

European Communities

EUROPEAN PARLIAMENT,

Working Documents

1974-1975

30 September 1974

DOCUMENT 253/74/rev.

Report

drawn up on behalf of the Committee on Budgets

on the proposal from the Commission of the European Communities to the Council (Doc. 174/74) for a regulation amending the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Communities

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PE 37.854/fin./rev.

By letter of 26 June 1974, the President of the Council of the European Communities consulted the European Parliament, pursuant to Article 24 of the Treaty, on the proposal from the Commission of the European Communities to the Council for a regulation amending the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Communities (Doc. 174/74).

On 28 June 1974, the European Parliament referred this proposal to the Committee on Budgets as the committee responsible and the Legal Affairs Committee for its opinion.

The Committee on Budgets appointed Miss Flesch rapporteur at its meeting of 12 September 1974. It considered the proposal at the same meeting and unanimously adopted the motion for a resolution.

The opinion of the Legal Affairs Committee is annexed.

The following were present: Mr Spénale, chairman; Mr Aigner and Mr Durand, vice-chairmen; Miss Flesch, rapporteur; Mr Fabbrini, Mr Gerlach, Mr Maigaard, Mr Schmidt, Mr Shaw and Mr Terrenoire.

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The Committee on Budgets hereby submits to the European Parliament the following motion for a resolution, together with explanatory statement:

A

MOTION FOR A RESOLUTION

embodying the opinion of the European Parliament, on the proposal from the Commission of the European Communities to the Council for a regulation amending the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Communities

The European Parliament,

- having regard to the proposal from the Commission of the European Communities to the Council¹;
- having been consulted by the Council pursuant to Article 24 of the Treaty establishing a Single Council and a Single Commission of the European Communities (Doc. 174/74);
- having regard to the report of the Committee on Budgets and the opinion of the Legal Affairs Committee (Doc. 253/74);
- whereas the amendments proposed by the Commission of the European Communities supplement the provisions in force and improve them at the social level, and whereas they remedy certain omissions (in the light of experience gained in applying the existing Staff Regulations);

1. Approves the Commission's proposals for amendments;

2. Invites the Commission to adopt the following modifications proposed below, pursuant to paragraph two of Article 149 of the EEC Treaty;

3. Instructs its President to forward this resolution and the report of its committee to the Council and Commission of the European Communities

¹ OJ No C 88, 26 July 1974, p. 25

Proposal for a Council Regulation amending the Staff Regulations
of Officials and the Conditions of Employment of Other Servants
of the European Communities

Preamble, recitals
and Articles 1 to 3 unchanged

Article 4

The following new Article 24b is inserted after Article 24a:

'Article 24b

1. Officials shall have the right to strike, subject to the following provisions.
2. Members of the staff who choose to take part in the strike shall be free to do so without let or hindrance.
3. All property and all persons who do not take part in the strike shall be respected.
4. There shall be a period of notice before the strike begins.
5. The remuneration, other than family allowances, of an official who is absent from work by reason of a strike shall, save as otherwise decided by the institution, be reduced proportionately.
6. On the basis of the foregoing provisions each institution shall conclude implementing agreements, with the staff representatives, after consulting the Staff Regulations Committee.'

Article 4

New Article 24b; read as follows:

1. unchanged.
2. unchanged.
3. unchanged.
4. unchanged.
5. unchanged.
6. On the basis of the foregoing provisions each institution shall - after consulting the Staff Regulations Committee - conclude implementing agreements with the staff representatives which take account of the responsibilities and working conditions peculiar to each institution.

¹ For full text see: OJ No C 88, 26.7.1974, p. 25

(This text, which the Commission does not propose to amend, concerns Article 30 of the Staff Regulations, which reads as follows: 'For each competition, a selection board shall be appointed by the appointing authority. This board shall draw up a list of suitable candidates'.)

Articles 5-7

Article 8

Article 40(3) is amended to read as follows :

'3. During leave, an official shall not be entitled to advancement to a higher step or promotion in grade.

An official who is on leave on personal grounds shall continue to pay pension contributions based on the salary for active employment carried by his grade and step in the institution to which he belongs.'

Article 9

(This text, which the Commission does not propose to amend, concerns Article 55a of the Staff Regulations, which reads as follows: '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.

Article 4a

The first paragraph of Article 30 to read as follows:

For each competition, a selection board shall be appointed by the appointing authority. This board shall draw up a list of suitable candidates whom it shall classify in descending order of merit

unchanged

Article 8

In Article 40, add a fourth paragraph:

3. unchanged

4. These provisions shall also apply to officials who are on leave on personal grounds when this text enters into force.

unchanged

Article 9a

Read Article 55a as follows:

The appointing authority may authorize an official to work half-time, provided this does not conflict with the needs of the service.

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

unchanged

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

unchanged

Article 10

Article 10

1. In the first paragraph of Article 56, the words '150 hours' in the last sentence are replaced by '175 hours'; and the following sentence is added:

1. deleted

'However, as regards certain posts of clerical officer and messenger, up to a number of post determined in advance by the budgetary authority, a total of not more than 200 hours of overtime may be worked in any period of six months where this is necessary for safety or security reasons.'

Paragraphs 2 and 3 unchanged

Articles 11-23 unchanged

Article 23a

Article 23a

(This text, which the Commission does not propose to amend, concerns Annex IVa, Articles 1 and 2, of the Staff Regulations, which reads as follows:
Half-time work

Article 1

Article 1

The authorization referred to in Article 55a shall be granted, at the request of the official, for a maximum of one year.

The authorization referred to in Article 55a shall in the first instance be granted at the request of the official for 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.

unchanged

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,')

Articles 24 to 29 unchanged

Article 30

Paragraphs 1 and 2 unchanged

3. In Annex VII, Article 4a, add the following paragraph 2:

'2. An official who, by reason of appointment as senior secretariat assistant or secretarial assistant, suffers a reduction in his net remuneration by losing his entitlement to the fixed allowance provided for in paragraph 1 shall receive a compensatory allowance.

This allowance shall each month be equal to the difference between:

- the last remuneration received by the official in his former grade, less his contributions to the pension, sickness insurance and accident and occupational disease insurance schemes and Community tax; and
- the remuneration which he receives in his new grade, less his contributions to the pension, sickness insurance and accident and occupational disease insurance schemes and Community tax.'

Articles 31 to 34 unchanged

Article 2

The appointing authority may withdraw the authorization referred to in Article 55a, giving three month's notice, only if it is able to justify it on grounds of imperative needs of the service.

unchanged

Article 30

3. Annex VII, Article 4a, paragraph 2 to read as follows:

2. An official who, by reason of promotion from category C to category B, suffers a reduction in his net remuneration by losing his entitlement to the fixed allowance provided for in paragraph 1 shall receive a compensatory allowance.

unchanged

Article 35

(This text, which the Commission does not propose to amend, concerns Article 12(1) of Annex VII to the Staff Regulations currently in force; it reads as follows: 'Travel expenses for officials on missions 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.')

1. In the second and third subparagraphs of Article 12(1) of Annex VII, '800 km' is replaced by '725 km'.

Article 36

1. Article 13(1) (a) of Annex VII is amended to read as follows:

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

I. Grades A1 to A3 and L/A 3:	Bfrs.940
II. Other grades:	Bfrs.1,440

2. In Article 13(2) of Annex VII 'Bfrs.840' and 'Bfrs. 360' are replaced by 'Bfrs. 1,010' and 'Bfrs. 430' respectively.
3. In Article 13(3) of Annex VII 'Bfrs. 300' and 'Bfrs. 270' are replaced by 'Bfrs. 360' and 'Bfrs. 320' respectively.
4. Article 13(8) of Annex VII is amended to read as follows:
'8. Where an official on mission has a meal or accommodation provided or reimbursed by one of the institutions of the Communities or by a national or international administration or organization, he shall declare it.

Article 35

1. In Annex VII, Article 12(1), first subparagraph, read as follows:

Travel expenses for officials on mission shall cover the cost of first class rail transport by the shortest route.

2. In Annex VII, Article 12(1), delete the second and third subparagraphs.

Article 36

1. unchanged

2. unchanged

3. unchanged

4. unchanged

His daily subsistence allowance shall be reduced by Bfrs. 220 for each meal provided; the allowance provided for in Column II shall be reduced by Bfrs. 500 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 an allowance of Bfrs. 250 for each period of twenty-four hours in place of the daily subsistence allowance for mission provided for above.'

5. In Annex VII, Article 13, a 10th paragraph is added as follows:
10. The rates given in paragraphs 1, 2, 3, 8 and 9 shall be reviewed within the framework of the consideration of the level of remunerations provided for in Art. 65 of the Staff Regulations.

- 4a. In Annex VII, amend Art.13(9) as follows:

9. The rates given in paragraphs 1,2, 3 and 8 shall be increased without retroactive effect, by weightings applied to the remuneration in force in the Member State in which the mission takes place.

5. In Annex VII, Article 13, a 10th paragraph shall be added as follows:

10. The rates given in paragraphs 1, 2, 3 and 8 (one word deleted) shall be reviewed within the framework of the consideration of the level of remunerations provided for in Art. 65 of the Staff Regulations.

Articles 37 to 53 unchanged.

EXPLANATORY STATEMENT

1. The amendments proposed by the Commission of the European Communities supplement certain provisions of the Staff Regulations and improve others of a social character.

2. The proposed amendments may be classified as follows:

A. Amendments of a social character

These concern:

- survivor's pension rights for the widower of a female official (Art. 79 a)
- the interruption of a probationary period following sickness (Art. 34 of the Staff Regulations and Article 14 of the Conditions of Employment of Other Servants of the European Communities)
- benefits under the social security scheme for officials on leave on personal grounds (Art. 40 of the Staff Regulations and Articles 3 and 37 of Annex VIII of the Staff Regulations)
- maternity leave (Art. 58 of the Staff Regulations)
- an increase in the minimum head-of-household allowance (Art. 67 (1a))
- the birth grant (Art. 74)
- pension rights in case of removal from post (Art. 86),
- cover of sickness risks in case of retirement and of placing on non-active status (Annex VIII),
- the head-of-household allowance for certain officials not entitled to the expatriation allowance (Annex VII, Article 1)
- the education allowance (Annex VII, Art. 3)
- the right of married female officials to the expatriation allowance (Annex VII, Art. 4)
- travel expenses upon taking up appointment and for annual leave (improvement for categories C and D - Annex VII, Articles 7 and 8)
- repurchase of pension rights (Annex VIII, Art. 11)
- the right of the divorced wife of an official to the survivor's pension (Annex VIII - Articles 27 and 28)
- the orphan's pension (Article 37 of the Conditions of Employment of Other Servants of the Communities)
- the handicapped child allowance (Art. 65 of the Conditions of Employment of Other Servants of the Communities)
- social security arrangements for local staff (Art. 80 of the Conditions of Employment of Other Servants of the Communities)

B. Amendments relating to working conditions

- standby duty and shift-work (Articles 55, 56a and 56b)
- increase in the half-yearly ceiling of overtime remuneration (Art. 56)
- remuneration for overtime worked by category B officials (Art. 56)
- teaching allowance (Art. 70a, 4b of Annex VII of the Staff Regulations and Article 20 of the Conditions of Employment of Other Servants of the European Communities)
- refusal to carry out instructions involving serious danger (Art. 21)
- additional seniority in step on recruitment (Art. 32 of the Staff Regulations)
- duration of the fixed secretarial allowance (Annex VII, Art. 4a)
- normal working hours (Art. 55 of the Staff Regulations)

C. Amendments relating to the Language Service

allowing the extension of translation and interpretation careers to LA 2 level (at present these careers end at LA 3 level)

D. Amendments relating to mission expenses and travel expenses for officials on mission (Annex VII, Articles 12 and 13)

These mission expenses are increased and the principle of their annual review laid down.

E. Miscellaneous provisions, relating to

- the transfer of emoluments from a country other than the country of posting (Annex VII, Art. 17)
- extension of the laissez-passer (Art. 23 of the Staff Regulations)

Lastly,

- provisions relating to the right to strike and working hours

These provisions concern:

- (a) recognition of the right to strike and the rules governing strikes (new Article 24b of the Staff Regulations)
- (b) the reduction of working hours to 40 hours.

II. CONSIDERATION OF THE PROPOSED AMENDMENTS

3. The proposals of the Commission, as set out in its document, are not easy to understand. A two-column table is therefore provided at the end of this report, setting out the current provisions and the amended proposals. This comparison does not call for detailed commentary. A comparison of the text in force and the proposed amendments reveals the scope of the proposed social improvements and the omissions remedied.

III. THE OPINION OF THE STAFF REGULATIONS COMMITTEE

4. The Commission's proposals have been submitted, in accordance with current rules, to the Staff Regulations Committee, which is composed of representatives of the administrations, institutions, and staff.

5. All the social measures have been approved or supplemented by the Staff Regulations Committee. There were only two points on which the two parties failed to agree:

- the exercise of the right to strike,
- the need to draw up, for each competition, lists of suitable candidates in which the persons concerned would be classified in descending order of merit and which would be binding, unless otherwise decided, on the appointing authority.

IV. THE OPINION OF THE COMMITTEE ON BUDGETS AND FURTHER PROPOSED

AMENDMENTS

6. In general, the Committee on Budgets approves all the social amendments, particularly since they have been agreed by the Staff Regulations Committee;

7. As regards the right to strike and its exercise it should be noted, first of all, that the text now proposed by the Commission does not correspond to the initial, very detailed text submitted to the Staff Regulations Committee. The present text is general in character and in the event of a strike the two parties can agree on special provisions. The Committee on Budgets considers that the recognition of the right to strike in the Staff Regulations implies provision for its exercise. Subject to the remarks contained in paragraph 10 below, it therefore approves the provisions of Art. 24b proposed by the Commission of the Communities concerning notice, respect for the rights of strikers and of those who do not wish to take part in a strike, and, generally speaking, the proposed reduction in remuneration in the event of withdrawal of services in a strike.

8. As regards drawing up a list of suitable candidates in each competition, the Committee on Budgets feels that a classification in descending order of merit is desirable. Naturally, the order in which candidates are placed is important; it is shown so that the appointing authority may take account of it while retaining the power to make a fair assessment pursuant to the jurisprudence established by the competition and, of course, when candidates for special posts have to be chosen from general competition reserve lists.

9. As regards the additional amendments, it is the intention of the Committee on Budgets to propose in favour of categories C and D an amendment enabling them - primarily during duty travel - to travel first class (Annex VII, Art. 12(1), second and third paragraphs). This amendment is particularly necessary in the case of officials of the European Parliament, many of whom are required to travel almost continually in the course of their duties at this institution's secretariat.

A similar amendment is also desirable in the case of travel on annual leave or on taking up appointment.

10. As regards the text proposed by the Commission on the right to strike, the Committee on Budgets has expressed a favourable opinion. It thought it necessary, however, to include an additional provision enabling each institution to conclude implementing agreements with the staff representatives depending on the responsibilities and working conditions peculiar to each institution.

11. The Committee on Budgets agrees with the Commission's provisions for including officials on leave on personal grounds in the social security scheme. It feels, however, that those provisions should also apply to officials who are already on leave on personal grounds when the amended Staff Regulations enter into force.

12. In view of the fact that the provisions for working half-time are very restricted, the Committee on Budgets proposes to extend them considerably. It also intends to take account of developments in this field in national civil services and private industry.

13. The Commission's proposal to reduce normal working time to 40 hours and the very special requirements of some services lead the Commission to propose raising the present maximum number of hours of overtime laid down. Although it appreciates the Commission's arguments, the Committee on Budgets nevertheless cannot support this proposal; it feels that such social progress should not be neutralized by increasing the maximum number of hours of overtime.

14. At present, a category C official appointed as a secretary is entitled to a secretarial allowance which is lost on promotion to category B. The Commission proposes that provision should be made for a compensatory allowance solely for Category C officials appointed as senior secretarial assistants and secretarial assistants who lose this allowance. The Committee on Budgets, however, feels that it would be preferable if all officials promoted from category C to category B who suffer a reduction in their net remuneration as a result of losing their right to the flat-rate allowance were entitled to the compensatory allowance.

15. During discussions on the subject, it appeared that weightings were not always established for the new Member States. In view of the disparities this causes, the Committee on Budgets requests the Commission of the Communities to determine the weighting applicable to those countries as soon as possible.

16. European officials required to travel on mission are particularly affected by increases in the cost of living.

Whereas hitherto mission expenses have not been as regularly adjusted as remuneration, the Committee on Budgets proposes that they should henceforth be tied to the weighting applicable to the Member State in which the mission is carried out. This arrangement would have the advantage of removing the need for annual review proposed by the Commission.

CONCLUSIONS

17. The measures proposed in the light of experience gained after applying the Staff Regulations for 12 years complete a text which constitutes the 'fundamental charter' of the European civil service. The changes in certain social provisions follow similar trends in the national civil services of Member States.

It is therefore with especial satisfaction that the Committee on Budgets gives a favourable decision.

COMPARATIVE TABLE

showing, on the one hand, the actual text of the Staff Regulations and on the other, the Commission's proposals concerning the amendment of this.

ACTUAL TEXT

PROPOSED MODIFICATION

I.

STAFF REGULATIONS OF OFFICIALS
OF THE EUROPEAN COMMUNITIES

TITLE I

GENERAL PROVISIONS

Articles 1 to 10(a) unchanged

TITLE II

RIGHTS AND OBLIGATIONS OF OFFICIALS

Articles 11 to 14 unchanged

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.

Articles 16 to 20 unchanged

Article 15

The following sentence is added to the first paragraph of Article 15:

"However, an official who is a candidate for elective public office at parliamentary level may upon request be granted special leave as provided in Annex V."

ACTUAL TEXT

PROPOSED MODIFICATION

Article 21

Article 2

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 responsibilities.

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.

The following words are added at the end of the last paragraph of Article 21:

"or of the relevant safety standards."

Article 22 unchanged

Article 23

Article 3

The privileges and immunities enjoyed by officials are accorded solely in the interests of the Communities. Subject to the Protocols 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 Protocols on Privileges and Immunities shall be issued to officials in Grades A 1 to A 4 and equivalent grades.

The following is added to the third paragraph of Article 23:

"They may also, by special decision of the appointing authority, be issued to officials in other grades where this is in the interests of the service."

ACTUAL TEXT

PROPOSED MODIFICATION

Articles 24 and 24(a) unchanged

Article 4

The following new Article 24(b) is inserted after Article 24(a):

"Article 24(b)

1. Officials shall have the right to strike, subject to the following provisions.
2. Members of the staff who take part in the strike shall be free to do so without let or hindrance.
3. All property and all persons who do not take part in the strike shall be respected.
4. There shall be a period of notice before the strike begins.
5. The remuneration, other than family allowances, of an official who is absent from work by reason of a strike shall, save as otherwise decided by the institution, be reduced proportionately.
6. On the basis of the foregoing provisions each institution shall conclude implementing agreements with the staff representatives, after consulting the Staff Regulations Committee."

Articles 25 and 26 unchanged

TITLE III

CAREER OF OFFICIALS

CHAPTER I

RECRUITMENT

Articles 27 to 31 unchanged

Article 32

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, L/A 3 and L/A 4 and 48 months in other Grades.

Article 5

The last phrase of the second paragraph of Article 32 is amended to read as follows:

"this shall not exceed seventy-two months."

ACTUAL TEXT

Article 33

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).

Article 34

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 or in Category B, and six months for other officials.

2. Not less than one month 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 person concerned, who shall have the right to submit his comments in writing. A probationer whose work has not proved adequate for establishment in his post shall be dismissed.

PROPOSED MODIFICATION

Article 6

The following second paragraph is added to Article 33:

"If the candidate disagrees with the result of this examination, he may request the institution to submit his case for a decision by the Medical Board. He may be represented by the doctor of his choice."

Article 7

The following second subparagraph is added to Article 34(1):

"Where during his probationary period an official is prevented, by sickness or accident, from performing his duties for one month or more, the appointing authority may extend his probationary period by the corresponding length of time."

ACTUAL TEXT

PROPOSED MODIFICATION

A report on the probationer 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 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.

Except where he is entitled forthwith to resume his duties with the civil service to which he belongs a dismissed probationer shall receive compensation equal to two months' basic salary if he has completed at least six months' service and to one month's basic salary if he has completed less than six months' service.

The provisions of this paragraph shall not apply to officials who resign before the end of their probationary period.

CHAPTER 2

ADMINISTRATIVE STATUS

Articles 35 to 39 unchanged

Article 40

Article 8

1. An 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.

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 Article 72 and 73 and cover for risks under that scheme shall be suspended.

Article 40(3) is amended to read as follows:

"3. During leave, an official shall not be entitled to advancement to a higher step or promotion in grade. An official who is on leave on personal grounds shall continue to pay pension contributions based on the salary for active employment carried by his grade and step in the institution to which he belongs."

ACTUAL TEXT

PROPOSED MODIFICATION

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 the 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.

Articles 41 and 42 unchanged

CHAPTER 3

REPORTS, ADVANCEMENT TO A HIGHER
STEP AND PROMOTION

Articles 43 to 46 unchanged

CHAPTER 4

TERMINATION OF SERVICE

Articles 47 to 54 unchanged

TITLE IV

WORKING CONDITIONS OF OFFICIALS

CHAPTER I

HOURS OF WORK

Article 55

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

However, the normal working week shall not exceed forty-two 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 paid from appropriations in the research and investment budget and employed in an establishment of the Joint Research Centre or on indirect action 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 unchanged

Article 56

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

Article 9

1. In the second paragraph of Article 55, the words "forty-two hours" are replaced by "forty hours".

2. The words "paid from appropriations in the research and investment budget and employed in an establishment of the Joint Research Centre or on indirect action" are deleted from the third paragraph of Article 55.

Article 10

ACTUAL TEXT

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 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

An official paid from appropriations in the research and investment budget and employed in an establishment of the Joint Research Centre or on indirect action 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.

The Council shall, acting on a proposal from the Commission submitted after consulting the Staff Regulations Committee, determine the rates and conditions of such allowances.

PROPOSED MODIFICATION

1. In the first paragraph of Article 56, the words "150 hours" in the last sentence are replaced by "175 hours"; and the following sentence is added:

"However, as regards certain posts of clerical officer and messenger, up to a number of posts determined in advance by the budgetary authority, a total of not more than 200 hours of overtime may be worked in any period of six months where this is necessary for safety or security reasons."

2. The following sentence is added to the second paragraph of Article 56:

"However, any official in Category B who is required to work overtime between 2200 and 0700 hours may, by special decision of the appointing authority, be granted compensatory leave or remuneration for overtime worked between those hours."

3. The words "and officials in Category B covered by the preceding paragraph" are inserted after the words "officials in Categories C and D" in the third paragraph of Article 56.

Article 11

The words "paid from appropriations in the research and investment budget and employed in an establishment of the Joint Research Centre or on indirect action" are deleted from the first paragraph of Article 56a.

ACTUAL TEXT

PROPOSED MODIFICATION

The normal working hours of an official on shiftwork must not exceed the annual total of normal working hours.

Article 56b

Article 12

An official paid from appropriations in the research and investment budget and employed in an establishment of the Joint Research Centre or on indirect action 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 words "paid from appropriations in the research and investment budget and employed in an establishment of the Joint Research Centre or on indirect action" are deleted from the first paragraph of Article 56b.

The Council shall, acting on a proposal from the Commission submitted after consulting the Staff Regulations Committee, determine the rates and conditions of such allowances.

CHAPTER 2

LEAVE

Article 57 unchanged

Article 58

Article 13

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 eight weeks after the date of confinement; such leave shall not be for less than fourteen weeks.

In Article 58 the words "eight weeks" and "fourteen weeks" are replaced by "twelve weeks" and "eighteen weeks" respectively.

Articles 59 and 60 unchanged

CHAPTER 3

PUBLIC HOLIDAYS

Article 61 unchanged

TITLE V

EMOLUMENTS AND SOCIAL SECURITY BENEFITS OF OFFICIALS

CHAPTER 1

REMUNERATION AND EXPENSES

Section 1

REMUNERATION

Articles 62 to 66 unchanged

Article 67

Article 14

1. Family allowances shall comprise: Article 67(1) (a) is amended to read as follows:
- (a) head of household allowance equal to 5% of the basic salary or Bfrs 1235 per month, whichever is the greater; "(a) household allowance equal to 5% of the official's basic salary or 5% of the basic salary of an official in the highest step of Grade B 2, whichever is the greater;"
 - (b) dependent child allowance of Bfrs 1920 per child per month;
 - (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.

Articles 68 to 70 unchanged

Article 15

The following new Article 70a is inserted after Article 70 in Title V:

Article 70a

Officials assigned by the appointing authority to teaching duties under the staff training scheme provided for in the third paragraph of Article 24 may qualify for an allowance payable in manner provided in Article 4b of Annex VII."

ACTUAL TEXT

PROPOSED MODIFICATION

Article 71 unchanged

CHAPTER 2

SOCIAL SECURITY BENEFITS

Article 72 unchanged

Article 73

Article 16

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 agreement between 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 amounts of salary received during the twelve 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 other descendants in accordance with the law of succession governing the official's estate;

ACTUAL TEXT

- 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 amounts of salary received during the twelve 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 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 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.

PROPOSED MODIFICATION

The following paragraph is added to Article 73:

- "4. Where an accident causing the death of or injury to an official or a person covered by his insurance is caused by a third party, the rights of action of the official or of those entitled under him against the third party shall, within the limits of their obligations under Articles 72, 73(3) and 75, vest in the Communities."

ACTUAL TEXT

PROPOSED MODIFICATION

Article 74

Article 17

1. On the birth of a child to an official the official shall receive a grant of Bfrs 7,000.

1. Article 74(1) is amended to read as follows:

"1. On the birth of a child to an official, the person actually looking after the child shall receive a grant equal to 50% of the basic salary of an official in Grade D 4, Step 4, weighted at the rate for the country where the official is employed. The same grant shall be payable to an official who adopts a child in respect of whom he qualifies for dependent child allowance."

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

2. In Article 74(3) the words "an official receiving" are replaced by "the recipient of", the words "which he or his spouse receive" by "received" and the words "to the mother only" by "once only".

3. An official receiving a grant on the birth of a child shall declare any grants of the same nature which he or his spouse receive 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 to the mother only.

Articles 75 and 76 unchanged

CHAPTER 3

PENSIONS

Articles 77 and 78 unchanged

Article 79

Article 18

The widow of an official or of a former official shall be entitled, in manner provided 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, 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, with the exception of

The words "with the exception of leave on personal grounds" are deleted from the second paragraph of Article 79.

ACTUAL TEXT

PROPOSED MODIFICATION

leave on personal grounds, shall be neither less than the minimum subsistence figure nor less than 35% of the last basic salary received by the official.

Article 19

The following new Article 79a is inserted after Article 79 in Title V:

"Article 79a

Article 79 shall apply by analogy to the widower of an official or former official."

Articles 80 to 84 unchanged

CHAPTER 4

RECOVERY OF UNDUE PAYMENT

Article 85 unchanged

TITLE VI

DISCIPLINARY MEASURES

Article 86

Article 20

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 forms:

- (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, reduction or withdrawal of entitlement to retirement pension;

1. Article 86(2) (f) is amended to read as follows:

"(f) removal from post and, where appropriate, reduction of entitlement to retirement pension;"

ACTUAL TEXT

(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.

PROPOSED

2. Article 86(2) (g) is amended to read as follows:

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

Articles 87 to 89 unchanged

TITLE VII

APPEALS

Articles 90 and 91 unchanged

TITLE VIII

SPECIAL PROVISIONS APPLICABLE TO OFFICIALS IN THE SCIENTIFIC OR TECHNICAL SERVICES OF THE JOINT NUCLEAR RESEARCH CENTRE OF THE EUROPEAN ATOMIC ENERGY COMMUNITY

Articles 92 to 101 unchanged

TITLE IX

TRANSITIONAL AND FINAL PROVISIONS

Articles 102 to 110 unchanged

ANNEX 1

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

Article 21

Category A

Category B

Category C

Category D

Language Service

In Annex I A, the entries under the heading "Language Service" are amended to read as follows:

L/A3 Head of Translation Division
Head of Interpretation Division

L/A 2 Director of Translation or Interpretation Directorate

L/A 3 Head of Translation or Interpretation Division

L/A4 Head of Translation Division
Head of Interpretation Division

L/A 4 (Head of Translation or Interpretation Group
(Principal Reviser

Head of Interpretation or Translation Section

L/A4 (Reviser¹
L/A5 (

L/A 4 (Reviser
L/A 5 (Principal Translator
(Principal Interpreter

L/A5 (Translator
L/A6 (Interpreter

L/A 6 (Translator
L/A 7 (Interpreter

L/A7 (Assistant Translator
L/A8 (Assistant Interpreter

L/A 8 (Assistant Translator
(Assistant Interpreter".

¹ As applied to the interpretation service, this career bracket covers duties which involve qualifications and responsibilities similar to those of a reviser in the translation service.

- B. Basic posts and corresponding career brackets of officials in the scientific and technical services of the Joint Nuclear Research Centre of the European Atomic Energy Community, as provided for in Article 92 of the Staff Regulations

- Category A.
Category B.
Category C.
Category D.

ANNEX II

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

Articles 1 to 6 unchanged

Article 7

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.

Article 22

The following third paragraph is added to Article 7 of Annex II:

"In the event of failure to agree on 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."

Articles 8 to 11 unchanged

ACTUAL TEXT

PROPOSED MODIFICATION

ANNEX III

Competitions

Articles 1 to 6 unchanged

ANNEX IV

Allowance under Articles 41 and 50 of the Staff Regulations

Sole Article

Article 23

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 his 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 sixty 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.

The following new paragraph is added after paragraph 1 of the sole Article in Annex IV:

- "1a. The official shall be entitled, in respect of himself and persons covered by his insurance, to benefits under the sickness insurance scheme provided in Article 72 of the Staff Regulations, on condition that the official pays the

ACTUAL TEXT

PROPOSED MODIFICATION

appropriate contribution calculated by reference either to his basic salary or to the percentage thereof specified in paragraph 1 and that he cannot be covered by any other public scheme against the same risks. 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 in the Staff Regulations of Officials of the European Communities, he shall for purposes of Article 72 be treated in the same way as an official who has remained in the service until the age of sixty years."

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

3. The period for which the official is to receive the allowance provided for in Article 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.

(Table)

ANNEX IVa

Half-time work

Articles 1 to 3 unchanged

ANNEX V

Leave

Articles 1 to 5 unchanged

ACTUAL TEXT

PROPOSED MODIFICATION

Article 6

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:

- 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 7

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,

Article 24

1. The second sentence of Article 6 of Annex V is amended to read as follows:

"In particular, the following events shall give entitlement to special leave as shown:"

2. The following second paragraph is added to Article 6 of Annex V:

"The same shall apply in the following cases:

- candidature for elective public office at parliamentary level: up to two months;
- staff training: within the limits set by the staff training programme operated by the institution."

Article 25

ACTUAL TEXT

- more than 2,000 km: six 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

Within the limits laid down in Article 56 of the Staff Regulations, overtime worked by an official in Category C shall be remunerated at the rate of 150% of the basic salary.

PROPOSED MODIFICATION

The following new paragraph is inserted after the first paragraph of Article 7 of Annex V:

"Where an official's travel expenses are reimbursed under 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".

Article 26

1. In the first sentence of Article 1 of Annex VI the words "or by an official in Category B as specified in Article 56 of the Staff Regulations" are inserted after the words "Category C or D".

ACTUAL TEXT

PROPOSED MODIFICATION

- (a) For each hour of overtime, he shall be entitled to one hour off as compensatory leave; if the hour of overtime is worked between 2200 hours and 0700 hours or on a Sunday or on a public holiday, the entitlement to compensatory leave shall be one hour and a half; 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 0.72% 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 thirty minutes.
2. In Article 1(a) of Annex VI, the words "one hour" are replaced by "one hour and a half" and the words "one hour and a half" are replaced by "two hours".
3. In Article 1(b) of Annex VI "0.72%" is replaced by "0.9%".

Article 2 unchanged

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.

4. In Article 3 of Annex VI, the words "and officials in Category B specified in Article 56 of the Staff Regulations" are inserted after the words "Categories C and D".

ANNEX VII

Remuneration and reimbursement of expenses

Section 1

FAMILY ALLOWANCES

Article 1

1. The household allowance shall be fixed at 5% of the basic salary of an official or Bfrs 1235 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 Bfrs 250 000, 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.

Article 27

1. In Article 1(3) of Annex VII, "Bfrs 250 000" is replaced by "the basic annual salary of an official in Grade C 3, Step 3, weighted at the rate for the country where the spouse is employed."
2. The following paragraph to Article 1 of Annex VII:

"5. An official who is not and has never been a national of the State in whose territory he is

ACTUAL TEXT

PROPOSED MODIFICATION

employed but does not qualify for expatriation allowance under Article 4 shall be entitled to household allowance.

Where such official is entitled to household allowance by virtue of the preceding paragraphs, the amount of the allowance payable to him shall be twice the amount specified in paragraph 1."

Article 2 unchanged

Article 3

Article 28

An official shall receive an education allowance equal to the actual education costs incurred by him up to a maximum of Bfrs 1715 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 shall commence 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 twenty-six.

The maximum prescribed in the first paragraph shall be raised to Bfrs 3 129 for officials in receipt of expatriation allowance whose place of employment is at least 50 km:

- from a European School, or
- from an educational establishment of university level of his country of origin, provided that the child actually attends an educational establishment of university level at least 50 km from the place of employment.

1. In the second paragraph of Article 3 of Annex VII the word "primary" is deleted and "a" is replaced by "an".

2. The third paragraph of Article 3 of Annex VII is amended to read as follows:

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

- an official whose place of employment is at least 50 km from a European School or an educational establishment working in his language, provided that the child actually attends an educational establishment at least 50 km from the place of employment; and
- an official whose place of employment is at least 50 km from an educational establishment of post-secondary level in the country of which he is a national or working in his language, provided that the child actually attends an educational establishment of post-secondary level at least 50 km from the place of employment."

ACTUAL TEXT

PROPOSED MODIFICATION

Section 2

EXPATRIATION ALLOWANCE

Article 4

Article

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

(a) to officials:

- who are not and have never been nationals of the State in whose European 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 ten years ending at the date of their entering the service habitually resided outside the European territory of that State for reasons other than the performance of duties in the service of a State or of an international organization.

The expatriation allowance should not be less than 3 430 Bfrs per month.

1. The word "European" is deleted from Article 4(a) of Annex VII.

2. The following paragraph is added to Article 4 of Annex VII:

"2. For purposes of the preceding paragraph, an official who by marriage automatically acquires the nationality of the State whose territory he or she is employed shall be treated in the same way as by the first paragraph

ACTUAL TEXT

PROPOSED MODIFICATION

Section 2a

TEMPORARY FIXED ALLOWANCE

Article 4a

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

Article 30

1. The word "temporary" is deleted from the first sentence of Article 4a of Annex VII.
2. The second sentence of Article 4a of Annex VII is amended to read as follows:

"The amount of the allowance shall be determined by the Council in accordance with the procedure laid down in Article 65(3) of the Staff Regulations."
3. The following paragraph is added to Article 4a of Annex VII:

"2. An official who, by reason of appointment as senior secretarial assistant or secretarial assistant, suffers a reduction in his net remuneration by losing his entitlement to the fixed allowance provided for in paragraph 1 shall receive a compensatory allowance.

This allowance shall each month be equal to the difference between:

 - the last remuneration received by the official in his former grade, less his contributions to the pension, sickness insurance and accident and occupational disease insurance schemes and Community tax; and
 - the remuneration which he receives in his new grade, less his contributions to the pension, sickness insurance and accident and occupational disease insurance schemes and Community tax."

ACTUAL TEXT

PROPOSED MODIFICATION

Article 31

After Section 2a of Annex VII a new Section 2b is inserted, entitled "Teaching allowance", containing the following new Article 4b:

"Article

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of each hour of instruction given,
according as the instruction is given
during or out of normal working hours.

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Section 3

REIMBURSEMENT OF EXPENSES

Articles 5 and 6 unchanged

Article 7

1. An official shall be entitled to reimbursement of travel expenses for himself, his spouse and his dependents 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 dependents shall be entitled to reimbursement of travel expenses under the same conditions.

Travel expenses shall also include the cost of seat reservations, transport of

ACTUAL TEXT

PROPOSED MODIFICATION

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 fare for other officials;

- where the journey includes not less than six hours of night travel between 2200 hours and 0700 hours, sleeping accommodation up to the cost of tourist class or couchette, on production of the relevant ticket.

Where a means of transport other than that 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.

1. The following sentence is added to the second indent of the first subparagraph of Article 7(2) of Annex VII:

"However, if the outward-and-return journey covers a distance of 725 km or more, officials in Categories C and D shall be reimbursed the first-class fare."

2. The following new subparagraph is inserted after the first subparagraph of Article 7(2) of Annex VII:

"Where the route specified in the first indent of the preceding subparagraph is longer than 250 km, the official concerned shall be entitled, on production of the tickets, to reimbursement of the cost of travelling by air in the class immediately below luxury class or first class."

3. In the last subparagraph of Article 7(2) of Annex VII the words "that mentioned above" are replaced by "those mentioned above".

ACTUAL TEXT

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

1. An official shall be entitled to be paid once 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.

PROPOSED MODIFICATION

Article 33

ACTUAL TEXT

Travel expenses for children aged four to ten 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 tenth 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. Where calculation on this basis is not possible, the terms of payment shall be fixed by special decision of the appointing authority.

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 once in each calendar year, subject to the submission of supporting documents, to repayment of travel expenses 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.

Article 9 unchanged

PROPOSED MODIFICATION

1. The following is inserted after the first sentence of Article 8(2) of Annex VII:

"However, if the distance of the outward-and-return journey is 725 km or more, then payment for officials in Categories C and D shall be based on the cost of a first-class ticket."

2. The following second subparagraph is added to Article 8(2) of Annex VII:

"Where the distance by rail between the official's place of employment and his place of origin exceeds 250 km, he shall be entitled, on production of the tickets, to reimbursement of the cost of travelling by air in the class immediately below luxury class or first class."

ACTUAL TEXT

PROPOSED MODIFICATION

Article 10

Article 34

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:

Grade	entitled to the household allowance		not entitled to the household allowance		Grade (<u>Proposed Modification</u>)
	1st to 15th day	from 16th day	1st to 15th day	from 16th day	
	Belgian francs per calendar day				
A 1 to A 3 and L/A 3	650	300	450	225	A 1 to A 3 and L/A 3
A 4 to A 8 and L/A 4 to L/A 8 Category B	625	275	425	200	Other grades
Other grades	550	250	350	150	<u>(deleted)</u>

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 entitled to the household allowance: 120 days
- (b) in the case of an official who is not 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.

ACTUAL TEXT

PROPOSED MODIFICATION

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.

Article 11 unchanged

Article 12

Article 35

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);

1. In the second and third subparagraphs of Article 12(1) of Annex VII, "800 km" is replaced by "725 km".

ACTUAL TEXT

PROPOSED MODIFICATION

- supplements for sleeping accommodation (reimbursed against production of sleeper tickets) where the journey includes not less than six hours of night travel between 2200 hours and 0700 hours;
- in a single sleeper or, if not available, special sleeper for officials in Grades A 1 to A 3 and L/A 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 L/A 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 such case reimbursement may be made against production of luxury-class or first-class tickets for officials in Grades A 1 to A 3 and L/A 3 and of tickets for the class immediately below for other officials.

By decision of the appointing authority, officials in grades below A 3 and L/A 3 accompanying a member of the institution or officials of a higher grade 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 most senior member or official 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 in Category A of grades below A 3 and in the Language Service of grades below L/A 3 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.

2. The second sentence of the first subparagraph of Article 12(2) of Annex VII is amended to read as follows:

"In such case reimbursement shall be made against production of tickets for the class immediately below luxury class or first class."

3. The second subparagraph of Article 12(2) of Annex VII is amended to read as follows:

"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."

4. The words "in Category A of grades below A 3 and in the Language Service of grades below L/A 3" are deleted from the third subparagraph of Article 12(2) of Annex VII.

ACTUAL TEXT

PROPOSED MODIFICATION

By special decision of the appointing authority, an official may be authorized to take luggage in excess of the 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 Bfrs 150 per twenty-four 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.

5. In the second subparagraph of Article 12(3) of Annex VII, "Bfrs 150" is replaced by "Bfrs 250".

ACTUAL TEXT

Article 13

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

I. Grades A/1 to A/3 and LA/3	: 780 FB
II. Grades A/4 to A/8 LA/4 to LA/8 and Category B	: 1 200 FB
III. Other grades	: 1 050 FB

- (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 Bfrs 840. Where a hotel bill is not produced, a flat-rate of Bfrs 360 shall be paid to the official, except in the case where he has incurred refundable 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 Bfrs 300 and Bfrs 270 respectively for any day's absence on mission, reckoned in accordance with paragraph 5, during which the official has incurred sleeper costs reimbursable by the Community which he serves.

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:

PROPOSED MODIFICATION

Article 36

1. Article 13(1) (a) of Annex VII is amended to read as follows:

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

I. Grades A/1 to A/3 and L/A3	: 940 FB
II. Other grades	: 1 440 FB

2. In Article 13(2) of Annex VII "Bfrs 840" and "Bfrs 360" are replaced by "Bfrs 1 010" and "Bfrs 430" respectively.

3. In Article 13(3) of Annex VII "Bfrs 300" and "Bfrs 270" are replaced by "Bfrs 360" and "Bfrs 320" respectively.

ACTUAL TEXT

PROPOSED MODIFICATION

- (a) Mission of twenty-four hours or less:
- six hours or less: reimbursement of actual expenses up to a quarter of the daily subsistence allowance;
 - twelve hours or less, but more than six hours; half the daily subsistence allowance;
 - twenty-four hours or less, but more than twelve hours: a whole day's subsistence allowance.

- (b) Mission of more than twenty-four hours:
- for each period of twenty-four hours: a whole day's subsistence allowance;
 - for any further period of six hours or less: no subsistence allowance;
 - for any further period of twelve hours or less, but more than six hours: half the daily subsistence allowance;
 - for any further period of more than twelve 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.

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.

ACTUAL TEXT

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 provided or reimbursed by the institution to which he is attached:

- (a) he shall declare it;
- (b) his daily subsistence allowance for mission shall be reduced by Bfrs 180.

9. The rates given in paragraphs 1, 2, 3 and 8 shall be increased by 10% for missions to Paris and 5% for missions to Brussels, Luxembourg or Strasbourg.

Articles 14, 14a and 14b unchanged

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 Bfrs 36 000 a year to cover normal travel within the boundaries of the town where they are employed.

PROPOSED MODIFICATION

4. Article 13(8) of Annex VII is amended to read as follows:

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

His daily subsistence allowance shall be reduced by Bfrs 220 for each meal provided; the allowance provided for in Column II shall be reduced by Bfrs 500 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 an allowance of Bfrs 250 for each period of twenty-four hours in place of the daily subsistence allowance for mission provided for above."

5. The following paragraph is added to Article 13 of Annex VII:

"10. The rates given in paragraphs 1, 2, 3, 8 and 9 shall be reviewed when remunerations are reviewed pursuant to Article 65 of the Staff Regulations."

Article 37

In the first paragraph of Article 15 of Annex VII, "Bfrs 36 000" is replaced by "Bfrs 48 000".

ACTUAL TEXT

PROPOSED MODIFICATION

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.

Article 16 unchanged

Article 17

Article 38

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. An official may regularly transfer part of his emoluments, up to a maximum amount equal to his expatriation allowance, through the institution which he serves:

- either in the currency of the Member State of the Communities of which he is a national;
- or in the currency of the Member State of the Communities in which either his own domicile or the place of residence of a dependent relative is located.

Regular transfers in excess of the maximum stated above may be effected only where they are intended to cover expenditure arising in particular out of commitments proved to have been regularly entered into by the official outside the country where the institution has its seat or where he carries out his duties.

3. Apart from these regular transfers, an official shall not be authorized to transfer sums which he may desire to have available in the abovementioned currencies save in very exceptional circumstances and for good reasons supported by evidence.

4. Transfers provided for in paragraphs 2 and 3 shall be made at the official exchange rate ruling on the date of transfer.

Article 17(4) of Annex VII is amended to read as follows:

"Transfers provided for in paragraphs 2 and 3 shall be made on the basis of the par values referred to in the last paragraph of Article 63 of the Staff Regulations; the amounts transferred shall be multiplied by a coefficient representing the difference between the weighting for the country in whose currency the transfer is made and the weighting for the country in which the official is employed."

ANNEX VIII

PENSION SCHEME

Articles 1 and 2 unchanged

Article 3

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 European Communities in one of the administrative statuses set out in Article 35(a), (b) and (e) 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 27

The divorced wife of an official shall be entitled on his death to a survivor's pension, as defined in this Chapter, provided that the court which pronounced the decree of divorce found that the official was solely to blame. This 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 39

In Article 3(a) of Annex VIII the words "Article 35(a), (b) and (e) of the Staff Regulations" are replaced by "Article 35(a), (b), (c) and (e) of the Staff Regulations".

Article 40

In Article 11(2) of Annex VIII:

(Repayment of pension rights).

Article 41

In Article 27 of Annex VIII the words "provided that the court which pronounced the decree of divorce found that the official was solely to blame" are deleted, the words "the divorced wife" are replaced by "the divorced spouse" and the word "husband" is replaced by "spouse".

Article 28

Where a divorced official who has remarried leaves a widow entitled to survivor's pension, that pension shall be divided, in proportion to the duration of the marriages, between the divorced wife if she has not remarried and the widow, if the court which pronounced the decree of divorce found that the official was solely to blame. The amount to which the divorced wife is entitled if she has not remarried shall not be more than the amount of the maintenance awarded to her under the decree.

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 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.

Articles 30 to 36 unchanged

Article 37

An official on secondment shall continue to pay the contribution referred to in the preceding Article on the basis of the salary carried by his 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.

Article 42

1. In Article 28 of Annex VIII the words "if the court which pronounced the decree of divorce found that the official was solely to blame" are deleted.
2. In Article 28 of Annex VIII the words "the divorced wife" are replaced by "the divorced spouse".

Article 43

In Article 29 of Annex VIII the words "the divorced wife" are replaced by "the divorced spouse".

Article 44

In the first sentence of the first paragraph of Article 37 of Annex VIII the words "or on leave on personal grounds" are inserted after "on secondment".

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.

Articles 38 to 51 unchanged

ANNEX IX

DISCIPLINARY PROCEEDINGS

Articles 1 to 11 unchanged

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.

Un changed

II

CONDITIONS OF EMPLOYMENT OF OTHER SERVANTS
OF THE COMMUNITIES

TITLE I

GENERAL PROVISIONS

Articles 1 to 3 unchanged

Article 4

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.

Article 45

The second paragraph of Article 4 is replaced by the following:

ACTUAL TEXT

PROPOSED MODIFICATION

Article 4 (contd.)

Article 45 (contd.)

In places of employment outside the Community countries, by way of exception and for a limited period, staff engaged for duties other than those mentioned above which, in the interests of the service, could not be assigned to an official or servant in another category may be treated as local staff.

"In places of employment outside the Community countries, staff engaged for duties other than those mentioned above may be treated as local staff where it would not be warranted, in the interests of the service, to assign those duties to an official or to a servant of one of the other kinds specified in Article 1."

For the purposes of these Conditions of Employment 'member of the establishment staff of the Joint Research Centre (JRC) of the European Atomic Energy Community' means a person residing at the time of his engagement in the country or in close proximity to the place where his duties are to be performed for the JRC, or person treated as such under Article 95, who is engaged to fill a permanent post in Category C or D as defined in Article 5 of the Staff Regulations and in Annex I to the Staff Regulations.

Articles 5 to 7(a) unchanged

TITLE II

TEMPORARY STAFF

Articles 8 to 10 unchanged

Article 11

Article 46

Articles 11 to 26 of the Staff Regulations, concerning the rights and obligations of officials, shall apply by analogy, save for the second paragraph of Article 15, which relates to officials elected to public office.

The first paragraph of Article 11 is amended to read as follows:

Any decision requiring damage suffered by the Communities as a result of serious misconduct to be made good, as provided 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.

"Articles 11 to 26 of the Staff Regulations, concerning the rights and obligations of officials, shall apply by analogy. However, the second paragraph of Article 15, concerning officials elected to public office, shall not apply to staff falling within Article 2(a) or (b)."

ACTUAL TEXT

PROPOSED MODIFICATION

Article 11 (contd.)

Decisions relating to individual members of the temporary staff shall be published as provided in the second paragraph of Article 25 of the Staff Regulations.

Articles 12 and 13 unchanged

Article 14

A member of the temporary staff may be required to serve a probationary period not exceeding six months.

On expiry of the probationary period, the employment of a servant whose work has not proved adequate shall be terminated. In such case, the servant shall receive compensation equal to one-third of his basic salary for each complete month worked on probation.

Articles 15 to 19 unchanged

Article 20

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.

Articles 66, 67, 69 and 70 of the Staff Regulations, concerning basic salaries, family allowances, expatriation allowance and payment in the event of death shall apply by analogy.

A member of the temporary staff who has been at one step in his grade for two years shall automatically advance to the next step in that grade.

Articles 21 to 36 unchanged

Article 47

The following new paragraph is inserted after the first paragraph of Article 14:

"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 appointing authority may extend his probationary period by the corresponding length of time."

Article 48

The second paragraph of Article 20 is amended to read as follows:

"Articles 66, 67, 69, 70 and 70a of the Staff Regulations, concerning basic salaries, family allowances, expatriation allowance, payment in the event of death and teaching allowance, shall apply by analogy."

ACTUAL TEXT

PROPOSED MODIFICATION

Article 37

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.

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

Articles 38 to 50 unchanged

TITLE III

AUXILIARY STAFF

Articles 51 to 64 unchanged

Article 65

Articles 1, 2, 4 and 4a of Annex VII to the Staff Regulations, concerning payment of family and expatriation allowances, shall apply by analogy.

Article 49

The following new paragraph is inserted after the third paragraph of Article 37:

"Where the spouse, not being an official or member of the temporary staff, of a member of the temporary staff dies, children dependent on the latter within the meaning of Article 2 of Annex VII to the Staff Regulations shall be entitled to orphan's pension in accordance with the last paragraph of Article 80 of the Staff Regulations."

Article 50

Article 65 is amended to read as follows:

"Article 67 (except paragraph 1(c)) and Article 69 of the Staff Regulations and Articles 1, 2, 4 and 4a of Annex VII to the Staff Regula-

ACTUAL TEXT

PROPOSED MODIFICATION

Article 50 (contd.)

tions, concerning payment of family, expatriation and fixed allowances, shall apply by analogy."

Articles 66 to 78 unchanged

TITLE IV

LOCAL STAFF

Article 79 unchanged

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 51

Article 80 is amended to read as follows:

"The institution shall determine the social security arrangements applicable to the servant, basing itself upon the legislation and practice current in the place where he is to perform his duties."

Article 81 unchanged

TITLE V

SPECIAL ADVISERS

Articles 82 and 83 unchanged

TITLE VI

ESTABLISHMENT STAFF OF THE JOINT NUCLEAR RESEARCH CENTRE

Articles 84 to 90 unchanged

Article 91

Articles 36, 40 and 42 of the Staff Regulations, concerning active employment, leave on personal grounds and leave for military service, shall apply by analogy to establishment staff of the Joint Nuclear Research Centre.

Article 52

In Article 91 the words: "Articles 36, 40 and 42 of the Staff Regulations" are replaced by "Article 36, Article 40 (except the second subparagraph of paragraph 3) and Article 42 of the Staff Regulations".

Articles 92 to 98 unchanged

TITLE VII

TRANSITIONAL PROVISIONS

Articles 99 to 101 unchanged

TITLE VIII

FINAL PROVISIONS

Articles 102 and 103 unchanged

Article 53

This Regulation shall enter into force on the day following its publication in the Official Journal of the European Communities, save that Article 30(3) shall enter into force with effect from 1 April 1974 and Article 29(2) with effect from 1 July 1972.

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

Done at,

For the Council

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

Articles 1 to 5 unchanged

Article 6

1. By way of derogation from the provisions of Articles 3 and 4:

In Article 6(1)(a) add the following new indent:

(a) sums paid

- as compensation for overtime,
- for work of a particularly arduous nature,
- for exceptional services,
- for patented inventions,
- under Articles 56a and 56b of the Staff Regulations,

"- under Article 70a of the Staff Regulations."

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 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.

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 figure defined in Article 6 of Annex VIII to the Staff Regulations of Officials of the Communities.

Articles 7 to 14 unchanged

OPINION OF THE LEGAL AFFAIRS COMMITTEE

Letter from Mr SCHUIJT, Chairman of the Legal Affairs Committee, to
Mr SPENALE, Chairman of the Committee on Budgets

Brussels, 13 September 1974

Dear Mr Spénale,

During its meeting of 12 September 1974, the Legal Affairs Committee¹ considered the proposal for a regulation (Doc. 174/74) amending the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Communities.

It reached the following conclusions:

- The proposal for a regulation could be approved without any major reservation. The proposal in fact deals with amendments to the Staff Regulations of Officials that prove to be necessary in the light of the experience gained by the institutions during the past few years and that in general take account of requests made by the staff representatives.
- It seemed, however, that it might be advisable if, in the motion for a resolution to be submitted to Parliament, the Committee on Budgets were to invite the Commission of the European Communities to:
 - (a) take action to ensure that, in future, urgent proposals (such as increased weightings) should be put forward separately so that the relevant parliamentary committees could devote the necessary attention to other proposed amendments, particularly those that alter the legal status of officials of the Communities;
 - (b) review the pension scheme in its entirety in order to adapt it gradually to the schemes applied in the Member States.

Yours sincerely,

Dr W.J. SCHUIJT

¹ The following were present: Mr Schuijt, chairman; Mr Bermani, vice-chairman; Mr Bangemann, Mr Berthoin (deputizing for Mr Pinta), Mr Brewis, Mr Broeks, Mr Calewaert, Mr D'Angelosante, Mr De Keersmaeker, Mr Deschamps (deputizing for Mr Lucius), Mr Delmotte (deputizing for Mr Albertsen), Mrs Iotti, Mr Lautenschlager, Lord Mansfield, Mr Outers, Mr Schwörner, Mr Springorum, Sir Derek Walker-Smith, Mr Yeats.

