbursed at the rate of 85%, subject to a maximum limit of BFR 1 535 per day.

4. A stay in an establishment which does not possess medical, technical and logistical infrastructure to cater for a number of disciplines as well as medical and paramedical personnel in a ratio of at least one to every 10 in-patients, shall not be regarded as hospitalization.

The costs of a stay in a hospital or clinic and/or convalescent establishment as described in the preceding subparagraph which is approved by the competent authorities and possesses the medical and paramedical infrastructure to assist the elderly and/or disabled shall be reimbursed at the rate of 85%, subject to a maximum limit of BFR 815 per day, after a favourable opinion has been obtained from the medical officer on the basis of a detailed periodic report from the practitioner explaining why the stay in question is necessary.

Costs in excess of BFR 960 per day shall not be taken into account for the purpose of the calculation referred to in Article 8 or in the event of Section IV of this Annex applying.

Medical expenses in the strict sense incurred in the establishment in question shall be invoiced and reimbursed separately under the conditions laid down in the Rules.

IV. SPECIAL CASES

1. In cases of tuberculosis, poliomyelitis, cancer, mental illness

and other illnesses recognized by the appointing authority as of comparable seriousness, expenses shall be reimbursed at the rate of 100%.

However, reimbursements in any one of such cases under Section VI.1, second paragraph, Section XI.1(a), Section XII.E and F, Annex III.A and B(2) and (3), and Annex IV.B(2) may not exceed an amount equal to twice the maximum amount provided for therein.

Reimbursements under Section III.3, Section VI.3, Section VIII, first and fourth paragraphs, Section X, Section XI.1(b), Section XII.B and Annex III.B(1) may not exceed the maximum amounts provided for in the Rules.

Applications for the recognition referred to in the first paragraph shall be made to the office responsible for settling claims; they shall be accompanied by a report from the practitioner treating the person concerned.

The appointing authority or the office responsible for settling claims if the requisite powers have been delegated to it by the said authority shall take its decision after consulting the office's medical officer, whose opinion shall be based on general criteria drawn up by the Medical Council.

Reimbursement at the rate of 100% shall not apply in cases of occupational disease or accident resulting in the application of Article 73 of the Staff Regulations.

2. Expenses for early detection screening tests, provided they have been organized or carried out by centres approved by the Commission, shall be reimbursed at the rate of 100%.

V. PHARMACEUTICAL PRODUCTS

The cost of pharmaceutical products prescribed by the practitioner shall be reimbursed at the rate of 85%. Where products are prescribed on a 'repeat' basis and obtained within six months of the date of issue of the prescription, reimbursement shall again be at the rate of 85%.

Mineral waters, tonic wines and beverages, infant foods, haircare products, cosmetics, special diet foods, hygiene products, irrigators, thermometers, tisanes, aromatherapeutic products and similar products and instruments shall not be considered as pharmaceutical products.

However, if the pathological condition of an infant or child requires special dietetic measures involving the member in additional expense, such expense shall be reimbursed as laid down in the first paragraph provided that it relates to the purchase of special diet foods which in this instance can be regarded as a medicinal preparation essential to survival.

VI. DENTAL TREATMENT, DENTAL PROSTHESES AND ORTHODONTIC TREATMENT

1. The cost of dental treatment (fillings, extractions, apectomy, gingivectomy, scaling and polishing and X-rays) shall be reimbursed as specified in the scale shown in Annex III.A. The cost of any dental treatment not listed in the scale shown in Annex III.A shall be reimbursed at the rate of 80%, after the medical officer has been consulted.

The cost of periodontal treatment shall be reimbursed at the rate of 80%, subject to a maximum limit of BFR 12 000 per sextant, provided prior authorization has been granted after consultation of the dental officer.

2. The cost of dental prostheses shall be reimbursed as specified in the scale shown in Annex III.B.

3. The cost of orthodontic treatment shall be reimbursed at the rate of 80%, subject to a maximum limit of BFR 79 500 per dependent child, provided prior authorization has been granted, where necessary after consultation of the dental officer of the office responsible for settling claims, on the basis of an estimate prepared by the dental practitioner. This amount shall cover all the treatment carried out on an individual patient. The maximum age at the commencement of treatment shall be 18 years.

The cost of a second course of treatment may be reimbursed by way of exception, provided authorization has been granted after consultation of the medical or dental officer on the basis of an estimate and a detailed report prepared by the dental practitioner explaining why the treatment is absolutely essential.

VII. RADIOLOGY, ANALYSES, LABORATORY TESTS AND OTHER FORMS OF DIAGNOSIS

Expenses under this heading shall be reimbursed at the rate of 85%.

VIII. CONFINEMENTS

In the case of normal confinements, the fees for the doctor and midwife and for anaesthesia, shall be reimbursed at the rate of 100%, subject to a maximum limit of BFR 33 230.

The fees for a labour room and a physiotherapist and all other expenses relating to services directly connected with the confinement shall be reimbursed separately at the rate of 100%.

In the case of a twin birth, the maximum limit shall be BFR 49 850. In the case of a difficult confinement requiring special obstetrical treatment or surgical operation or prolonged stay in hospital for post-partum ailments, the costs referred to above shall be reimbursed, after the medical officer of the office responsible for settling claims has been consulted, where necessary, at up to 100% in accordance with the scales for surgical operations, hospital medical treatment and special treatment (= 100% category B operation - BFR 43 850).

For all confinements, the cost of the stay in hospital shall be reimbursed as provided for in Section III, subject to a maximum limit of BFR 5 946 per day; except where complications arise, the cost of a stay of more than 10 days in hospital shall not be reimbursed.

For home confinements, this Scheme shall reimburse the nursing fees for 10 days at the rate of 100%; where complications arise, the period for which reimbursement is made shall be extended.

The phrase 'difficult confinement requiring special obstetrical treatment' covers all confinements which are not in the medical sense normal confinements.

IX. PHYSIOTHERAPY, KINESITHERAPY AND SIMILAR TREATMENTS: MEDICAL APPLIANCES

1. The cost of treatment listed in Annex IV.A and B which is prescribed by a medical practitioner (in the case of psychotherapy and similar treatment, by a psychiatrist, neuropsychiatrist or neurologist) shall be reimbursed at the rate of 80% provided that the treatment is carried out by a professionally qualified practitioner. The maximum number of sessions for which costs may be reimbursed in any 12-month period is also specified in Annex IV. By way of exception and on production of a duly sub-

stantiated medical certificate, costs may be reimbursed for a higher number of sessions.

Reimbursement in respect of treatment listed in Annex IV.B is also subject to prior authorization granted after consultation of the medical officer.

2. The cost of appliances for medical treatment shall be reimbursed at the rate of 80% after prior authorization.

X. TREATMENT BY MEDICAL AUXILIARIES AND NURSING

1. The fees for treatment by medical auxiliaries shall be reimbursed at the rate of 80% on condition that it is prescribed by the practitioner and provided by a person legally authorized to exercise the profession.

2. (a) The cost of post-operative nursing attendance in a hospital or clinic which is prescribed by the practitioner shall be reimbursed at the rate of 80%, subject to a maximum limit of BFR 2 415 for each day or night or BFR 3 459 for each 24-hour period of attendance, provided prior authorization has been granted after consultation of the medical officer of the office responsible for settling claims.

(b) The cost of necessary nursing attendance at home after hospitalization which is prescribed by the practitioner shall be reimbursed at the rate of 80%, subject to a maximum limit of BFR 2 415 for each day or night for a period not exceeding 45 days, provided prior authorization has been granted after consultation of the medical officer of the office responsible for settling claims. In cases of absolute necessity, duly substantiated by the practitioner, this period may be extended by up to 45 days, provided prior authorization has been granted after consultation of the medical officer of the office responsible for settling claims; the same maximum limit for each day or night shall apply. The maximum reimbursement for each 24-hour period of attendance shall be BFR 3 000.

(c) The cost of nursing attendance at home which is prescribed by the practitioner, who must state why such attendance is required, shall be reimbursed at the rate of 80%, subject to a maximum limit of BFR 2 415 for each 24-hour period of attendance, for a period not exceeding 90 days, provided prior authorization has been granted after consultations of the medical officer of the office responsible for settling claims.

(d) The periods specified in (b) and (c) may be extended by up to 12 months, during which a monthly payment may be made in respect of nursing attendance which is prescribed by the practitioner, who must state why such attendance is necessary, provided prior authorization has been granted after consultation of the medical officer of the office responsible for settling claims; such extension may be renewed. The monthly payment shall be at the rate of 80% of the costs incurred, subject to a maximum limit equal to the basic salary of an official in the first step of Grade C 5 at the time when the relevant decision is taken, less an amount equal to 10% of the member's basic salary or pension or allowance in the cases referred to in Article 2, points 3, 5, 6, 7, 8, 12, 17, 18, 19 and 20 of these Rules.

(e) The nursing attendance must be provided by a person legally authorized to practise as a nurse.

(f) No reimbursement shall be made in respect of the nurse's travel expenses, board and lodging, or any other ancillary costs.

XI. CURES

1. The cost of accommodation, excluding board, for a cure at a health resort prescribed by the practitioner which is recognized

as strictly necessary by the medical officer of the office responsible for settling claims, for which prior authorization has been granted and which is carried out under medical supervision, shall be reimbursed at the rate of 80%, subject to the limits set out below:

(a) convalescence, for a maximum period of 28 days per annum: maximum reimbursement of BFR 1 176 per day; in the case of a relapse or a new illness the authorization may be renewed.

(b) cure at a spa: for a maximum period of 21 days per annum: maximum reimbursement of BFR 815 per day; under no circumstances can the cost of accommodation for such a cure be regarded as the cost of a stay in a clinic or hospital;

(c) cure for delicate children: maximum reimbursement of BFR 1 176 per day; save in exceptional cases, reimbursement shall apply up to the age of 16 years and for a maximum period of six weeks per annum.

Except in the case of cures under (a), application for prior authorization must be submitted to the office responsible for settling claims at least six weeks before the anticipated date of commencement of the cure.

Applications must be accompanied by the medical prescription and a detailed medical report to the medical officer of the office responsible for settling claims explaining why the cure is necessary.

Applications for reimbursement of the costs of accommodation excluding board, treatment and medical supervision incurred on a cure must be supported by a medical report, giving details of the treatments followed and the results observed, drawn up at the end of the cure for the medical officer of the office responsible for settling claims.

2. The cost of treatment and medical supervision incurred on cures shall be reimbursed at the rates and subject to the maximum limits specified for each item.

XII. PROSTHESES ON MEDICAL PRESCRIPTION

A. Spectacle lenses

1. The cost of corrective lenses obtained on a medical prescription shall be reimbursed at the rate of 85%. The cost of one pair of non-corrective tint A (12% coloration) lenses, excluding lenses solely for protection against the sun, shall also be reimbursed at the rate of 85%.

2. In the case of renewal, the reimbursement referred to in 1 shall not be granted unless 18 months have elapsed since the last time lenses were obtained (12 months in the case of children up to 18 years of age), except where a variation in the conditions of sight is medically attested.

B. Spectacle frames

1. The cost of one frame per pair of corrective lenses and one frame for non-corrective tint A (12% coloration) lenses shall be reimbursed at the rate of 85% up to a maximum of BFR 2 560 per frame.

2. In the event of renewal, the reimbursement referred to in point 1 above shall not be granted unless 36 months (12 months in the case of children up to 18 years of age) have elapsed since the last time a frame was obtained.

3. The cost of repairing frames shall be reimbursed on the same conditions as apply to the renewal of frames; the amount reim-

bursed for repairs shall be deducted from the maximum reimbursement applicable if a new frame is obtained during the same period.

C. Contact lenses

1. The cost of contact lenses shall be reimbursed at the rate of 85% where they are prescribed by an ophthalmologist.
2. In the case of renewal, reimbursement at the rate of 85% shall not be granted unless 24 months have elapsed since the last time a pair of contact lenses was obtained, except where a variation in the conditions of sight is medically attested.

D. Artificial eyes

The cost of artificial eyes shall be reimbursed at the rate of 85%.

E. Hearing aids

1. The cost of a hearing aid prescribed by an otorhinolaryngologist, and the cost of repairing such an aid, shall be reimbursed at the rate of 85%, subject to a maximum limit of BFR 37 250.
2. In the case of renewal, reimbursement as specified in 1 shall not be granted unless a period of five years has elapsed, except where there is a variation in the audiometric conditions and renewal has been prescribed by an otorhinolaryngologist.
3. The cost of batteries for hearing aids shall be reimbursed at the rate of 85%.

F. Orthopaedic appliances, bandages and other prostheses

The cost of acquiring or hiring articles listed below which have been prescribed by a doctor, likewise the cost of repairing articles listed under 3 and 4, shall be reimbursed at the rate of 85%:

1. Orthopaedic footwear made to measure and orthopaedic soles (two pairs every 12 months), subject to a maximum amount reimbursable of BFR 14 510 per pair of shoes.
2. Elastic bandages, elastic stockings for varicose veins (three pairs every 12 months); others, e.g. maternity belts, knee bandages, ankle supports, lumbar girdles.
3. Artificial limbs and segments thereof, crutches and walking sticks.
4. Wheelchairs and similar auxiliary appliances, provided that an estimate has been submitted.

However, prior authorization, granted after consultation of the medical officer of the office responsible for settling claims, shall be required for the acquisition of orthopaedic shoes and of the articles mentioned in point 4; the application for prior authorization for orthopaedic shoes must be accompanied by an estimate.

XIII. TRANSPORT COSTS AND TRAVELLING EXPENSES

1. The cost of transporting the patient may be reimbursed at the rate of 80% of the actual cost, after the medical officer of the office responsible for settling claims has been consulted, where necessary, provided such transport was undertaken as a matter of urgency or absolute necessity.
2. Travelling expenses incurred in respect of treatment outside the place of employment or residence shall be reimbursed only in exceptional circumstances upon prior authorization granted after the medical officer of the office responsible for settling claims has been consulted.

XIV. FUNERAL EXPENSES

Funeral expenses shall be reimbursed as provided for in Article 10 of the Rules, up to a maximum of BFR 94 000 on production of supporting documents.

Expenses exceeding BFR 94 000 shall not be taken into account for the purposes of the calculation provided for in Article 8 of the Rules.

XV. COMMON PROVISIONS GOVERNING REIMBURSEMENT

1. The following provisions shall apply to reimbursement of the medical expenses referred to in Sections I to XIII.
 2. Expenses in respect of items not mentioned in the Annexes to the Rules may be reimbursed at the rate of 80% after consultation of the medical officer of the office responsible for settling claims. Maximum limits may, however, be set in each case after the Management Committee has been consulted.
 3. Expenses in respect of treatment considered non-functional or unnecessary by the office responsible for settling claims after consultation of the medical officer shall not be reimbursed.
- That part of expenses considered excessive by the office responsible for settling claims after consultation of the medical officer shall not be reimbursed.
4. Fees for visits to leading specialists considered necessary by the medical officer of the office responsible for settling claims shall be reimbursed at the rate of 85%, subject to a maximum limit of three times the limit set for visits to specialists.

The fee for the first emergency home call made by a leading specialist shall be reimbursed at the rate of 85%.

Fees for subsequent calls shall be reimbursed at the rate of 85%, subject to a maximum limit three times the limit set for home calls by specialists, provided prior authorization has been granted after consultation of the medical officer of the office responsible for settling claims.

ANNEX II

List of surgical operations

(by category)

CATEGORY AA

(maximum reimbursement: BFR 11 390)

AA.1. *Surgery*

1. Incision of superficial abscess, furuncle (boil) or subcutaneous paronychia (whitlow)
2. Incision of several abscesses or furuncles
3. Incision with drainage of an osseous paronychia or the surrounding tissues
4. Incision of a deep abscess
5. Incision of an abscess in the pouch of Douglas
6. Incision of a purulent inflammation of soft parts or excision (removal) of a carbuncle
7. Removal of a palpable superficial foreign body lying under the skin or under a mucous membrane
8. Excision of a small tumour situated in or under the skin or a mucous membrane or biopsy of such a superficially situated tumour (e.g. in lips, skin, mucous membrane)
9. Excision of a large tumour (e.g. ganglion, neuroma, lymph gland, aponeurotic tumour) without opening a cavity
10. Treatment by means of injections to correct varicose veins or haemorrhoids; ligation of haemorrhoids
11. Surgical operation on a joint of the fingers, carpus (wrist), toes or tarsus (ankles)
12. Osteotomy of a small bone or trephine biopsy of a bone
13. Taking of a bone graft
14. Setting of a fracture of the nose
15. Setting of a fracture of a face bone
16. Setting of a fracture of the clavicle (collar bone)
17. Setting of a fracture of the scapula (shoulder-blade) or sternum (breast bone)
18. Setting of a fracture of the upper arm
19. Setting of a fracture of the forearm
20. Setting of a simple fracture of the pelvis
21. Setting of a fracture of a finger, toe, metacarpus, metatarsus, carpus (wrist) or tarsus (ankle)
22. Setting of a fracture of the patella (kneecap)
23. Setting of a fracture of the lower leg (tibia and/or fibula)
24. Removal of the material for pinning and/or ringing a bone
25. Reduction of a dislocation of the lower jaw
26. Reduction of a dislocation of the clavicle (collar bone) or the patella (kneecap)
27. Reduction of a dislocation of the elbow or the knee
28. Reduction of a dislocation of the thumb
29. Reduction of a dislocation of a finger or toe
30. Disarticulation of a finger or toe
31. Partial or total amputation of a finger or toe
32. Amputation of a metacarpal or metatarsal
33. Tracheotomy
34. Correction or attempted correction of a strangulated hernia

35. Operation for an anal or rectal fissure
36. Operation for a rectal fistula
37. Correction of a rectal prolapse
38. Removal via the anus of a foreign body from the rectum
39. Operation for phimosis
40. Dilatation of the urethra
41. Operation for a urethral polyp
42. Bloodless extraction of a foreign body from the urethra
43. Puncture of the bladder
44. Vasectomy

AA.2. *Ophthalmology*

1. Removal of a foreign body from the conjunctiva, the cornea or the sclera
2. Removal of a tumour from an eyelid, the conjunctiva or the sclera
3. Enucleation of a chalazion
4. Opening of a lachrymal canal
5. Treatment for stenosis of a lachrymal canal
6. Operation for inflammation of the lachrymal sac
7. Removal of a lachrymal sac
8. Operation on a lachrymal gland
9. Operation for a strictured or enlarged palpebral fissure
10. Operation for an ectropion or an entropion
11. Laser treatment

AA.3. *Otorhinolaryngology*
(ear, nose and throat operations)

1. Removal of a foreign body
2. Simple removal of easily operated polyps or other nasal tumours
3. Opening of a maxillary sinus
4. Adenoidectomy
5. Bloodless extraction of a foreign body from the larynx
6. Bloodless removal of a polyp or other tumour from the larynx
7. Laryngeal biopsy
8. Operation of the external auditory canal
9. Extraction of a foreign body from the external auditory canal or from the middle ear
10. Removal of a polyp or other tumour from the external auditory canal or from the middle ear
11. Trans-tympanic drain

AA.4. *Gynaecology*

1. Correction of a retroverted uterus
2. Removal of a polyp from the cervix uteri
3. Biopsy of the cervix uteri
4. Operation for a partial perineal rupture

5. Surgical operation on the external female genital organs (e.g. removal of a vaginal cyst or a Bartholin's gland)

CATEGORY AB
(maximum reimbursement: BFR 22 780)

AB.1. *Surgery*

1. Sanguineous removal of an embedded foreign body from the soft parts or from a bone
2. Tongue biopsy in deep tissues (adipose tissue, fascia and muscle) or in organs without opening a cavity
3. Simple skin grafting or simple flap grafting
4. Reduction of a dislocation of a hand or foot
5. Operation for a simple harelip
6. Wedge-shaped excision at the tongue
7. Operation for a salivary fistula or operative removal of a salivary calculus
8. Operation for rectal polyps
9. Operation for a coccygeal fistula
10. Resection of the coccyx
11. Incision of a perinephretic abscess
12. Operation for a urethral fistula
13. Bloodless surgical operation on the bladder (e.g. to remove a foreign body or a small tumour)
14. Removal of osteo-synthesis material
15. Varicocele, hydrocele
16. Epididymectomy
17. Operation for cryptorchidism or ectopia testis
18. Simple laparoscopy
19. Operation for a breast tumour
20. Chemical nucleolysis of prolapsed intervertebral disc
21. Operation on the carpal tunnel

AB.2. *Ophthalmology*

1. Plastic surgery on an eyelid partially adhering to the eyeball
2. Operation of a pterygium
3. Suture of a lesion of the cornea or the sclera
4. Iridotomy
5. Treatment for a prolapse of the iris or the ciliary body
6. Aspiration of a vitreous body

AB.3. *Otorhinolaryngology (ear, nose and throat operations)*

1. Tonsillectomy
2. Plastic surgery by a flap method to close a retroauricular fistula or a fistula of the maxillary sinus
3. Plastic surgery on the outer ear

AB.4. *Gynaecology*

1. Curettage of the uterus
2. Uterotubal insufflation and/or injection of contrast media for hysterosalpingography
3. Plastic surgery on the cervix uteri
4. Amputation of the cervix uteri

CATEGORY B
(maximum reimbursement BFR 37 273)

B.1. *Surgery*

1. Difficult skin graft or difficult graft by a flap method
2. Bone graft
3. Operation for an aneurysm
4. Arterial embolectomy
5. Lumbar sympathectomy
6. Thoracic sympathectomy
7. Radial surgery for Dupuytren's contracture
8. Resection of a maxillary joint or a joint of the hand or foot
9. Arthroplasty of a maxillary joint or a joint of the hand or foot
10. Surgical operation on a maxillary joint
11. Removal of a foreign body from a shoulder, elbow or knee joint
12. Meniscectomy
13. Operation for habitual dislocation of the shoulder or knee
14. Osteotomy of a small bone with implantation of a tendon
15. Reduction of vertebral fracture
16. Open reduction of a fractured clavicle (collar bone)
17. Reduction of a fractured femur
18. Reduction and ringing of a fractured patella (kneecap)
19. Open reduction of a fracture of the upper arm, forearm or the lower leg (tibia and/or fibula)
20. Open reduction of a wrist or ankle fracture
21. Operation for pseudarthrosis
22. Operation for the resetting of a wrongly knit fracture
23. Reduction of a hip dislocation
24. Reduction of a vertebral dislocation
25. Disarticulation of the upper arm
26. Disarticulation of the thigh
27. Disarticulation of the forearm or the lower leg (tibia and/or fibula)
28. Disarticulation of the hand or foot
29. Simple amputation of the upper arm
30. Simple amputation at the thigh
31. Simple amputation at the forearm or the lower leg (tibia and/or fibula)
32. Reduction of a fracture of both bones of the forearm
33. Simple amputation through a metacarpal or metatarsal
34. Opening of the cranium with puncture of the brain
35. Reconstruction of the nose
36. Operation on a complicated harelip
37. Partial resection of the tongue
38. Laryngotomy
39. Partial resection of the larynx
40. Simple mastectomy
41. Exploratory laparotomy or laparoscopy with intervention
42. Appendectomy
43. Opening of an abscess in the abdominal cavity
44. Opening of a subphrenic abscess

45. Operation for an inguinal or femoral hernia
46. Operation for a simple umbilical hernia or a linea alba hernia
47. Eventration operation
48. Opening of a stenosis of the rectum
49. Operation for a prolapse of the rectum by opening of the abdominal cavity
50. Operation for incompetence of the anal sphincter by means of myoplasty
51. Electroresection of the prostate or neck of the bladder (endoscopic prostatectomy)
52. Exploratory lombotomy
53. Decapsulation of a kidney
54. Nephrostomy
55. Renal drainage
56. Nephropexy
57. Suprapubic opening of the bladder
58. Operation for an injury to the bladder
59. Opening of the ischioanal fossa
60. Sanguineous extraction of a foreign body from the urethra
61. Perineal urethrostomy
62. Suture of the urethra
63. Plastic surgery on the urethra
64. Lithotripsy and evacuation of a vesical calculus under visual control per treatment
65. Endovesical removal of a large tumour of the bladder per treatment
66. Partial cystectomy
67. Extraction of a urethral calculus by lasso catheter
68. Implantation of an artificial cardiac pacemaker
69. Nerve suture
70. Operation for a rectal prolapse
71. Operation for haemorrhoids
72. Sanguineous removal of varicose veins
73. Operations listed in category A, if they are combined or complicated

B.2. Ophthalmology

1. Removal of a foreign body from the eye socket
2. Removal of a tumour from the eye socket
3. Removal of a tumour from the cornea
4. Toti's lachrymal sac operation
5. Operation of the correction of ptosis (drooping of the upper eyelid)
6. Plastic surgery on a partially conserved eyelid
7. Plastic surgery on an eyelid completely adhering to the eyeball
8. Operation on the muscles of the eyeball to correct a squint
9. Plastic surgery on the cornea
10. Operation for a corneal abnormality
11. Operation for disease or injury of the crystalline lens
12. Cyclodialysis, iridectomy or fenestration or operation for glaucoma
13. Operation to prevent detachment of the retina
14. Enucleation of the eyeball

15. Excision of the optic nerve
16. Operations listed in category A, if they are combined or complicated

B.3. Otorhinolaryngology (ear, nose and throat operations)

1. Endonasal resection of an osseous choanal obstruction
2. Endonasal trephination or excavation of nasal sinus
3. Radical operation on a maxillary or frontal sinus
4. Removal of a nasopharyngeal fibroma
5. West's endonasal operation on a lachrymal sac
6. Bronchoscopy or oesophagoscopy with extraction of a foreign body from the trachea or its ramifications, or from the oesophagus
7. Trephining of the mastoid
8. Operation for a tumour of the middle ear
9. Tympanoplasty
10. Submucous resection of the nasal septum
11. Operations listed in category A, if they are combined or complicated

B.4. Gynaecology

1. Hysteropexy
2. Operation for complete rupture of the perineum
3. Colporrhaphy, with or without perineorrhaphy
4. Operation for genital prolapse
5. Vaginal removal of a uterine fibroma
6. Vaginal or abdominal myomectomy
7. Removal of part of the adnexa
8. Operation for incontinence of urine in women
9. Caesarean
10. Difficult confinement (vacuum extractor or forceps)
11. Operations listed in category A if they are combined or complicated

CATEGORY C

(maximum reimbursement: BFR 75 616)

C.1. Surgery

1. Operation for an arterial abnormality
2. Resection of a shoulder, elbow, knee or hip joint
3. Arthroplasty of a shoulder, elbow or knee joint
4. Arthroplasty of the acetabulum
5. Surgical operation on a hip joint
6. Repair of the knee ligaments
7. Operation for a fracture of the neck of the femur
8. Amputation of the shoulder girdle through the joint
9. Operation for fractured skull
10. Unilateral or total resection of a jawbone
11. Plastic surgery on the soft palate
12. Complete resection of the tongue
13. Removal of a salivary gland
14. Plastic surgery on the larynx with displacement of the vocal cords
15. Partial or total thyroidectomy

16. Mastectomy with excavation of the axillary glands
17. Opening of the pericardium without heart operation
18. Gastrectomy
19. Surgical operation on the gall-bladder or the bile ducts
20. Surgical operation on an organ of the abdominal cavity by laparotomy (e.g. gastroenterostomy, intestinal anastomosis, removal of part of the intestines, removal of the tail of the pancreas, splenectomy)
21. Operation for a strangulated hernia with removal of a part of the intestines
22. Operation for a large or complicated umbilical or linea alba hernia
23. Eventration operation with plastic surgery
24. Removal via the anus of the rectum
25. Surgical operation on the ureter
26. Operation for a diaphragmatic hernia
27. Removal of the prostate and the seminal vesicles by the abdominal route
28. Opening of the pelvis of the kidney and removal of calculi
29. Nephrectomy
30. Resection of a pole of a kidney or section of the isthmus of a 'horseshoe' kidney
31. Plastic surgery on the pelvis of a kidney
32. Partial resection of the bladder with transplantation of a ureter
33. Plastic surgery for incontinence of urine
34. Operation for a slipped disc
35. Transluminal dilatation of the coronary or other arteries
36. Destruction of urinary calculi (lithotripsy) by means of extracorporeal shock waves
37. Operations listed in category B, if they are combined or complicated

C.2. Ophthalmology

1. Plastic surgery for a completely destroyed eyelid
2. Corneal graft
3. Cataract operation
4. Operation for displacement of the crystalline lens
5. Operation for detachment of the retina
6. Coagulation or photocoagulation of a tumor of the retina or the choroid
7. Reconstruction of the lachrymal duct
8. Operations listed in category B, if they are combined or complicated

C.3. Otorhinolaryngology (ear, nose and throat operations)

1. Radical operation on several sinuses on the same side
2. Petromastoid excavation
3. Fenestration or operation on the auditory ossicles of the middle ear
4. Operations listed in category B, if they are combined or complicated

C.4. Gynaecology

1. Total hysterectomy with or without removal of uterine adnexa
2. Removal of the uterine adnexa
3. Vaginal or abdominal total or subtotal hysterectomy without removal of the ovaries or Fallopian tubes
4. Operations listed in category B, if they are combined or complicated

CATEGORY D

(maximum reimbursement: BFR 181 932)

D.1. Surgery

1. Total prosthesis of the hip
2. Opening of the skull with surgical operation on the central nervous system
3. Removal of a tumour of the spinal canal
4. Surgical operation on the spinal cord
5. Unilateral resection of the jawbone and excavation of the lymphatic ducts
6. Opening of the pericardium with surgical operation on the heart, including bypass, heart transplant
7. Pericardectomy
8. Surgical operation on the great vessels of the thorax
9. Removal of a mediastinal tumour
10. Endothoracic operation on the oesophagus
11. Resection of the head of the pancreas or removal of the pancreas
12. Gastrectomy and partial removal of an adjacent organ
13. Portocaval shunt or similar operation
14. Abdominoperineal removal of the rectum
15. Pneumonectomy
16. Total laryngectomy
17. Surgical operation on the liver
18. Operations listed in category C, if they are combined or complicated

D.2. Ophthalmology

1. Operations listed in category C, if they are combined or complicated

D.3. Otorhinolaryngology (ear, nose and throat operations)

1. Petromastoid excavation and opening of the neurocranium
2. Trephining of the sella turcica
3. Operations listed in category C, if they are combined or complicated

D.4. Gynaecology

1. Operation for a vesicovaginal or rectovaginal fistula
2. Plastic surgery for total absence of the vagina
3. Operations listed in category C, if they are combined or complicated

ANNEX III

Scale of reimbursement for dental treatment and prostheses

A. DENTAL TREATMENT		Spring attachment	BFR 7 500
The cost of the treatments listed below shall be reimbursed at the rate of 80%, subject to the following maximum reimbursement:		Hinge	BFR 3 900
Normal filling	BFR 1 200	2. Removable prostheses	
Filling with devitalization of one root	BFR 1 600	Full set of dentures, upper or lower (14 teeth, resin plate)	BFR 27 195
Filling with devitalization of more than one root	BFR 2 400	Partial dentures with synthetic resin plastic plate	
Normal extraction	BFR 800	base plate	BFR 6 040
Surgical extraction	BFR 1 600	per tooth	BFR 1 885
Extraction of impacted tooth	BFR 2 900	per clasp	BFR 1 355
Appectomy	BFR 2 400	Supplement per metal plate (stainless steel) (upper or lower)	BFR 5 130
Gingivectomy	BFR 1 600	Supplement for suction system (Lausap, Fixomatic, Vacuum, Matic, etc.)	BFR 5 130
Full scaling and polishing	BFR 640	Metal prosthesis (chrome cobalt) plate and clasp	BFR 12 585
X-ray of a single tooth	BFR 512	per tooth	BFR 4 210
General X-ray	BFR 1 600	3. Repairs	
Treatment not listed above shall be reimbursed at the rate of 80% after consultation of the dental officer.		to the resin plate	BFR 2 420
B. DENTAL PROSTHESES		addition of one tooth, or clasp on resin plate	BFR 2 715
1. Fixed Prostheses		rebasing (upper or lower) (40% of full set of dentures)	BFR 10 810
The cost of fixed prostheses for which prior authorization has been granted on submission of an estimate shall be reimbursed at the rate of 80%, subject to the following maximum reimbursement:		remounting (upper or lower) (75% of full set of dentures)	BFR 20 400
Maximum reimbursement per tooth		4. Notes on the application of the scale of reimbursement for dental prostheses	
Gold crown, resin jacket	BFR 7 500	1. Subject to the conditions laid down in the above scale, the cost of temporary prostheses shall be reimbursed to a maximum of 50% of the limit set for the same permanent prosthesis made of resin.	
Resin bridge tooth element	BFR 7 500	2. Costs of repair, rebasing, remounting and renewal of prostheses in respect of which reimbursement has already been made by the Sickness Insurance Scheme can be reimbursed only after prior authorization, except in the case of repairs the urgency of which has been duly established.	
Gold inlay, cast dummy	BFR 7 500	3. If the costs of impressions and fitting of removable prostheses are separately invoiced, they will be reimbursed in accordance with Section VI(1) of Annex I.	
Pivot crown	BFR 7 500		
Richmond crown or crown of porcelain and metal. Veneer or bridge device of porcelain and metal	BFR 7 500		
Gold and porcelain bridge tooth element	BFR 7 500		

ANNEX IV

Therapeutic treatment

The therapeutic treatments in respect of which costs may be reimbursed are listed below. The maximum number of sessions reimbursable over any 12-month period is specified for each type of treatment.

After reimbursement, the medical prescription shall be kept in the member's medical file.

A. Treatment in respect of which a medical prescription dated less than six months prior to the date of the first session of treatment is required

<i>Type of treatment</i>	<i>Maximum number of sessions reimbursable over any 12-month period</i>
1. Kinesitherapy, therapeutic massage, remedial gymnastics, pre- and post-natal exercises, mobilization, occupational therapy, mechanotherapy, traction, mud baths, hydromassage, hydrotherapy, any combination of the above	60
2. Physiotherapy, electrotherapy, diadynamic currents, microwave therapy, ionization, short-wave therapy, special forms of electrotherapy, any combination of the above	60
3. Aerosol therapy, inhalation, insufflation, irrigation, nebulization or spray treatment, any combination of the above	30
4. Infra-red radiation, ultrasound therapy	40
5. Radium therapy, radio therapy, Röntgen therapy	Unlimited
6. Acupuncture performed by a doctor, maximum amount reimbursed: BFR 900	30

B. Treatment on prescription for which prior authorization is required

<i>Type of treatment</i>	<i>Maximum number of sessions reimbursable over any 12-month period</i>
1. Laser therapy	20
Ultraviolet radiation	40
Chiropractic	24
Osteopathy	20
Medical chiropody-podology	12
Mesodermal microinjection therapy	30
Acupuncture (carried out by a person who is not a medical practitioner) Maximum reimbursement: BFR 900	30
2. Psychotherapy, maximum reimbursement : BFR 1 823	
Psychoanalysis, maximum reimbursement: BFR 1 823	
Speech therapy, graphomotor therapy, psychomotor therapy	60

RULES

on the insurance of officials of the European Communities against the risk of accident and of occupational disease

THE INSTITUTION,¹

Having regard to the Staff Regulations of officials of the European Communities and the conditions of employment of other servants of the Communities as laid down in Regulation (EEC, Euratom, ECSC) No 259/68² and last amended by Regulation (ECSC, EEC, Euratom) No 3178/76³ and in particular Article 73 of these Staff Regulations and Article 28 of these conditions of employment,

Having regard to the opinion of the Staff Regulations Committee,

Having regard to the agreement reached between the institutions of the European Communities,⁴

Whereas it is for the institutions of the European Communities by agreement to draw up rules for insurance against the risk of accident and occupational disease applicable to officials of those Communities,

HAS ADOPTED THESE RULES:

CHAPTER I

GENERAL PROVISIONS

Article 1

These rules lay down, pursuant to Article 73 of the Staff Regulations of the officials of the European Communities, the conditions under which officials are insured throughout the world against the risk of accident and of occupational disease.

Article 2

1. An accident means any occurrence or external factor of a sudden, violent or abnormal nature adversely affecting an official's bodily or mental health.

2. The following shall *inter alia* be considered accidents:

- drowning, poisoning;

¹ The institutions of the European Communities have passed the Regulations at the following dates:
 (i) Parliament: on 27 January 1977,
 (ii) Council: on 22 November 1976,
 (iii) Commission: on 18 April 1975,
 (iv) Court of Justice: on 9 July 1975,
 (v) Economic and Social Committee: on 5 October 1976.

² OJ L 56, 4.3.1968, p. 1.

³ OJ L 359, 30.12.1976, p. 9.

⁴ General agreement of the institutions of the Community was confirmed by the President of the Court of Justice on 22.12.1976.

- infections, sicknesses and wounds and any other consequences of the bites of animals or of the stings of insects;
- burns;
- subjection to cold, freezing, insolation and any other consequences of heat or cold arising from an accident;
- distortions, tears or lacerations and ruptures of muscles or tendons caused by exertion;
- the unexplained disappearance of an official, if on expiry of a period of one year and following an enquiry into the circumstances of the disappearance, the official is presumed dead unless there are grounds for presuming that the death was not due to an accident.

Article 3

1. The diseases contained in the 'European List of Occupational Diseases' annexed to the Commission Recommendation of 22 May 1990⁵ and to any supplements thereto shall be considered occupational diseases to the extent to which the official has been exposed to the risk of contracting them in the performance of his duties with the European Communities.

2. Any disease or aggravation of a pre-existing disease not included in the List referred to in paragraph 1 shall also be considered an occupational disease if it is sufficiently established that such disease or aggravation arose in the course of or in connection with the performance by the official of his duties with the Communities.

Article 4

1. Accidents shall not be covered by Article 73 of the Staff Regulations if they are due to the following causes:

(a) subject to paragraph 2, wilful involvement in a brawl;

(b) – manifestly reckless acts;

- participation by means of motorized equipment in sporting contests, races and official trials;

- practice of sports regarded as dangerous, such as boxing, karate, parachuting, speleology, underwater fishing and exploration with breathing equipment including containers for the supply of air or oxygen;

(c) climbing cliffs or pinnacles of rock or mountain

⁵ OJ L 160, 26.6.1990, p. 39.

peaks otherwise than on beaten tracks, except in an emergency, and subject to paragraph 2;

- (d) pleasure sailing more than five nautical miles from the coast;
- (e) intoxication or the use of drugs not prescribed by a doctor, except in case of error;
- (f) the deliberate handling of military arms or ammunition, except in an emergency.

2. Accidents listed in paragraph 1 (a) and (c) shall be covered if they occurred in the course of or in connection with the performance by the official of his duties or on his way to and from work, unless they are the inexcusable fault of the official.

Article 5

Insurance against the risks referred to in Article 73 of the Staff Regulations shall be suspended for any period for which:

- an official is granted leave on personal grounds pursuant to Article 40 of the Staff Regulations;
- the remuneration which a member of the temporary staff receives in respect of his employment is suspended pursuant to the conditions of employment of that staff member.

Article 6

If an official sustains an accident or contracts a disease during a period for which he has been assigned non-active status or is on leave for military service pursuant to Articles 41 and 42 respectively of the Staff Regulations, benefits of the same kind paid from other sources shall be deducted from those payable under these Rules.

Article 7

1. The benefits referred to in Article 73 of the Staff Regulations shall not be payable if the accident or disease was caused intentionally by the official.

No benefit shall be payable to a person entitled under the official where that person has intentionally caused the death of the official.

2. The following shall, however, be regarded as accidents within the meaning of these rules:

- bodily or mental injuries sustained in an emergency or in self-defence or when saving human life or salvaging property;
- the consequences of assaults on or attempts on the life of the official, even in the course of strikes or disturbances unless it is proved that the official participated of his own free will in the violent action in which he was injured, except in self-defence;
- suicide or attempted suicide committed whilst the balance of the official's mind is disturbed or unintentional mutilation or wounds sustained in the course of or in connection with the performance by the official of his duties, on his way to

and from work, or in the aftermath of or as a result of an accident or occupational disease already covered by Article 73 of the Staff Regulations.

Article 8

The benefits and allowances, and also the reimbursement of medical expenses provided for in these Rules shall be paid to an official or to those entitled under him only on condition that they subrogate the Communities to their rights and proceedings against any responsible third party up to the amount of such benefits, allowances and reimbursement.

That subrogation shall not take effect if the third party concerned is the official's spouse, another member of his family or another person living as a member of his family, or his servant or agent, or if the third party is an official or other servant of the Communities, except in the event of an error wilfully committed by that third party.

The official or those entitled under him must provide the institution to which the official belongs with any information or evidence available to them, in order to enable the institution, where appropriate, to take action against the third party, and give the institution all assistance necessary to this end. In order to seek an amicable settlement of their claims or to compound with the third party, the official or those entitled under him must obtain the consent of the institution to which the official belongs.

Article 9

Where the official or those entitled under him initiate proceedings against the third party and the institution to which the official belongs also takes action against that third party, or where they reach an amicable settlement or compound with the third party, the official or those entitled under him shall have a prior claim to the sums thus declared payable to the third party to the extent of that portion of the sums actually paid by the latter which must be added to the benefits paid by the Communities under Article 73 of the Staff Regulations in order to make good the damage suffered by the official or by those entitled under him as assessed by the court before which the matter was brought or as agreed under the amicable settlement.

Where the third party is only partly liable, the percentage for which he is found liable shall determine that portion of the benefits payable under the Staff Regulations which defines the extent of the subrogation.

CHAPTER II

BENEFITS

Article 10

1. An official who sustains an accident or contracts an occupational disease shall be entitled to reimbursement of all expenses necessary in order to

restore as completely as possible his bodily or mental health and in order to pay for all care and treatment required as a result of the injuries sustained and their symptoms and also, where appropriate, of the expenses incurred in the functional and occupational rehabilitation of the victim.

However, where the appointing authority of the institution to which the official belongs considers certain expenses excessive or unnecessary it may, on the advice of the doctor appointed by it, lower them to an amount considered reasonable or, where appropriate, refuse to reimburse them.

The expenses referred to in the preceding subparagraphs shall be reimbursed to the official under these Rules by the appointing authority of the institution to which the official belongs after the sickness insurance scheme provided for by Article 72 of the Staff Regulations has defrayed the part falling to that scheme under the conditions laid down therein.

2. The appointing authority of the institution to which the official belongs may, at his request and after consulting the doctor appointed by the appointing authority, reimburse travel expenses where it appears necessary for the official to be treated, spend his period of convalescence, or take a cure in his country of origin.

In exceptional cases, where the official's state of health so requires, the appointing authority of the institution may, after consulting the doctor appointed by it, reimburse travel expenses in order to enable the official to receive the treatment necessitated by his state of health in a country other than his country of origin.

Such travel expenses shall be reimbursed in accordance with Article 12 of Annex VII to the Staff Regulations.

Article 11

1. Where an official dies as a result of an accident or occupational disease, the institution to which the official belongs shall pay the lump sum provided for in Article 73(2)(a) of the Staff Regulations to those entitled under him as therein designated.

Where the official is found to be alive after all or part of this lump sum has been paid to those entitled in the case referred to in Article 2(2)(f), all sums paid shall be reimbursed by those entitled under him. Special arrangements may be made to effect such reimbursement.

2. Where, following payment of the lump sum provided for in Article 12, the official dies as a result of the same accident or the same occupational disease, the lump sum referred to in this Article shall be payable only in so far as it exceeds the lump sum paid pursuant to Article 12.

Article 12

1. Where an official sustains total permanent invalidity as a result of an accident or an occupational

disease, he shall be paid a lump sum provided for in Article 73(2)(b) of the Staff Regulations.

2. Where an official sustains partial permanent invalidity as a result of an accident or an occupational disease, he shall be paid a lump sum calculated on the basis of the rates laid down in the invalidity scale contained in the Annex hereto.

Article 13

Where the official or those entitled under him so request, an annuity shall be substituted for the payments provided for in Articles 11 and 12.

That request must be made within three months following notification of the decision provided for in Article 19.

Conversion to an annuity, whether payable immediately or subsequently, shall be made on the basis of the pension tables provided for in Article 8 of Annex VIII to the Staff Regulations.

Article 14

After consulting the medical officers referred to in Article 19 or the Medical Committee referred to in Article 23 the official shall be granted an allowance in respect of any injury or permanent disfigurement which, although not affecting his capacity for work, constitutes a physical defect and has an adverse effect on his social relations.

This allowance shall be determined by analogy with the rates laid down in the invalidity scale referred to in Article 12. Where disfigurement results from an anatomical functional lesion the abovementioned rates shall be increased accordingly.

Article 15

Where, as a result of an accident or an occupational disease, the official is incapacitated to such an extent that he cannot do without the permanent assistance of another person, the appointing authority of the institution may, after consulting the doctor appointed by it or the Medical Committee referred to in Article 23, grant him a monthly flat-rate allowance equal to the justified expenditure and not exceeding 150% of the minimum subsistence figure referred to in Article 6 of Annex VIII to the Staff Regulations taking account of the weighting applicable to his remuneration or, as the case may be, his pension. The flat-rate allowance shall be paid only after the reimbursements payable for nursing expenses under Article 72 of the Staff Regulations have been exhausted and shall be paid as a supplement to such reimbursements. The decision to grant such an allowance shall be subject to review at intervals of not more than three years, to be determined by the institution.

CHAPTER III

PROCEDURE

Article 16

1. An official who sustains an accident, or those entitled under him, must report the accident to the administration of the institution to which the official belongs.

Where the accident results in death or wherever it is impossible for the official or those entitled under him to report the accident, this may be done by any member of his family or any other person with knowledge of the facts.

The report of the accident must state particulars on the date and time, the causes and the circumstances of the accident and also the names of witnesses and of any third party which may be liable. A medical certificate must be annexed, specifying the nature of the injuries and the probable consequences of the accident.

2. Except in cases of *force majeure* or for any other lawful reason, the report shall be submitted not later than 10 working days following the date on which the accident occurred.

The administration may hold an inquiry.

Article 17

1. An official who requests application of these rules on grounds of an occupational disease must submit a statement to the administration of the institution to which he belongs within a reasonable period following the onset of the disease or the date on which it was diagnosed for the first time. The statement may be submitted by the official or, where the symptoms of the disease allegedly caused by his occupation become apparent after the termination of his service, the former official; where an official dies as a result of a disease allegedly caused by his occupation, it may also be submitted by those entitled under him.

The statement must specify the nature of the disease and must be accompanied by medical certificates or any other supporting documents.

2. The Administration shall hold an enquiry in order to obtain all the particulars necessary to determine the nature of the disease, whether it has resulted from the official's occupation and also the circumstances in which it arose.

An inquiry may be held automatically in the case of an official who contracted a disease or sustained injuries by exposure, in the performance of his duties, to noxious substances or to exceptional factors causing disease.

After seeing the report drawn up following the inquiry, the doctor(s) appointed by the institutions shall state his or their findings as provided for in Article 19.

Article 18

The Administration may obtain any expert medical opinion necessary for the implementation of these Rules.

Article 19

Decisions recognizing the accidental cause of an occurrence including a decision as to whether the occurrence is to be attributed to occupational or non-occupational risks, or decisions recognizing the occupational nature of a disease and assessing the degree of permanent invalidity shall be taken by the appointing authority in accordance with the procedure laid down in Article 21,

- on the basis of the findings of the doctor(s) appointed by the institutions; and
- where the official so requests, after consulting the Medical Committee referred to in Article 23.

Article 20

The decision defining the degree of invalidity shall be taken after the official's injuries have consolidated. To this end, the official concerned must submit a medical report stating that he has recovered or that his condition has stabilized and also setting out the nature of his injuries.

Where it is impossible to define the degree of invalidity after medical treatment is terminated, the findings of the doctor(s) referred to in Article 19 or, where appropriate, the report of the Medical Committee referred to in Article 23 must specify a deadline for reviewing the official's case.

Where the degree of invalidity is considered to amount to at least 20% the appointing authority shall grant a provisional allowance corresponding to the undisputed proportion of the permanent invalidity rate. That allowance shall be set off against the final benefit.

Article 21

Before taking a decision pursuant to Article 19, the appointing authority shall notify the official or those entitled under him of the draft decision and of the findings of the doctor(s) appointed by the institution. The official or those entitled under him may request that the full medical report be communicated to a doctor chosen by them.

Within a period of 60 days the official or those entitled under him may request that the Medical Committee provided for in Article 23 deliver its opinion.

Where, on expiry of this period, no request has been made for consultation of the Medical Committee, the appointing authority shall take a decision in accordance with the draft previously supplied.

Article 22

The official may at any time submit a statement concerning the aggravation of his injuries or invalidity, accompanied by a report from his regular doctor.

Where such aggravation is confirmed by the doctor appointed by the appointing authority, the latter shall decide on the matter in accordance with the procedure laid down in Articles 19 and 21.

Article 23

1. The Medical Committee shall consist of three doctors:

- one appointed by the appointing authority;
- one appointed by the official concerned or those entitled under him;
- one appointed by agreement between the first two doctors.

Where agreement cannot be reached on the appointment of the third doctor within a period of two months following appointment of the second doctors, the President of the Court of Justice of the European Communities shall appoint the third doctor at the request of either party.

On completing its proceedings, the Medical Committee shall set out its opinion in a report to be communicated to the appointing authority and to the official or those entitled under him.

2. Expenses incurred in connection with the proceedings of the Medical Committee shall be borne by the institution to which the official belongs.

Where the doctor appointed by the official 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 rail fare or economy-class air fare, which shall be refunded by the institution. This provision shall not apply in the case of an accident which occurred in the course of or in connection with the performance by the official of his duties or in the case of an occupational disease.

Where the opinion of the Medical Committee is in accordance with the draft decision of the appointing authority notified to the official or to those entitled under him pursuant to Article 21, the latter shall pay the fee and incidental expenses of the doctor chosen by them and half of the fee and incidental expenses of the third doctor, whilst the remainder shall be paid by the institution, unless the accident in question occurred in the course of or in connection with the performance by the official of his duties or on his way to or from work or in the case of an occupational disease.

However, in exceptional cases and by a decision taken by the appointing authority after consulting the doctor appointed by it, all the expenditure referred to in the preceding paragraphs may be borne by the institution.

Article 24

1. In cases other than those referred to in Rule 19, where a decision must be taken after consulting the doctor appointed by the appointing authority, the latter shall, before taking such a decision, notify the

official or those entitled under him of the draft decision and also of the doctor's findings. Within a period of 30 days the official or those entitled under him may request consultation of another doctor, to be chosen by agreement between the doctor appointed by the appointing authority and the doctor appointed by the official or those entitled under him. If, on the expiry of that period, no request for such consultation has been made, the appointing authority shall take a decision in accordance with the draft previously notified.

The opinion of the doctor referred to in the preceding subparagraph shall be communicated to the appointing authority and also the official or those entitled under him.

2. The expenses incurred in consulting the doctor chosen by agreement shall be borne by the institution to which the official belongs.

However, where the opinion of that doctor is in accordance with the draft decision of the appointing authority, the official or those entitled under him shall pay the fee and incidental expenses involved in such consultation.

Article 25

Recognition of total or partial permanent invalidity pursuant to Article 73 of the Staff Regulations and to these Rules shall in no way prejudice application of Article 78 of the Staff Regulations and vice versa.

CHAPTER IV

SETTLEMENT OF CLAIMS AND PAYMENT OF BENEFITS

Article 26

Any claims accruing under these Rules to an official who sustained an accident or contracted an occupational disease or to those entitled under him shall be settled by the institution to which the official belonged at the time when he sustained the accident or contracted the occupational disease. A breakdown of such settlement shall be sent to the official or to those entitled under him and also to the Commission of the European Communities, which is responsible for paying the benefits provided for in these Rules.

Article 27

1. The allowances referred to in Articles 11 and 12 and the annuity provided for in Article 13 shall be payable at the option of the persons concerned in the currency of either their country of origin, their country of residence or of the country where the institution to which the official belonged has its seat.

Where neither the country of origin nor the country of residence is a country of the Communities, the benefits shall be paid in the currency of the country where the abovementioned institution has its seat.

2. Where the allowance is paid in a currency other than Belgian francs it shall be calculated on the basis of the exchange rates prevailing on the day of the decision.

CHAPTER V

APPEALS

Article 28

Decisions taken under these Rules may be subject of a complaint under Article 90 of the Staff Regulations by the official or those entitled under him to the appointing authority of the institution to which the official belongs and of an appeal by the same persons to the Court of Justice of the European Communities under the conditions laid down in the

Treaties establishing the Communities and in Article 91 of the Staff Regulations.

CHAPTER VI

FINAL PROVISIONS

Article 29

The Staff Regulations Committee shall consider the application of these rules at regular intervals.

Article 30

These Rules shall enter into force on the first day of the month following that in which the agreement between the institutions provided for in Article 73 (1) of the Staff Regulations of Officials is recorded by the President of the Court of Justice.

ANNEX

**Scale of the rates of permanent partial invalidity referred to in Article 12(2)
of the Rules on the insurance of officials of the European Communities
against the risk of accident and of occupational disease**

Percentage of the lump sum provided for total permanent invalidity:

Incurable insanity.....	100%	
Total organic paralysis.....	100%	
Total blindness.....	100%	
Amputation or total and definitive loss of use of:		
– two arms or two hands;		
– two legs or two feet;		
– one arm or one hand and one leg or one foot.....	100%	
Total loss of an eye including ablation.....	30%	
Total loss of an eye not including ablation.....	25%	
Loss of the substance of the cranium in its entire thickness:		
(a) area of at least 6 sq. cm.....	40%	
(b) area of between 3 and 6 sq. cm.....	20%	
(c) area of less than 3 sq. cm.....	14%	
Total and incurable deafness in both ears.....	40%	
Total and incurable deafness in one ear:.....	15%	
Ablation of the mandible:		
(a) total.....	70%	
(b) partial (ramus of the mandible and all or half of the body of the mandible).....	40%	
Loss of upper and lower teeth and their alveoli, resulting in loss of support for a prosthesis.....	10 to 30%	
In the event of a prosthesis resulting in functional improvement.....	1 to 10%	
		<i>Right Left</i>
Loss of arm or hand.....	75%	60%
Total paralysis of arm.....	65%	55%
Total paralysis of the axillary nerve.....	20%	15%
Total paralysis of the median nerve.....	45%	35%
Total paralysis of the ulnar nerve.....	30%	25%
Total paralysis of the nerve of the hand.....	20%	15%
Total paralysis of the radial nerve above the triceps.....	40%	30%
Total ankylosis of the scapulo-humeral joint:		
(a) with immobilization of the scapula.....	65%	55%
(b) with mobility of the scapula.....	35%	25%
Unconsolidated fracture of the arm (with pseudarthrosis).....	30%	25%
Total immobility of the elbow:		
(a) in an unfavourable position.....	40%	35%
(b) in a favourable position.....	25%	20%

Unconsolidated fracture of the forearm:		
(with pseudarthrosis)		
(a) of both bones	25%	20%
(b) of one bone	10%	8%
Total immobility of the wrist:		
(a) in an unfavourable position (flexion or forced extension or supination) ...	40%	30%
(b) in a favourable position (rectitude and pronation)	20%	15%
Amputation of the thumb:		
(a) total	20%	18%
(b) partial (ungual phalanx)	10%	8%
Ankylosis of the thumb:		
(a) total	15%	12%
(b) partial (ungual phalanx)	10%	8%
Amputation of the index finger:		
(a) total	16%	14%
(b) two phalanges	12%	10%
(c) one phalanx	6%	5%
Amputation of the middle finger	12%	10%
Amputation of the ring finger	10%	8%
Amputation of the little finger	8%	6%
Total paralysis of the leg	60%	
Total paralysis of the internal popliteal sciatic nerve	30%	
Total paralysis of the popliteal sciatic nerve	30%	
Total paralysis of both popliteal sciatic nerves	40%	
Shortening of the leg:		
(a) by at least 5 cm	30%	
(b) from 3 to 5 cm	20%	
(c) from 1 to 3 cm	10%	
Total ankylosis of the hip:		
(a) in an unfavourable position (flexion-adduction or abduction)	60%	
(b) rectitude	40%	
Amputation of the thigh:		
(a) upper half	60%	
(b) lower half	50%	
Unconsolidated fracture of the thigh or of both bones of the leg (with pseudarthrosis)	50%	
Total ankylosis of the knee:		
(a) flexion (from 130 degrees)	50%	
(b) rectitude or approximate rectitude	25%	
Chronic hydarthrosis according to the degree of muscular atrophy	3 to 20%	
Unconsolidated fracture of the kneecap with wide displacement of the fragments and involving considerable discomfort in extending the leg as against the thigh	40%	
Amputation of the leg	50%	

Tibio-tarsal ankylosis	15%
Amputation of the foot:	
(a) total (tibio-tarsal disarticulation)	50%
(b) below the astragalus	40%
(c) Chopart's amputation	35%
(d) Lisfranc's amputation	30%
Amputation of all toes	20%
Amputation of the big toe	10%
Amputation of a toe other than the big toe	5%
Ankylosis of the big toe	3,50%

In the case of a left-handed person the rates relating to the right arm shall be applied to the left arm and vice versa.

Partial amputation or partial loss of function of the abovementioned limbs or organs shall give rise to entitlement to a proportional allowance calculated on the basis of the percentage granted for complete amputation or complete loss of function.

In cases of permanent partial invalidity not provided for above, the degree of invalidity shall be determined by analogy with the foregoing table.

Injuries to limbs or organs previously disabled shall only be com-

pensated by the difference between the condition before and that after the accident.

The assessment of injuries to healthy limbs or organs damaged in the accident cannot be increased on the ground of the state of infirmity of other limbs or organs not affected by the accident.

The total allowance for invalidity on several counts arising out of the same accident shall be obtained through addition but such total shall not exceed either the total lump sum of the insurance for permanent or total invalidity or the partial sum insured for the total loss or the complete loss of use of the limb or organ injured.

RULES

laying down the procedure for the transfer of part of an official's emolumentsTHE INSTITUTION,¹

Having regard to the Staff Regulations of officials of the European Communities and the conditions of employment of other servants of the Communities laid down in Regulation (EEC, Euratom, ECSC) No 259/68,² as last amended by Regulation (Euratom, ECSC, EEC) No 3085/78,³ and in particular Article 17 of Annex VII to the Staff Regulations and Article 27 of the conditions of employment,

Having regard to the opinion of the Staff Regulations Committee,

Having regard to the agreement reached between the institutions of the European Communities,

Whereas the institutions of the European Communities must lay down by common agreement the arrangements for the transfer of part of an official's emoluments,

HAS DECIDED AS FOLLOWS:

Article 1

Pursuant to Article 17 (3) (a) of Annex VII to the Staff Regulations, an official may on application regularly have part of his emoluments transferred through the institution which he serves up to a maximum amount equal to his expatriation or foreign residence allowance, weighted at the rate for his place of employment.

Article 2

Pursuant to Article 17 (2) (b) of Annex VII to the Staff Regulations, an official may also on application regularly have part of his emoluments transferred through the institution which he serves in excess of the maximum referred to in Article 1, provided that such transfers are intended to cover expenditure arising out of commitments proved to have been regularly undertaken by the official outside his country of employment.

Expenditure regarded as justifying such transfers shall be as follows:

- upon written evidence of attendance at school or university, study expenses for children in respect of whom a dependent child allowance is payable, up to a maximum per child of three times the ordinary dependent child allowance, plus the amount of the education allowance received by the official for the child concerned;
- on production of supporting documents, payments to all other persons to whom the official

has a legal family obligation under the legislation of at least one of the Member States, up to a maximum amount per person of 5.25 times the ordinary dependent child allowance;

- on production of supporting documents, either contributions to a retirement pension scheme up to the amounts required for entitlement to supplementary pensions or payments to constitute annuities or savings accounts for the benefit of handicapped dependent children within the meaning of Article 67 (3) of the Staff Regulations;
- upon presentation of the title deeds and of the mortgage agreement, mortgage repayments, spread over at least seven years, for the purchase of land for either a private dwelling of the construction, purchase or conversion of the official's main home or second home in a country of the Community;
- upon presentation of the deed, payments towards life annuities, and upon presentation of the relevant contract, life and invalidity insurance premiums or building society payments in connection with the real estate transactions referred to above.

The following expenses cannot be accepted as justifying transfers: miscellaneous current expenses such as taxes and charges, presents, small orders, subscriptions, books, insurance.

Article 3

The total of the regular transfers as defined in Articles 1 and 2 may not exceed 35% of net monthly remuneration.

Article 4

By way of derogation from Articles 1, 2 and 3, an official whose place of employment is outside the territory of the Member States may, on application, have regular transfers made through the institution which he serves, up to a maximum of 65% of his net monthly remuneration.

The countries to which this applies are:

- countries in Africa, excluding the Republic of South Africa;
- countries in Asia, excluding Japan;
- countries in Latin America and Central America.

This list of countries may be amended where in a country:

- there is substantial monetary instability;
- the currency becomes inconvertible;

¹ Each institution of the Communities has adopted for itself the following rules.

² OJ No L 56, 4.3.1968, p. 1.

³ OJ No L 369, 29.12.1978, p. 6.

- bans or restrictions are imposed on exporting currency;
- it is impossible to obtain European-style consumer goods.

Transfers pursuant to this Article shall be made in one of the currencies referred to in Article 17 (2) (a) of Annex VII to the Staff Regulations.

Article 5

Pursuant to Article 17 (2) (c) of Annex VII to the Staff Regulations, the appointing authority may authorize an official, in duly substantiated and highly exceptional circumstances, to have transferred through the institution which he serves, sums which he may wish to have available in one of the currencies referred to in Article 17 (2) (a) of the aforesaid Annex. Authorization will be granted after scrutinizing of the supporting evidence provided.

Article 6

Applications for transfers under Articles 1, 2 and 4 shall be submitted in writing. They shall operate for a minimum period of six months and shall be tacitly renewed for successive six-month periods, unless the official gives written notice of cancellation; transfers may not be backdated. If during that time there is a change in either the official's remuneration or the circumstances justifying a transfer, he may ask for the transfer to be discontinued or altered.

Applications for transfers and applications to alter or discontinue existing transfers shall take effect no later than the second month following submission of the application.

A backdated increase in remuneration may not be used to backdate an alteration in the amounts trans-

ferred. Changes in exchange rates or weightings as referred to in Article 17 (3) of Annex VII to the Staff Regulations shall not have retroactive effect on the exchange value of the amounts transferred.

The institution concerned shall keep a regular check on whether the grounds on which the transfer authorization was granted still exist. Should it find that these grounds no longer exist, it shall cease to make the transfer.

Article 7

Where the institution has a legal or contractual obligation to pay part of an official's salary to a third party, the official shall state whether he wishes the present rules to be applied. However, the time-limits laid down in the provisions of the first paragraph of Article 6 shall not apply in such cases.

Article 8

An official who, prior to 1 April 1979, has had regular transfers made through the institution which he serves of a fixed amount not exceeding 35% of his net monthly remuneration may continue to have an identical amount regularly transferred after that date, even if this amount as subsequently calculated exceeds 35% of his net monthly remuneration.

Increases in an official's remuneration on or after 1 April 1979 may under no circumstances give rise to an alteration in the amount of regular transfers where this amount already exceeds 35% of his net monthly remuneration.

Article 9

These rules shall enter into force on 1 January 1980 with effect from 1 April 1979.

RULES**determining the list of organizations devoted to furthering the Communities' interests referred to in the second indent of Article 37 (1)(b) of the Staff Regulations of officials of the European Communities****THE INSTITUTION,¹**

Having regard to the Staff Regulations of officials of the European Communities and the conditions of employment of other servants of those Communities laid down in Regulation (EEC, Euratom, ECSC) No 259/68,² as last amended by Regulation (Euratom, ECSC, EEC) No 3647/83,³ and in particular the second indent of Article 37 (1) (b) and Article 110 of the Staff Regulations,

Having regard to the opinion of the Staff Regulations Committee,

Whereas it is for the institutions of the European Communities to draw up the list of organizations devoted to furthering the Communities' interests referred to in the second indent of Article 37(1)(b) of the Staff Regulations;

Whereas these Rules cannot come into force until the joint agreement of the institutions on their contents has been recorded by the President of the Court of Justice;

Whereas these Rules should be reviewed periodically,

HAS DECIDED AS FOLLOWS:

Article 1

The list of organizations devoted to furthering the Communities' interests to which an official may be seconded at his own request shall be as follows:

- the European Agency for Cooperation;
- the European Investment Bank;
- the European Centre for the Development of Vocational Training;
- the European Foundation for the Improvement of Living and Working Conditions;
- the European University Institute, Florence.

Article 2

These Rules shall come into force on the first day of the month following that in which the joint agreement between the institutions referred to in the second indent of Article 37(1)(b) of the Staff Regulations is recorded by the President of the Court of Justice.

They shall take effect on 28 July 1983.

Article 3

These Rules shall be reviewed periodically. The first review shall take place 12 months after the date on which they took effect.

¹ Each institution of the Communities has adopted for itself the following rules.

² OJ L 56, 4.3.1968, p. 1

³ OJ L 361, 24.12.1983, p. 1.

RULES

laying down the detailed arrangements for applying the provisions relating to the grant of the unemployment allowance to members of the temporary staff pursuant to Article 28a(10) of the conditions of employment of other servants¹

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Staff Regulations of officials and the conditions of employment of other servants of the European Communities as laid down in Council Regulation (EEC, Euratom, ECSC) No 259/68² and last amended by Regulation (Euratom, ECSC, EEC) No 3784/87,³ and in particular Article 28a of the said conditions of employment,

Having regard to the conditions of employment of staff of the European Centre for the Development of Vocational Training, as laid down by Regulation (ECSC, EEC, Euratom) No 1859/76,⁴ and the conditions of employment of staff of the European Foundation for the Improvement of Living and Working Conditions, as determined by Regulation (ECSC, EEC, Euratom) No 1860/76,⁵ as last amended by Regulations (Euratom, ECSC, EEC) No 679/87 and 680/87 respectively,⁶ and in particular Article 46a of those conditions of employment,

Having regard to the opinion of the Staff Regulations Committee,

Whereas it is for the institutions of the European Communities to lay down the detailed arrangements for applying Article 28a of the conditions of Employment to temporary staff of the institutions of the European Communities who are unemployed when their service has been terminated;

Whereas these rules apply also to staff of the European Centre for the Development of Vocational Training and the European Foundation for the Improvement of Living and Working Conditions who are unemployed after termination of their service;

Whereas the entry into force of these rules is subject to confirmation, by the President of the Court of Justice, of the mutual agreement to be reached between the institutions on the content of the said rules,

HAS ADOPTED THESE RULES:

Article 1

These rules lay down the detailed rules for implementing Article 28a of the conditions of employ-

ment of other servants of the European Communities, in accordance with paragraph 10 of the said Article.

Article 2

Without prejudice to Article 28a(2), a former member of the temporary staff, in order to be eligible for an unemployment allowance, must provide evidence that he is resident in a Member State of the Communities and that he has completed a minimum of six months' uninterrupted service as a member of the temporary staff with one or more institutions of the European Communities.

Periods of leave on personal grounds, unpaid leave or leave for national service shall not be considered as periods of service. However, such periods shall not constitute an interruption in the continuity of service.

Article 3

A former member of the temporary staff shall declare in writing to the relevant department of his institution that he is unemployed.

For the former member of the temporary staff to be eligible for the unemployment allowance as from the start of his professional inactivity, the declaration must be lodged within eight clear days of the start of such inactivity or sent to the relevant department within that same period, the postmark being taken as proof. After that period, the former member of the temporary staff may claim payment of the allowance only as from the day of declaration, within the limits of the maximum period of 24 months from the date of termination of service, as referred to in Article 28a(4).

The institution shall inform the former member of the temporary staff of the formalities which he must fulfil in order to meet the conditions of Article 28a(2)(a), (b) and (c) and shall assist him, as need be, in his representations to the employment authorities of the Member State concerned.

Article 4

Before any payment of the unemployment allowance is made, the former member of the temporary staff must submit to the relevant departments of the institution to which he belonged certificates stating that:

- he is registered as an applicant for employment with the competent authorities of his place of residence;

¹ Rules adopted by the Commission on 14 July 1988; agreement between the institutions was recorded by the President of the Court of Justice on 4 July 1989.

² OJ L 56, 4.3.1968, p. 1.

³ OJ L 356, 18.12.1987, p. 5.

⁴ OJ L 214, 6.8.1976, p. 1.

⁵ OJ L 214, 6.8.1976, p. 24.

⁶ OJ L 72, 14.3.1987, pp. 1 and 15.

- he has applied for national unemployment benefits, where national legislation so provides;
- he has complied with the obligations and controls imposed by the competent authorities of his place of residence on applicants for employment and, where appropriate, on applicants for national unemployment benefits.

Where the legislation of a Member State makes a distinction between compulsory and voluntary applicants for employment, the former temporary staff member must register in the former category.

The unemployment allowance shall be paid by the relevant departments of the Commission once they are in possession of the abovementioned certificates.

Article 5

The contribution to the financing of the unemployment insurance scheme, referred to in Article 28a(7), which is to be made by a member of the temporary staff who is authorized to carry out his activities on a half-time basis shall be calculated on the basis of the total basic salary corresponding to the grade and incremental step of the person concerned.

The unemployment allowance which the former member of the temporary staff who has carried out his activities on a half-time basis may claim, in accordance with Article 28a(3), shall be calculated on the basis of the total basic salary taken into consideration for payment of the last remuneration made to the person concerned before his service was terminated.

Article 6

Payment of the unemployment allowance shall be suspended immediately when the former member of the temporary staff no longer provides evidence of fulfilling the conditions for the grant of the allowance.

However, for the unemployment allowance to be granted or maintained, the former member of the temporary staff who is in one of the situations provided for in the second subparagraph of Article 28a(2) must immediately inform the institution to which he belonged of that fact. The latter shall forward to the Commission the evidence relating to the situations referred to.

Article 7

Where, for reasons of illness, accident, maternity, invalidity or a situation recognized as being similar, the former member of the temporary staff receives from competent national bodies an income to replace a national unemployment allowance, he shall, on pain of suspension of payment of the Community unemployment allowance, declare this to the institution to which he belonged. That institution shall forward to the Commission the evidence relating to the situations referred to.

The amount of that replacement income shall be deducted from the unemployment allowance.

Article 8

The institutions shall provide the Commission with all the information in their possession concerning the establishment of the entitlements to the family allowances in accordance with Article 28a(5), as that information was known to them on the date on which the service of the former member of the temporary staff was terminated.

The Commission shall be responsible for the payment of family allowances on the basis of the information provided and of any information which it might obtain in order to ensure compliance with Article 28a(5), in particular the rules governing the prevention of cumulation concerning allowances of the same kind paid from other sources either to the former member of the temporary staff himself or to his spouse.

A former member of the temporary staff with dependent children shall produce a certificate from the competent authorities mentioning whether or not he himself or his spouse can claim national family allowances in accordance with the legislation of the Member State in which he has established his residence.

If he himself or his spouse can claim such family allowances, he shall apply for them and communicate the amounts received to the institution to which he belonged; the latter shall in turn inform the Commission thereof.

Article 9

Payment of unemployment allowances and family allowances shall be made monthly at the end of the month.

Where the unemployment allowance is not due in respect of a complete month it shall be divided into thirtieths in accordance with Article 27 of the conditions of employment of other servants.

Article 10

Payment of the unemployment allowance and of family allowances shall be set off against the Special Unemployment Fund common to the institutions referred to in Article 28a(7).

In addition, the Special Unemployment Fund shall be debited monthly, in favour of the special budgetary account entitled 'Sickness Insurance Scheme of the Communities', by an amount corresponding, in respect of each former member of the temporary staff receiving the unemployment allowance, to the sum of the sickness insurance contributions of the institution and of the member, calculated on the basis of the total basic salary taken into consideration for payment of the last remuneration made to the person concerned before the termination of his service. These contributions shall be paid as long as the unemployment allowance is paid.

Article 11

The Commission shall record in a special non-budgetary account entitled 'Special Unemployment Fund' the contributions which it pays or which are paid to it by the other institutions, showing the total received for each institution in subsidiary accounts.

Article 12

These rules shall apply *mutatis mutandis* to the European Centre for the Development of Vocational Training and the European Foundation for the Improvement of Living and Working Conditions and to the former staff of each.

Article 13

These rules shall not affect Articles 56 and 216 of the Act concerning the conditions of accession of the Kingdom of Spain and the Portuguese Republic.

Article 14

These rules shall enter into force on the first day of the month following that in which the mutual agreement of the institutions provided for in Article 28a(10) is confirmed by the President of the Court of Justice.

RULES

for giving effect to Articles 2 to 6 of Council Regulation (EEC, Euratom, ECSC) No 3947/92 of 21 December 1992 amending the Staff Regulations of officials and the conditions of employment of other servants of the European Communities

THE INSTITUTION,¹

Having regard to Council Regulation (EEC, Euratom, ECSC) No 3947/92, of 21 December 1992, amending the Staff Regulations of officials and the conditions of employment of other servants of the European Communities², and in particular Articles 2 to 7 thereof,

Having regard to the opinion of the Staff Regulations Committee,

Whereas it is for the institutions of the European Communities to lay down the procedures by common agreement for implementing Articles 2 to 6 of the Staff Regulations;

Whereas the entry into force of these Rules is subject to confirmation, by the President of the Court of Justice, of such common agreement,

HAS ADOPTED THESE RULES:

Article 1

A Joint Committee common to the institutions is hereby set up. The Common Joint Committee shall be consulted on all questions relating to the organization of competitions common to two or more institutions.

The Common Joint Committee shall meet when convened by its chairman, at the request of either the appointing authority of the institution delegated pursuant to the third paragraph of Article 2 of the Staff Regulations (hereinafter referred to as the 'delegated appointing authority') or an appointing authority or a Staff Committee of one of the institutions represented on that Committee.

The Joint Committee shall adopt its rules of procedure.

Article 2

The Joint Committee common to the institutions shall be composed of:

- a chairman appointed by the delegated appointing authority;
- equal numbers of full members and deputy members designated by the appointing authorities of the institutions and by the Staff Committees of the institutions.

Only the full members, or in their absence their deputies, representing the institutions involved in

the competition which is the subject of a meeting shall be entitled to vote, in accordance with the composition of the delegations.

Delegations shall be composed as follows:

- one full member and one deputy member designated by each of the European Parliament, the Council, the Court of Justice, the Court of Auditors and the Economic and Social Committee;
- four full members and four deputy members designated by the Commission;
- one full member and one deputy member designated by each of the Staff Committees of the European Parliament, the Council, the Court of Justice, the Court of Auditors and the Economic and Social Committee;
- four full members and four deputy members designated by the Commission Central Staff Committee.

Where the Commission and only some of the other institutions are involved in a jointly organized competition, the number of votes held by each of the Commission and the Commission Staff Committee shall be one less than the total of the votes held by other institutions and their Staff Committees.

Where the Commission and only one other institution are involved in such a competition, each delegation shall have one vote.

The term of office of the chairman and of the members of the Common Joint Committee shall be two years. It shall be renewable. Appointments must be made two months before the end of the term of office.

The first appointments shall be made no later than one month after the entry into force of these rules.

Article 3

The Common Joint Committee's proceedings shall be valid only if all the full members or, in their absence, their deputies, are present. It may take expert advice.

However, where a competition concerns only some institutions, the Common Joint Committee's proceedings shall be valid if all the full members or, in their absence, their deputies, of the institutions directly involved in the competition are present.

The opinions of the Common Joint Committee shall be adopted in the following manner:

Where all the institutions are involved, an opinion shall be adopted with 10 votes representing at least four institutions.

¹ Each institution of the Communities has adopted for itself the following rules.

² OJ L 404, 31.12.1992, p. 1.

Where five institutions, including the Commission, are involved, an opinion shall be adopted with eight votes representing at least three institutions; where the Commission is not involved, an opinion shall be adopted with six votes.

Where four institutions, including the Commission, are involved, an opinion shall be adopted with six votes representing at least three institutions; where the Commission is not involved, an opinion shall be adopted with five votes.

Where three institutions are involved, an opinion shall require four votes for its adoption.

Where two institutions are involved, an opinion shall require three votes for its adoption.

The opinions of the Common Joint Committee – adopted by the above majorities of members present, with the exception of the chairman, who shall not vote – shall be delivered within 30 working days of the date on which the matter in question was referred to it. However, in exceptional cases and on duly substantiated grounds, that period shall be extended to 45 working days. If no opinion is adopted within the period specified, the delegated appointing authority shall adopt its decision.

Article 4

Where the delegated appointing authority intends to take a decision that does not conform to the opinion of the Common Joint Committee, it shall immediately inform the chairman of the Committee of that fact, giving the reasons for the decision it intends to take.

The chairman of the Common Joint Committee may, within 10 working days from the notification provided for in the preceding paragraph, request a meeting with the delegated appointing authority. That meeting shall be held within 10 working days.

The chairman of the Common Joint Committee shall be accompanied by members of the Common Joint Committee designated by the Committee at the meeting at which the opinion was adopted.

The delegated appointing authority shall adopt its decision from the 11th working day following noti-

fication or, if one has been requested, the meeting provided for in the second paragraph.

Article 5

Where a competition involves two or more institutions, the selection board shall be composed of:

- one chairman and at least one deputy chairman designated by the delegated appointed authority;
- one full member and at least one deputy member for each institution involved in the competition, designated by the delegated appointing authority on a proposal by those institutions;
- one full member and at least one deputy member for each Staff Committee of the institutions involved in the competition, designated by the Staff Committees of those institutions.

If, within 25 working days following the designation of the chairman of the selection board, all the members have not been designated, the selection board may commence its proceedings.

Article 6

The provisions of Annex III to the Staff Regulations shall apply *mutatis mutandis* in the event of competitions common to two or more institutions, in respect of those points which are not covered by these Rules.

Article 7

Before the expiry of his term of office, the chairman of the Common Joint Committee shall draw up a report on the operation of the Committee, which shall be forwarded to the institutions. The report will also be forwarded to the Staff Regulations Committee.

Article 8

These rules shall enter into force on the first day of the month¹ following that during which the common agreement provided for in Article 7 of Regulation (EEC, Euratom, ECSC) No 3947/92 has been confirmed by the President of the Court of Justice of the European Communities.

¹ 1.11.1993.

European Communities – Commission

**Staff Regulations. Regulations and Rules applicable to officials
and other servants of the European Communities – December 1993**

Luxembourg: Office for Official Publications of the European Communities

1994 – 209 pp. – 21.0 x 29.7 cm

ISBN 92-826-6806-1

Venta y suscripciones • Salg og abonnement • Verkauf und Abonnement • Πωλήσεις και συνδρομές
 Sales and subscriptions • Vente et abonnements • Vendita e abbonamenti
 Verkoop en abonnementen • Venda e assinaturas

BELGIOUE - BELGIE

Moniteur belge / Belgisch staatsblad
 Rue de Louvain 42 / Leuvenseweg 42
 1000 Bruxelles / 1000 Brussel
 Tel. (02) 512 00 26
 Fax (02) 511 01 84

Jean De Lannoy

Avenue du Roi 202 / Koningslaan 202
 1060 Bruxelles / 1060 Brussel
 Tel. (02) 538 51 69
 Télex 63220 UNBOOK B
 Fax (02) 538 08 41
 Autres distributeurs/
 Overige verkooppunten:

**Librairie européenne/
 Europese boekhandel**

Rue de la Loi 244/Wetstraat 244
 1040 Bruxelles / 1040 Brussel
 Tel. (02) 231 04 35
 Fax (02) 735 08 60

DANMARK

J. H. Schultz Information A/S

Herstedvang 10-12
 2620 Albertslund
 Tlf. 43 63 23 00
 Fax (Sales) 43 63 19 69
 Fax (Management) 43 63 19 49

DEUTSCHLAND

Bundesanzeiger Verlag

Breite Straße 78-80
 Postfach 10 05 34
 50445 Köln
 Tel. (02 21) 20 29 0
 Fax (02 21) 202 92 78

GREECE - ΕΛΛΑΔΑ

G.C. Eleftheroudakis SA

International Bookstore
 Nikis Street 4
 10563 Athens
 Tel. (01) 322 63 23
 Telex 219410 ELEF
 Fax 323 98 21

ESPAÑA

Boletín Oficial del Estado

Trafalgar, 27-29
 28071 Madrid
 Tel. (91) 538 22 95
 Fax (91) 538 23 49

Mundi-Prensa Libros, SA

Castelló, 37
 28001 Madrid
 Tel. (91) 431 33 99 (Libros)
 431 32 22 (Suscripciones)
 435 36 37 (Dirección)
 Télex 49370-MPLI-E
 Fax (91) 575 39 98
 Sucursal:

Libreria Internacional AEDOS

Consejo de Ciento, 391
 08009 Barcelona
 Tel. (93) 488 34 92
 Fax (93) 487 76 59

**Libreria de la Generalitat
 de Catalunya**

Rambla dels Estudis, 118 (Palau Moja)
 08002 Barcelona
 Tel. (93) 302 68 35
 Tel. (93) 302 64 62
 Fax (93) 302 12 99

FRANCE

**Journal officiel
 Service des publications
 des Communautés européennes**

26, rue Desaix
 75727 Paris Cedex 15
 Tel. (1) 40 58 77 01/31
 Fax (1) 40 58 77 00

IRELAND

Government Supplies Agency

4-5 Harcourt Road
 Dublin 2
 Tel. (1) 66 13 111
 Fax (1) 47 80 645

ITALIA

Licosa SpA

Via Duca di Calabria 1/1
 Casella postale 552
 50125 Firenze
 Tel. (055) 64 54 15
 Fax 64 12 57
 Telex 570466 LICOSA I

GRAND-DUCHÉ DE LUXEMBOURG

Messageries du livre

5, rue Raiffeisen
 2411 Luxembourg
 Tel. 40 10 20
 Fax 49 06 61

NEDERLAND

SDU Overheidsinformatie

Externe Fondsen
 Postbus 20014
 2500 EA 's-Gravenhage
 Tel. (070) 37 89 880
 Fax (070) 37 89 783

PORTUGAL

Imprensa Nacional

Casa da Moeda, EP
 Rua D. Francisco Manuel de Melo, 5
 1092 Lisboa Codex
 Tel. (01) 387 30 02/385 83 25
 Fax (01) 384 01 32

**Distribuidora de Livros
 Bertrand, Ld.^o**

Grupo Bertrand, SA
 Rua das Terras dos Vales, 4-A
 Apartado 37
 2700 Amadora Codex
 Tel. (01) 49 59 050
 Telex 15798 BERDIS
 Fax 49 60 255

UNITED KINGDOM

HMSO Books (Agency section)

HMSO Publications Centre
 51 Nine Elms Lane
 London SW8 5DR
 Tel. (071) 873 9090
 Fax 873 8463
 Telex 29 71 138

ÖSTERREICH

**Manz'sche Verlags-
 und Universitätsbuchhandlung**

Kohlmarkt 16
 1014 Wien
 Tel. (1) 531 610
 Telex 112 500 BOX A
 Fax (1) 531 61-181

SUOMI/FINLAND

Akateeminen Kirjakauppa

Keskuskatu 1
 PO Box 218
 00381 Helsinki
 Tel. (0) 121 41
 Fax (0) 121 44 41

NORGE

Narvesen Info Center

Bertrand Narvesens vei 2
 PO Box 6125 Etterstad
 0602 Oslo 6
 Tel. (22) 57 33 00
 Telex 79668 NIC N
 Fax (22) 68 19 01

SVERIGE

BTJ AB

Traktorvgen 13
 22100 Lund
 Tel. (046) 18 00 00
 Fax (046) 18 01 25
 30 79 47

ICELAND

**BOKABUD
 LARUSAR BLÖNDAL**

Skólavörðustíg, 2
 101 Reykjavík
 Tel. 11 56 50
 Fax 12 55 60

SCHWEIZ / SUISSE / SVIZZERA

OSEC

Stampfenbachstraße 85
 8035 Zürich
 Tel. (01) 365 54 49
 Fax (01) 365 54 11

BĂLGARIJA

**Europress Klassica BK
 Ltd**

66, bd Vitosha
 1463 Sofia
 Tel./Fax 2 52 74 75

ČESKÁ REPUBLIKA

NIS ČR

Havelkova 22
 130 00 Praha 3
 Tel. (2) 24 22 94 33
 Fax (2) 24 22 14 84

HRVATSKA

Meditrade

P. Hatza 1
 4100 Zagreb
 Tel. (041) 430 392

MAGYARORSZÁG

Euro-Info-Service

Honvéd Europa Haz
 Margitsziget
 1138 Budapest
 Tel./Fax 1 111 60 61
 1 111 62 16

POLSKA

Business Foundation

ul. Krucza 38/42
 00-512 Warszawa
 Tel. (2) 621 99 93, 628-28-82
 International Fax&Phone
 (0-39) 12-00-77

ROMANIA

Euromedia

65, Strada Dionisie Lupu
 70184 Bucuresti
 Tel./Fax 1-31 29 646

RUSSIA

CCEC

9,60-letiya Oktyabrya Avenue
 117312 Moscow
 Tel./Fax (095) 135 52 27

SLOVAKIA

**Slovak Technical
 Library**

Nm. slobody 19
 812 23 Bratislava 1
 Tel. (7) 5220 452
 Fax: (7) 5295 785

CYPRUS

**Cyprus Chamber of Commerce and
 Industry**

Chamber Building
 38 Grivas Dhigenis Ave
 3 Deligiorgis Street
 PO Box 1455
 Nicosia
 Tel. (2) 449500/462312
 Fax (2) 458630

MALTA

Miller distributors Ltd

PO Box 25
 Malta International Airport
 LQA 05 Malta
 Tel. 66 44 88
 Fax 67 67 99

TÜRKIYE

Pres AS

Istiklal Caddesi 469
 80050 Tünel-Istanbul
 Tel. 0(212) 252 81 41 - 251 91 96
 Fax 0(212) 251 91 97

ISRAEL

ROY International

PO Box 13056
 41 Mishmar Hayarden Street
 Tel Aviv 61130
 Tel. 3 496 108
 Fax 3 648 60 39

EGYPT/
 MIDDLE EAST

Middle East Observer

41 Sherif St.
 Cairo
 Tel/Fax 39 39 732

UNITED STATES OF AMERICA /
 CANADA

UNIPUB

4611-F Assembly Drive
 Lanham, MD 20706-4391
 Tel. Toll Free (800) 274 4888
 Fax (301) 459 0056

CANADA

Subscriptions only
 Uniquement abonnements

Renouf Publishing Co. Ltd

1294 Algoma Road
 Ottawa, Ontario K1B 3W8
 Tel. (613) 741 43 33
 Fax (613) 741 54 39
 Telex 0534783

AUSTRALIA

Hunter Publications

58A Gipps Street
 Collingwood
 Victoria 3066
 Tel. (3) 417 5361
 Fax (3) 419 7154

JAPAN

Kinokuniya Company Ltd

17-7 Shinjuku 3-Chome
 Shinjuku-ku
 Tokyo 160-91
 Tel. (03) 3439-0121

Journal Department

PO Box 55 Chitose
 Tokyo 156
 Tel. (03) 3439-0124

SOUTH-EAST ASIA

Legal Library Services Ltd

Orchard
 PO Box 05523
 Singapore 9123
 Tel. 73 04 24 1
 Fax 24 32 47 9

SOUTH AFRICA

Safto

5th Floor, Export House
 Cnr Maude & West Streets
 Sandton 2146
 Tel. (011) 883-3737
 Fax (011) 883-6569

AUTRES PAYS
 OTHER COUNTRIES
 ANDERE LÄNDER

**Office des publications officielles
 des Communautés européennes**

2, rue Mercier
 2985 Luxembourg
 Tél. 499 28-1
 Télex PUBOF LU 1324 B
 Fax 48 85 73/48 68 17

CM-80-93-848-EN-C



OFFICE FOR OFFICIAL PUBLICATIONS
OF THE EUROPEAN COMMUNITIES
L-2985 Luxembourg

ISBN 92-826-6806-1



9 789282 668061 >