

# COMMISSION OF THE EUROPEAN COMMUNITIES

COM(94) 369 final

Brussels, 09.09.1994

## **PROPOSAL FOR A COUNCIL REGULATION (ECSC, EC, EURATOM)**

amending Regulation No 6/66/Euratom, 121/66/EEC

with regard to rent allowance

(presented by the Commission)

## EXPLANATORY MEMORANDUM

1. In 1966 the Council, acting on the basis of Article 14a of Annex VII to the Staff Regulations, adopted an implementing Regulation granting a rent allowance to officials in certain places of employment. At the outset, this allowance covered only a few places of employment (in Germany, France, the United Kingdom and Switzerland) and was limited to 5% of remuneration.

In January 1991 the Council adopted Regulation No 150/91, which amended the 1966 Regulation, removing the ceiling and extending the allowance to staff posted to places in all Member States except Belgium and Luxembourg under the rotation system.

Article 2 also laid down that the Regulation was applicable from 1 January 1991 to 31 December 1993 and that the Council could decide to extend it, on a proposal from the Commission.

2. A report was laid before the Council on 3 December 1993, with a proposal for a Regulation extending the allowance. It concluded that the rules in question had been applied with the necessary rigour and that the circumstances which warranted the amendment of the 1966 Regulation still prevailed.

It stressed that there had been an improvement in the recruitment of candidates to posts in the Offices, due in part to the assistance granted in respect of accommodation.

It added that the sudden abolition of the allowance would put staff in a difficult financial position and potentially disrupt the operation of the Offices.

3. The Commission therefore proposed that the Council extend the application of Regulation No 150/91 for a further five years.

Since a qualified majority was not reached, the Commission decided to leave the original proposal before the Council as an instrument satisfying the requirements of all staff subject to rotation in the places in question and to propose transitional measures for the intervening period. Faced with the impasse in current negotiations, it is essential to safeguard at least the rights of staff who agreed to make the move on the financial and other conditions that applied at the time and received rent allowance on 31 December 1993.

4. It is accordingly proposed that the terms of Regulation No 150/91 remain applicable as an interim measure to those staff for the duration of their posting.

The number of recipients will evolve from year to year as follows:

1994	1995	1996	1997	1998	1999
21	19	17	12	8	1

**COUNCIL REGULATION (ECSC, EC, EURATOM) No /94**

of

amending Regulation No 6/66/Euratom, 121/66/EEC  
with regard to rent allowance

**THE COUNCIL OF THE EUROPEAN UNION,**

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,<sup>1</sup> as last amended by Regulation (EEC, Euratom, ECSC) No 3608/93,<sup>2</sup> and in particular Article 14a of Annex VII thereto,

Having regard to Council Regulation No 6/66/Euratom, 121/66/EEC 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,<sup>3</sup>

Having regard to Council Regulation (ECSC, EEC, Euratom) No 150/91 of 21 January 1991 amending Regulation 6/66/Euratom, 121/66/EEC with regard to rent allowance,<sup>4</sup>

Having regard to the proposal from the Commission,

Whereas Regulation No 150/91 expired on 31 December 1993;

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<sup>1</sup>OJ No L 56, 4. 3. 1968, p.1

<sup>2</sup>OJ No L 328, 29.12.1993,p.1

<sup>3</sup>OJ No L 150, 12. 8.1966, p.2749-2766.

<sup>4</sup>OJ NO L 18, 24. 1. 1991, p.1

Whereas on 2 December 1993 the Commission proposed to the Council that Regulation 150/91 be extended for five years,

Whereas a decision to extend the said Regulation has not been taken,

Whereas, meanwhile, commitments valid beyond 31 December 1993 may have been entered into on the basis of Regulation 150/91 by officials posted under a rotation system to places of employment other than the seats of the institutions;

Whereas, given the duration of past practice and the need to secure the smooth operation of the departments located in those places of employment, transitional provisions should be adopted to protect officials who on 31 December 1993 were in receipt of a rent allowance in accordance with the Regulation and who have to bear identical rent charges after that date;

Whereas provisions applying until 31 December 1999 would be reasonable in view of the financial commitments entered into by those officials in relation to accommodation,

**HAS ADOPTED THIS REGULATION:**

*Article 1*

The following Article is inserted in Council Regulation No 6/66/Euratom, 121/66/EEC:

*"Article 6a*

By way of derogation from Articles 2 and 6, officials who on 31 December 1993 were in receipt of a rent allowance in accordance with Regulation No 150/91 shall remain eligible for the allowance in accordance with the conditions set out in Articles 4 and 5.

This allowance may not be combined with the allowance provided for 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 2*

This Regulation shall enter into force on the day following that of its publication in the Official Journal of the European Communities.

It shall apply from 1 January 1994 to 31 December 1999.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the Council  
The President

**ANNEX**

**FINANCIAL STATEMENT**

**Estimated effect on the budget of the amendment of Regulation  
No 6/66 Euratom, 121/66 EEC with regard to rent allowance**

<b>Year</b>	<b>ECU (estimated)</b>
1994	79 000
1995	71 850
1996	55 700
1997	27 000
1998	15 750
1999	750

COM(94) 369 final

# DOCUMENTS

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Catalogue number : CB-CO-94-384-EN-C

ISBN 92-77-80022-4

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Office for Official Publications of the European Communities  
L-2985 Luxembourg

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