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STAFF REGULATIONS

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STAFF REGULATIONS

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

May 1978

NOTE

concerning parts I and II hereof

The Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Communities¹ applicable from 5 March 1968, as laid down by Articles 2 and 3 of Council Regulation (EEC, Euratom, ECSC) No 259/68² of the 29 February 1968 (*Official Journal of the European Communities No L 56, 4 March 1968*) and the following Regulations amending that Regulation:

1. Regulation (Euratom, ECSC, EEC) No 2278/69 (OJ No L 289, 17 November 1969, p. 1)
2. Regulation (ECSC, EEC, Euratom) No 95/70 (OJ No L 15, 21 January 1970, p. 1)
3. Regulation (ECSC, EEC, Euratom) No 96/70 (OJ No L 15, 21 January 1970, p. 4)
4. Regulation (EEC, Euratom, ECSC) No 16/71 (OJ No L 5, 7 January 1971, p. 1)
5. Regulation (EEC, Euratom, ECSC) No 2653/71 (OJ No L 276, 16 December 1971, p. 1)
6. Regulation (EEC, Euratom, ECSC) No 2654/71 (OJ No L 276, 16 December 1971, p. 6)
7. Regulations (Euratom, ECSC, EEC) Nos 1369/72 and 1370/72 (OJ No L 149, 1 July 1972, pp. 1 and 3)
8. Regulation (Euratom, ECSC, EEC) No 1473/72 (OJ No L 160, 16 July 1972, p. 1)
9. Regulation (Euratom, ECSC, EEC) No 2647/72 (OJ No L 283, 20 December 1972, p. 1)
10. Regulation (ECSC, EEC, Euratom) No 558/73 (OJ No L 55, 28 February 1973, p. 1)
11. Regulation (ECSC, EEC, Euratom) No 2188/73 (OJ No L 223, 11 August 1973, p. 1)
12. Regulation (EEC, Euratom, ECSC) No 2/74 (OJ No L 2, 3 January 1974, p. 1)
13. Regulation (EEC, Euratom, ECSC) No 3191/74 (OJ No L 341, 20 December 1974, p. 1)
14. Regulation (Euratom, ECSC, EEC) No 711/75 (OJ No L 71, 20 March 1975, p. 1)
15. Regulation (Euratom, ECSC, EEC) No 1009/75 (OJ No L 98, 19 April 1975, p. 1)
16. Regulation (Euratom, ECSC, EEC) No 1601/75 (OJ No L 164, 27 June 1975, p. 1)
17. Regulation (Euratom, ECSC, EEC) No 2577/75 (OJ No L 263, 11 October 1975, p. 1)
18. Regulation (ECSC, EEC, Euratom) No 2615/75 (OJ No L 299, 29 October 1976, p. 1)
19. Regulation (ECSC, EEC, Euratom) No 3177/76 (OJ No L 359, 30 December 1976, p. 1)
20. Regulation (ECSC, EEC, Euratom) No 3178/76 (OJ No L 359, 30 December 1976, p. 9)
21. Regulation (EEC, Euratom, ECSC) No 1376/77 (OJ No L 157, 28 June 1977, p. 1)
22. Regulation (EEC, Euratom, ECSC) No 2687/77 (OJ No L 314, 8 December 1977, p. 1)
23. Regulation (EEC, Euratom, ECSC) No 2859/77 (OJ No L 330, 23 December 1977, p. 1)
24. Regulation (Euratom, ECSC, EEC) No 912/78 (OJ No L 119, 3 May 1978, p. 1)
25. Regulation (Euratom, ECSC, EEC) No 914/78 (OJ No L 119, 3 May 1978, p. 8)
26. Regulation (Euratom, ECSC, EEC) No 2711/78 (OJ No L 328, 23 November 1978, p. 1)
27. Regulation (Euratom, ECSC, EEC) No 3084/78 (OJ No L 369, 29 December 1978, p. 1)
28. Regulation (Euratom, ECSC, EEC) No 3085/78 (OJ No L 369, 29 December 1978, p. 6)
29. Regulation (ECSC, EEC, Euratom) No 2955/79 (OJ No L 336, 29 December 1979, p. 1)
30. Regulation (EEC, Euratom, ECSC) No 160/80 (OJ No L 20, 26 January 1980, p. 1)
31. Regulation (EEC, Euratom, ECSC) No 161/80 (OJ No L 20, 26 January 1980, p. 5)³
32. Regulation (Euratom, ECSC, EEC) No 397/81 (OJ No L 46, 19 February 1981, p. 1)

are consolidated in this text. This consolidated text has no legal force.
The bracketed figures beside certain Articles correspond to the figures listed above.

¹ These Staff Regulations and Conditions of Employment replaced the Staff Regulations of Officials and the conditions of Employment of Other Servants of the European Economic Community and the European Atomic Energy Community laid down by Council Regulation No 31 (EEC), 11 (EAEC), of 18 December 1961 (OJ No 45, 14 June 1962) and the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Coal and Steel Community.

² Transitional provisions applicable to officials (p. 63) and other servants (p. 84) of the Communities on the entry into force of Regulation (EEC, Euratom, ECSC) No 259/68.

³ This regulation made the latest adjustments to the remuneration of officials and other servants of the European Communities pursuant to Article 65 of the Staff Regulations of Officials.

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TITLE I

GENERAL PROVISIONS

Article 1 (21)

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

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

Article 2

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

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

Article 3

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

Article 4

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

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

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

Article 5 (8)

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

Category A shall comprise eight grades, divided into career brackets ordinarily containing two grades each for staff engaged in administrative and advisory duties which require university education or equivalent professional experience.

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

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

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

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

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

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

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

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

Article 6

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

Article 7 (8)

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

An official may apply for a transfer within his institution.

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

and the remuneration he would receive in respect of the step at which he would be classified in the starting grade if he were appointed to the career bracket of his temporary posting.

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

Article 8

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

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

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

Article 9

1. There shall be set up:

(a) within each institution:

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

(b) for the Communities:

- an Invalidity Committee,

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

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

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

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

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

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

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

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

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

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

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

Article 10

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

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

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

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

Article 10a (8)

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

TITLE II

RIGHTS AND OBLIGATIONS OF OFFICIALS

Article 11

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

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

Article 12

An official shall abstain from any action and, in particular, any public expression of opinion which may reflect on his position. He may neither keep nor acquire, directly or indirectly, in undertakings which are subject to the authority of the institution to which he belongs or which have dealings with that institution, any interest of such kind or magnitude as might impair his independence in the performance of his duties.

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

Article 13

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

Article 14

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

Article 15

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

The appointing authority shall consider the case of any official elected to such office. The appointing authority shall, having regard to the importance of the office and the duties it entails for the holder, decide

whether the official should continue in active employment or should apply for leave on personal grounds. In the latter case, the duration of the leave shall be equal to the term for which the official has been elected.

Article 16

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

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

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

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

Article 17

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

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

Article 18

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

Article 19

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

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

Article 20

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

Article 21 (24)

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

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

An official who receives instructions which he considers to be irregular or likely to give rise to serious difficulties shall inform his immediate superior, if necessary in writing. If the official then receives written confirmation of the instructions from his superior, he shall carry them out unless they constitute a breach of criminal law or of the relevant safety standards.

Article 22

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

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

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

Article 23 (24)

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

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

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

Article 24

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

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

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

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

Article 24a (8)

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

Article 25 (8)

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

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

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

Article 26

The personal file of an official shall contain:

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

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

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

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

There shall be only one personal file for each official.

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

The personal file shall be confidential and may be consulted only in the offices of the administration. It shall, however, be forwarded to the Court of Justice of

the European Communities if an action concerning the official is brought before the Court.

TITLE III

CAREER OF OFFICIALS

CHAPTER I RECRUITMENT

Article 27

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

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

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

Article 28

An official may be appointed only on condition that:

- (a) he is a national of one of the Member States of the Communities, unless an exception is authorized by the appointing authority, and enjoys his full rights as a citizen;
- (b) he has fulfilled any obligations imposed on him by the laws concerning military service;
- (c) he produces the appropriate character references as to his suitability for the performance of this duties;
- (d) he has, subject to Article 29 (2), passed a competition based on either qualifications or tests, or both qualifications and tests, as provided for in Annex III;
- (e) he is physically fit to perform his duties; and
- (f) he produces evidence of a thorough knowledge of one of the languages of the Communities and of a satisfactory knowledge of another language of the Communities to the extent necessary for the performance of his duties.

Article 29

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

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

basis either of qualifications or of tests, or of both qualifications and tests. Annex III lays down the competition procedure.

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

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

Article 30

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

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

Article 31

1. Candidates thus selected shall be appointed as follows:

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

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

- (a) in respect of Grades A 1, A 2, A 3 and L/A 3,
 - up to half the appointments to posts becoming vacants;
 - up to two thirds of the appointments to newly created posts;
- (b) in respect of other grades,
 - up to one third of the appointments to posts becoming vacant;
 - up to half the appointments to newly created posts.

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

Article 32 (8)

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 33 (24)

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

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

Article 34 (8) (24)

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.

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.

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.

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

Article 35

Officials shall be assigned one of the following administrative statuses:

- (a) Active employment;
- (b) Secondment;
- (c) Leave on personal grounds;
- (d) Non-active status;
- (e) Leave for military service.

Section 1

ACTIVE EMPLOYMENT

Article 36

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

Section 2

SECONDMENT

Article 37 (8)

1. An official on secondment is one who, by decision of the appointing authority:

- (a) has been directed in the interests of the service:
 - to serve temporarily in a post outside his institution; or
 - to assist temporarily a person holding an office provided for in the Treaties establishing the Communities or the Treaty establishing a Single Council and a Single Commission of the Communities, or with an elected President of one of the institutions or organs of the Communities or the elected Chairman of one of the political groups in the European Parliament;
- (b) has at his own request been placed at the disposal of another of the institutions of the European Communities.

2. An official on secondment shall continue to enjoy all his rights under the conditions contained in Articles 38 and 39 and shall remain subject to all his obligations as an official of his parent institution.

Subject to the provisions of the third paragraph of Article 77 concerning pension, however, the provisions which apply to the official during the secondment referred to in the second indent of (a) in the first paragraph shall be those applicable to an official of the same grade as that assigned to him in the post to which he is seconded.

Article 38 (8)

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

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

Article 39 (8)

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

- (a) the decision on secondment shall be taken by the appointing authority who shall determine its duration;
- (b) within six months of taking up his new duties an official may request that his secondment be terminated; he shall then be reinstated at once in the post formerly occupied by him;
- (c) at the end of this period of six months, another person may be appointed to his post;
- (d) during the period of secondment, pension contributions and any pension rights shall be calculated by reference to the salary for active employment carried by his grade and step in his parent institution.
- (e) when his secondment ends an official must be reinstated in the first post corresponding to his grade which falls vacant in his category or service provided that he satisfies the requirements for that post. If he declines the post offered to him he shall retain his right to reinstatement when the next vacancy corresponding to his grade occurs in his category or service, subject to the same proviso; if he declines a second time, he may be required to resign after the Joint Committee has

been consulted. Until effectively reinstated he shall continue to be on secondment but unpaid.

Section 3

LEAVE ON PERSONAL GROUNDS

Article 40 (8) (24)

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 Articles 72 and 73 and cover for risks under the scheme shall be suspended.

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

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

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

Section 4
NON-ACTIVE STATUS

Article 41 (8)

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

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

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

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

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

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

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

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

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

The allowance and the total remuneration last received as referred to in the preceding subparagraph shall be weighted at the rate fixed for the place where the official was last employed.

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

5. An official who before expiry of the two-year period specified in paragraph 3 has been offered a post corresponding to his grade and has declined it without

good reason may, after the Joint Committee has been consulted, be deprived of his rights under the foregoing provisions and be required to resign.

Section 5
LEAVE FOR MILITARY SERVICE

Article 42

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

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

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

CHAPTER 3
REPORTS, ADVANCEMENT
TO A HIGHER STEP AND PROMOTION

Article 43

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

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

Article 44

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

Article 45

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

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

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

Article 46 (8)

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

For the purpose of this provision, each grade shall be divided into notional steps corresponding to months of service and notional salaries on rising by one twenty-fourth of the two-yearly increment for that grade throughout the span of the actual steps. An official appointed to a higher grade shall in no case receive a basic salary lower than that which he would have received in his former grade.

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

CHAPTER 4

TERMINATION OF SERVICE

Article 47

Service shall be terminated by:

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

Section 1

RESIGNATION

Article 48 (8)

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

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

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

Section 2

COMPULSORY RESIGNATION

Article 49 (8)

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

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

Section 3

RETIREMENT IN THE INTERESTS OF THE SERVICE

Article 50 (8)

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

Such retirement shall not constitute a disciplinary measure.

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

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

The allowance and the total remuneration last received as referred to in the preceding paragraph shall be weighted as the rate fixed for the place where the official was last employed.

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

Section 4

DISMISSAL FOR INCOMPETENCE

Article 51

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

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

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

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

Section 5
RETIREMENT

Article 52

Without prejudice to the provisions of Article 50, an official shall be retired on reaching the age of sixty-five years.

Article 53

An official to whom the Invalidity Committee finds

that the provisions of Article 78 apply shall cease to perform his duties and shall be retired.

Section 6
HONORARY RANK

Article 54

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

No pecuniary benefits shall attach to such honorary rank.

TITLE IV

WORKING CONDITIONS OF OFFICIALS

CHAPTER 1
HOURS OF WORK

Article 55 (7) (8) (16)

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

However, the normal working week shall not exceed 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 may, moreover, be required because of the exigencies of the service or safety rules to remain on standby duty at his place of work or at home outside normal working hours. The institution shall lay down detailed rules for the application of this paragraph after consulting its Staff Committee.

Article 55a (8)

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

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

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

Article 56 (8)

An official may not be required to work overtime except in cases of urgency or exceptional pressure of work; night work and all work on Sundays or public holidays may be authorized only in accordance with the procedure laid down by the appointing authority. The

total overtime which an official may be asked to work shall not exceed 150 hours in any six months.

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

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

Article 56a (7) (15)

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

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

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

Article 56b (7) (16)

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

The Council, acting on a proposal from the Commission submitted after consulting the Staff

Regulations Committee, shall determine the categories of officials entitled to such allowances, the conditions for granting the allowances and also the rates thereof.

CHAPTER 2
LEAVE

Article 57

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

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

Article 58 (8) (24)

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

Article 59 (8)

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

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

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

The appointing authority may refer to the Invalidity Committee the case of any official whose sick leave

totals more than twelve months in any period of three years.

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

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

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

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

Article 59a (8)

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

Article 60

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

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

CHAPTER 3
PUBLIC HOLIDAYS

Article 61

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

TITLE V

EMOLUMENTS AND SOCIAL SECURITY BENEFITS OF OFFICIALS

CHAPTER 1
REMUNERATION AND EXPENSES

Section 1
REMUNERATION

Article 62

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

An official may not waive his entitlement to remuneration.

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

Article 63 (28)(31)(32)

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

Remuneration paid in a currency other than Belgian francs shall be calculated on the basis of the exchange rates used for the implementation of the general budget of the European Communities on 1 July 1980.

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

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

Article 64

An official's remuneration expressed in Belgian francs shall, after the compulsory deductions set out in these Staff Regulations or in any implementing regulations have been made, be weighted at a rate above, below or equal to 100 %, depending on living conditions in the various places of employment.

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

Article 65

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

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

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

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

Article 66 (13)(19)(23)(27)(30)(31)(32)

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

Grade	Step							
	1	2	3	4	5	6	7	8
A 1	215360	226766	238172	249578	260984	272390		
A 2	191189	202072	212955	223838	234721	245604		
A 3/LA 3	158446	167967	177488	187009	196530	206051	215572	225093
A 4/LA 4	133214	140645	148076	155507	162938	170369	177800	185231
A 5/LA 5	109970	116440	122910	129380	135850	142320	148790	155260
A 6/LA 6	95140	100289	105438	110587	115736	120885	126034	131183
A 7/LA 7	81985	86032	90079	94126	98173	102220		
A 8/LA 8	72587	75484						
B 1	95140	100289	105438	110587	115736	120885	126034	131183
B 2	82522	86358	90194	94030	97866	101702	105538	109374
B 3	69317	72510	75703	78896	82089	85282	88475	91668
B 4	60037	62806	65575	68344	71113	73882	76651	79420
B 5	53736	55976	58216	60456				
C 1	61223	63668	66113	68558	71003	73448	75893	78338
C 2	53336	55576	57816	60056	62296	64536	66776	69016
C 3	49800	51717	53634	55551	57468	59385	61302	63219
C 4	45043	46845	48647	50449	52251	54053	55855	57657
C 5	41594	43270	44946	46622				
D 1	46914	48940	50966	52992	55018	57044	59070	61096
D 2	42834	44632	46430	48228	50026	51824	53622	55420
D 3	39891	41578	43265	44952	46639	48326	50013	51700
D 4	37764	39251	40738	42225				

Article 67 (8)(10)(13)(19)(23)(24)(27)(31)(32)

1. Family allowances shall comprise:
 - (a) household allowance equal to 5 % of the basic salary or BFR 3335 per month, whichever is the greater;
 - (b) dependent child allowance of BFR 4296 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.

Article 68 (8)

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

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

Article 68a (8)

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

Article 69 (10)(13)(19)(23)(27)(31)(32)

The expatriation allowance shall be equal to 16 % of the total of the basic salary, household allowance and dependent child allowance to which the official is entitled. The expatriation allowance shall be not less than BFR 7674 per month.

Article 70 (8)

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

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

Article 70a (24)

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

Section 2
EXPENSES

Article 71

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

CHAPTER 2

SOCIAL SECURITY BENEFITS

Article 72 (8) (10)

1. An official, his spouse, his children and other dependants within the meaning of Article 2 of Annex VII are insured against sickness up to 80 % of the expenditure incurred subject to rules drawn up by agreement between the institutions of the Communities after consulting the Staff Regulations Committee.

However, the rate of 80 % shall be raised to 100 % in cases of tuberculosis, poliomyelitis, cancer, mental illness and other illnesses recognized by the appointing authority as of comparable seriousness. One third of the contribution required to meet such insurance shall be charged to the official but so that the amount charged to him shall not exceed 2 % of his basic salary.

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

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

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

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

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

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

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

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

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

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

4. Persons entitled to the foregoing benefits shall declare the amount of any reimbursement which they may claim under another compulsory sickness insurance for themselves or for persons covered by their insurance.

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

Article 73 (24)

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

Such rules shall specify which risks are not covered.

The benefits payable shall be as follows:

(a) In the event of death:

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

- to the deceased official's spouse and children in accordance with the law of succession gov-

erning 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;
- where there are no persons of either of the two categories above, to the relatives in the ascending line in accordance with the law of succession governing the official's estate;
- where there are no persons of any of the three categories above, to the institution.

(b) In the event of total permanent invalidity: Payment to the official of a lump sum equal to eight times his annual basic salary calculated on the basis of the monthly amounts of salary received during the 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 for in these rules an annuity may be substituted for the payments provided for above.

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

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

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

4. Within the limits of the obligations devolving upon them under Articles 72, 73 and 75, the Communities shall automatically assume the rights of redress of the official or of those entitled under him against the third party responsible for an accident involving the death or injury of an official or a person covered by his insurance.

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

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

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

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

3. The recipient of a grant on the birth of a child shall declare any grants of the same nature received from other sources for the same child; such grants shall be

deducted from the grant provided for above. Where both parents are officials of the Communities, the grant shall be paid once only.

Article 75

In the event of an official's death, the institution shall bear costs involved in transporting the body to the official's place of origin.

Article 76

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

CHAPTER 3
PENSIONS

Article 77 (8)

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

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

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

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

The pensionable age shall be sixty years.

Article 78 (8)

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

Where the invalidity arises from an accident in the course of or in connection with the performance of his duties, from an occupational disease, from a public-

spirited act or from risking his life to save another human being, the invalidity pension shall be 70 % of the basic salary of the official.

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

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

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

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

Article 79 (8) (24)

The widow of an official or of a former official shall be entitled, in manner provided for in Chapter 4 of Annex VIII, to a survivor's pension equal to 60 % of the retirement or invalidity pension which was paid to her husband, or which, irrespective of length of service, 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 leave on personal grounds, for the period during which, pursuant to Article 40 (3), no pension rights have been acquired, shall be neither less than the minimum subsistence figure nor less than 35 % of the last basic salary received by the official.

Article 80 (8)

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

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

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

Each child being dependent within the meaning of Article 2 of Annex VII on an official whose spouse, not being an official of the Communities, dies shall be entitled to an orphan's pension of twice the amount of dependent child allowance.

Article 81 (8) (10)

A person entitled to a retirement pension payable at the age of 60 years or later, or to an invalidity pension,

or to a survivor's pension shall be entitled, under the conditions laid down in Annex VII, to the family allowances specified in Article 67; the household allowance shall be calculated by reference to the pension of the recipient.

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

Article 82

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

They shall be weighted in manner provided for in Article 64 and Article 65 (2) for the country of the Communities where the person entitled to the pension declares his home to be. Payment of such pensions shall be effected in accordance with the terms contained in Article 63 in respect of payment of remunerations.

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

Article 83 (8)

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

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

2. Officials shall contribute one third of the cost of financing this pension scheme. The contribution shall

be 6.75 % of the official's basic salary, the weightings provided for in Article 64 not being taken into account. It shall be deducted monthly from the salaries of officials.

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

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

Article 84

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

CHAPTER 4

RECOVERY OF UNDUE PAYMENT

Article 85 (8)

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

TITLE VI

DISCIPLINARY MEASURES

Article 86 (24)

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

2. Disciplinary measures shall take one of the following 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 of withdrawal of entitlement to retirement pension, but the consequences of this measure shall not affect dependants of the official;
- (g) where the official has left the service, withdrawal in whole or part either temporarily or permanently, of entitlement to retirement pension; this provision shall not apply so as to affect those under him.

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

Article 87

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

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

Article 88

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

The decision that an official be suspended shall specify whether he is to continue to receive his remuneration during the period of suspension or what part thereof is to be withheld: the part withheld shall not be more than half the official's basic salary.

A final decision shall be taken within four months from the date when the decision that an official be

suspended came into force. Where no decision has been taken by the end of four months, the official shall again receive his full remuneration.

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

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

Article 89

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

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

TITLE VII

APPEALS

Article 90 (8)

1. Any person to whom these Staff Regulations apply may submit to the appointing authority a request that it take a decision relating to him. The authority shall notify the person concerned of its reasoned decision within four months from the date on which the request was made. If at the end of that period no reply to the request has been received, this shall be deemed to constitute an implied decision rejecting it, against which a complaint may be lodged in accordance with the following paragraph.

2. Any person to whom these Staff Regulations apply may submit to the appointing authority a complaint against an act adversely affecting him, either where the said authority has taken a decision or where it has failed to adopt a measure prescribed by the Staff Regulations. The complaint must be lodged within three months. The period shall start to run:

- on the date of publication of the act if it is a measure of a general nature;
- on the date of notification of the decision to the person concerned, but in no case later than the date on which the latter received such notification, if the measure affects a specified person; if, however, an act affecting a specified person also contains a

complaint against another person, the period shall start to run in respect of that other person on the date on which he receives notification thereof but in no case later than the date of publication;

- on the date of expiry of the period prescribed for reply where the complaint concerns an implied decision rejecting a request as provided for in paragraph 1.

The authority shall notify the person concerned of its reasoned decision within four months from the date on which the complaint was lodged. If at the end of that period no reply to the complaint has been received, this shall be deemed to constitute an implied decision rejecting it, against which an appeal may be lodged under Article 91.

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

Article 91 (8)

1. The Court of Justice of the European Communities shall have jurisdiction in any dispute between the

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

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

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

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

- on the date of notification of the decision taken in response to the complaint;
- on the date of expiry of the period prescribed for the reply where the appeal is against an implied

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

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

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

TITLE VIII

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

Article 92

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

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

Article 93

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

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

Article 94

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

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

shall have the right to acquire compulsorily the copyrights in such publication.

Any invention made by an official in the course of or in connection with the performance of his duties shall be the undisputed property of the European Atomic Energy Community. The institution may, at its own expense and on behalf of the Community, apply for and obtain patents therefor in all countries. Any invention relating to the work of the European Atomic Energy Community made by an official during the year following the expiration of his term of duty shall, unless proved otherwise, be deemed to have been made in the course of or in connection with the performance of his duties. Where inventions are the subject of patents the name of the inventor or inventors shall be stated.

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

Article 95

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

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

Article 96

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

Article 97

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

The advance may be granted only once in each grade.

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

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

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

Article 98

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

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

So that the appointing authority may promote the most deserving of the officials covered by Article 92, exceptions not exceeding one year may in properly circumstantiated exceptional cases, be made as regards the length of service laid down in the second subparagraph of Article 45 (1). An official shall not

benefit from the provisions of this paragraph more than once in any period of five years.

Article 99

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

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

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

Article 100

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

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

Article 101

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

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

TITLE IX

TRANSITIONAL AND FINAL PROVISIONS

CHAPTER I

TRANSITIONAL PROVISIONS

Article 102

1. A servant of the Communities who is occupying a permanent post in one of the institutions of the Communities when these Staff Regulations¹ enter into force may, by decision of the appointing authority, be established in the grade and at the step and in the scale of remuneration laid down by these Staff Regulations corresponding to the grade and step expressly or

impliedly accorded him before these Staff Regulations were applied to him, subject to any decisions which may be taken by agreement between the Councils of the European Economic Community and the European Atomic Energy Community for standardizing practice in regard to career brackets and the criteria to be used in grading, provided that:

- as regards every such servant, he satisfies the requirements of Article 28 (a), (b), (c), (e) and (f);
- as regards every such servant, save those in Grade A 1 and A 2:

(a) he has been in the service of one of the institutions of the Communities for more

¹ 1.1.1962.

than six months when these Staff Regulations enter into force; a servant of the Communities who does not satisfy this requirement may be appointed for a probationary period and be established as an official as provided for in Article 34.

- (b) have not been the subject of any unfavorable report by the Establishment Board provided for in the following subparagraph.

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

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

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

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

4. By way of derogation from paragraph 1,

- (a) an official whose post comes under Category D in the table shown in Annex I shall be classified in the grade for his post and at the step within that grade for which the basic salary, less Community tax and the official's contribution to the pension scheme, is equal to, or else directly below, the sum of the basic salary plus local allowance, less contribution to the temporary joint provident scheme of the institutions of the Communities, which he was receiving when these Staff Regulations entered into force;
- (b) an official in the Language Service shall be classified in the grade for his post and at the step within that grade directly above the step at which he would have been classified in accordance with paragraph 1.

5. The provisions of Chapter 1 of Title VIII of the Staff Regulations of Officials of the European Coal and Steel Community shall apply to a servant who, before these Staff Regulations entered into force, was an

established official of the European Coal and Steel Community and has been granted leave on personal grounds in one of the institutions of that Community in order to enter the service of an institution of the European Economic Community or of the European Atomic Energy Community, in respect of the grade and step in which he is established in accordance with paragraphs 1 to 4 above, provided this does not confer on him advantages greater than those he would have enjoyed if he had been established in the same grade under the Staff Regulations of Officials of the European Coal and Steel Community.

Articles 103 and 104 (8)

Repealed

Article 105 (10)

1. An official whose net remuneration is reduced by reason of the application of these Staff Regulations shall receive a compensatory allowance.
2. This allowance, calculated monthly, shall be equal to the difference between:
 - the total obtained, after deduction of staff contribution to the pension scheme, by combining:
 - the basic salary,
 - the local allowance, and
 - the separation allowance
 to which the official would have been entitled under the former scale of remuneration in respect of the first month during which these Staff Regulations are applied with
 - the head of household allowance,
 - the dependent child allowance
 which the official would have received under the former scale of remuneration in respect of the first month during which these Staff Regulations are applied if at that time his circumstances as to dependants had been the same as during the month in question; and
 - the total obtained, after deduction of Community tax and the official's contribution to the pension scheme, by combining
 - the basic salary,
 - the household allowance,
 - the dependent child allowance and
 - the expatriation allowance
 payable to the official for the month in question under these Staff Regulations. When calculating the compensatory allowance for officials covered by Article 106, no account shall be taken of the separation allowance.
3. The compensatory allowance shall cease not later than six years after these Staff Regulations are applied.

Article 106

Any official in receipt of a separation allowance before these Staff Regulations were applied who does not qualify for an expatriation allowance under Article 4 of Annex VII shall be allowed the same amount as that which he would have received by way of separation

allowance under the scale of remuneration existing before these Staff Regulations entered into force. Such amount shall not in future be varied for any reason whatever, save where the official qualifies for an expatriation allowance by satisfying the requirements therefor.

Article 107 (8)

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

2. The number of years of pensionable service thus credited shall be determined by the appointing authority of the institution to which the official belongs after consulting the Staff Regulations Committee provided for in Article 10. It shall not exceed:

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

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

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

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

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

Articles 108 and 109 (8)

Repealed

CHAPTER 2

FINAL PROVISIONS

Article 110 (8)

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

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

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

ANNEX I (8) (24)

**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**

Category A

- A 1 } Director-General
- A 2 } Director
- A 3 Head of Division
- A 4 } Principal Administrator¹
- A 5 }
- A 6 } Administrator
- A 7 }
- A 8 Assistant Administrator

Category B

- B 1 Principal Administrative Assistant
- B 2 } Senior Administrative Assistant
- B 3 } Senior Technical Assistant²
- } Senior Secretarial Assistant²
- B 4 } Administrative Assistant
- B 5 } Technical Assistant²
- } Secretarial Assistant²

Category C

- C 1 } Executive Secretary
- } Principal Secretary
- } Principal Clerical Officer
- C 2 } Secretary/Shorthand-typist
- C 3 } Clerical Officer
- C 4 } Typist
- C 5 } Clerical Assistant

Category D

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

Language Service

- L/A 3 } Head of a Translation or Interpretation
 } Division
- L/A 4 } Head of Translation or Interpretation
 } Group
- L/A 5 } Reviser, principal translator, principal
 } interpreter
- L/A 6 } Translator
- L/A 7 } Interpreter
- L/A 8 } Assistant translator
- } Assistant interpreter

¹ Law Clerks at the Court of Justice shall be appointed to Grade A 5; however, a Law Clerk who has exceptional qualifications or special abilities may be appointed to Grade A 4. A Law Clerk may be promoted to the grade immediately above that to which he was appointed after he is 32 years old and has completed six years' service and to the next grade after he is 38 years old and has completed ten years' service.

² The number of posts corresponding to this basic post is exactly and specifically fixed in the list of posts appended to the budget.

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

Category A*Administrative and advisory staff*

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

Category B*(a) Design Office Staff*

B 1	Draughtsman Section leader
B 2	
B 2	Designer
B 3	

(b) Laboratory Staff

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

(c) Manufacturing workshop staff

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

Category C*(a) Office staff*

C 1	Draughtsman
C 2	
C 3	
C 4	

(b) Workshop staff

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

(c) Laboratory staff

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

Category D*(a) Office staff*

D 1	Senior Reprographic Operative
D 2	Reprographic Assistant
D 3	

(b) Transport and handling staff

D 1	Chargehand
D 2	
D 3	Labourer
D 4	

(c) Laboratory staff

D 1	Laboratory Assistant
D 2	
D 3	Laboratory Cleaner
D 4	

ANNEX II

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

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Section 1

STAFF COMMITTEE

Article 1 (8)

The Staff Committee shall comprise the members thereof, together with their alternates if any, whose term of office shall be two years. The institution may, however, decide to fix a shorter term of office, which may not be less than one year. Every official of the institution shall be entitled to vote and stand for election.

The conditions for election to the Staff Committee if it is not organized in local sections, or to the local section, if the Staff Committee is organized in local sections, shall be laid down by the general meeting of officials of the institution in service at the relevant place of employment. Election shall be by secret ballot.

If the Staff Committee is organized in local sections, the manner in which the members of the Central Committee are appointed for each place of employment shall be laid down by the general meeting of officials of the institution in service at the relevant place of employment. Only members of the local section concerned may be appointed members of the Central Committee.

Membership of the Staff Committee if it is not organized in local sections, or of the local section if the Staff Committee is organized in local sections shall be such as to ensure the representation of all categories of officials and of all services provided for in Article 5 of the Staff Regulations and also of the servants referred to in the first paragraph of Article 7 of the Conditions of Employment of Other Servants of the Committee. The Central Committee of a Staff Committee organized in local sections shall be validly constituted upon appointment of a majority of its members.

Elections to the Staff Committee if it is not organized in local sections, or to the local section if the Staff Committee is organized in local sections, shall be valid only if two thirds of the officials entitled to vote take part. However, if this proportion is not attained, the second vote shall be valid if the majority of those entitled take part.

The duties undertaken by members of the Staff Committee and by officials appointed by the Committee to organs set up under the Staff Regulations or by the institution shall be deemed to be part of their normal service in their institution. The fact of performing such duties shall in no way be prejudicial to the person concerned.

Section 2

JOINT COMMITTEE

Article 2

- The Joint Committee or Committees shall consist of:
- a chairman appointed each year by the appointing authority;
 - members and alternates appointed at the same time in equal numbers by the appointing authority and by the Staff Committee.

Article 3 (8)

The Joint Committee shall meet when convened by the appointing authority or at the request of the Staff Committee.

The proceedings of the Committee shall be valid only if all members or, in their absence, their alternates are present.

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

The opinion of the Committee shall be communicated in writing to the appointing authority and to the Staff Committee within five days of its adoption.

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

Section 3

DISCIPLINARY BOARD

Article 4

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

Article 5

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

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

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

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

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

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

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

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

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

Article 6

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

The proceedings of the Board shall be secret.

Section 4

INVALIDITY COMMITTEE

Article 7 (8) (24)

The Invalidity Committee shall consist of three doctors:

- one appointed by the institution to which the official concerned belongs;
- one appointed by the official concerned; and
- one appointed by agreement between the first two doctors.

Should the official concerned fail to appoint a doctor, the President of the Court of Justice of the European Communities shall appoint one.

In the event of failure to agree on the appointment of a third doctor within two months of the appointment of the second doctor, the third shall be appointed by the President of the Court of Justice of the European Communities at the request of one of the parties concerned.

Article 8

Expenses incurred in connection with the proceedings of the Invalidity Committee shall be borne by the institution to which the official concerned belongs.

Where the doctor appointed by the official concerned is resident elsewhere than at the place where the official is employed, the official shall bear the cost of the additional fees entailed, with the exception of first-class travel expenses, which shall be refunded by the institution.

Article 9

The official may submit to the Invalidity Committee any reports or certificates from his regular doctor or from any medical practitioners whom he may have consulted.

The Invalidity Committee's conclusions shall be communicated to the appointing authority and to the official concerned.

The proceedings of the Committee shall be secret.

Section 5

REPORTS COMMITTEE

Article 10

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

Where the Committee is called upon to make a recommendation concerning an official whose immediate superior is a member of the Committee, that member shall not take part in the consideration of his case.

Article 11

The proceedings of the Reports Committee shall be secret.

ANNEX III

Competitions

Article 1 (8)

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

It must specify:

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

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

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

Article 2

Candidates shall complete a form prescribed by the appointing authority.

They may be required to furnish additional documents or information.

Article 3

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

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

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

Article 4

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

Article 5

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

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

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

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

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

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

Article 6

The proceedings of the Selection Board shall be secret.

ANNEX IV

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

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

- (a) for three months, to a monthly allowance equal to his basic salary;
- (b) for a period varying with the age and length of service in accordance with the table shown in paragraph 3, to a monthly allowance equal to:
 - 85% of his basic salary from the fourth to the sixth month;
 - 70% of his basic salary for the next five years;
 - 60% of his basic salary thereafter.

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

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

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

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

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

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

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

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

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

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

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

Article 2

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

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

Article 3

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

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

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

ANNEX V

Leave

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Section 1
ANNUAL LEAVE

Article 1

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

Article 2

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

Article 3

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

Article 4

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

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

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

Article 5

Where an official is recalled to duty for service reasons while on annual leave or has had his leave

cancelled, any costs incurred by him shall be reimbursed, subject to production of appropriate evidence, and travelling time shall be granted afresh.

Section 2
SPECIAL LEAVE

Article 6 (24)

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.

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

Section 3
TRAVELLING TIME

Article 7 (24)

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

- 50 to 250 km: one day for the outward-and-return journey,
- 251 to 600 km: two days for the outward-and-return journey,
- 601 to 900 km: three days for the outward-and-return journey,
- 901 to 1400 km: four days for the outward-and-return journey,

- 1401 to 2000 km: five days for the outward-and-return journey,
- more than 2000 km: six days for the outward-and-return journey.

Where an official benefits from the second subparagraph of Article 8 (2) of Annex VII, the travelling time based on the distance by rail between the place of leave and the place of employment shall be as follows:

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

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

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

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

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

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

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

- (a) For each hour of overtime, he shall be entitled to one hour and a half off as compensatory leave; if the hour of overtime is worked between 2200 hours and 0700 hours or on a Sunday or on a public holiday, the entitlement to compensatory leave shall be two hours; in the granting of compensatory leave, account shall be taken of the requirements of the service and the preference of the official concerned.
- (b) Where the requirements of the service do not permit compensatory leave to be taken during the month following that during which the overtime was worked, the appointing authority shall authorize remuneration for uncompensated hours of overtime at the rate of 0.56 % of the monthly basic salary for each hour of overtime on the basis set out in subparagraph (a).

- (c) To qualify for compensatory leave or remuneration for one hour's overtime, the extra time worked must have been more than thirty minutes.

Article 2

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

Article 3

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

ANNEX VII

Remuneration and reimbursement of expenses

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Section I

FAMILY ALLOWANCES

Article 1 (8)(10)(13)(19)(23)(24)(27)(31)(32)

1. The household allowance shall be fixed at 5 % of the basic salary of an official or BFR 3 335 whichever is the greater.
2. The household allowance shall be granted to:
 - (a) a married official;
 - (b) an official who is widowed, divorced, legally separated or unmarried and has one or more dependent children within the meaning of Article 2 (2) and (3) below;
 - (c) by special reasoned decision of the appointing authority based on supporting documents, an official who, while not fulfilling the conditions laid down in (a) and (b), nevertheless actually assumes family responsibilities.
3. If the spouse of an official is gainfully employed, with an annual income before deduction of tax, of more than the basic annual salary of an official in the third step of grade C 3, weighted at the rate for the country where the spouse carries out his or her occupation, the official entitled to the household allowance shall not receive this allowance save by special decision of the appointing authority. The official shall, however, be entitled to the allowance where the married couple have one or more dependent children.
4. In cases where, under the foregoing provisions, a husband and wife employed in the service of the Communities are both entitled to the household allowance, this shall be payable only to the person whose basic salary is the higher.

Article 2 (1)(13)(19)(23)(27)(31)(32)

1. An official who has one or more dependent children shall, in accordance with paragraphs 2 and 3 below, receive an allowance of BFR 4 296 per month for each dependent child.
2. 'Dependent child' means the legitimate, natural or adopted child of an official, or of his spouse, who is actually being maintained by the official.
The same shall apply to a child for whom an application for adoption has been lodged and the adoption procedure started.
3. The allowance shall be granted:
 - (a) automatically for children under eighteen years of age;
 - (b) on application, with supporting evidence, by the official for children between eighteen and twenty-six who are receiving educational or vocational training.
4. Any person whom the official has a legal responsibility to maintain and whose maintenance involves heavy expenditure may, exceptionally, be treated as if he were a dependent child by special reasoned decision of the appointing authority, based on supporting documents.
5. Payment of the allowance in respect of a child prevented by serious illness or invalidity from earning a livelihood shall continue throughout the period of that illness or invalidity, irrespective of age.
6. Not more than one dependent child allowance shall be paid in respect of any one dependent child within the meaning of this Article, even where the parents are in the service of two different institutions of the three European Communities.

Article 3 (1)(8)(13)(14)(19)(23)(24)(27)(31)(32)

An official shall receive an education allowance equal to the actual education costs incurred by him up to a maximum of BFR 3837 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 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 doubled for:

- an official whose place of employment is at least 50 km from, either:
 - a European school, or
 - an educational establishment working in his language which the child attends for imperative educational reasons duly supported by evidence;
- an official whose place of employment is at least 50 km from an establishment of higher education in the country of which he is a national or working in his language, provided that the child actually attends an establishment of higher education at least 50 km from the place of employment and the official is entitled to the expatriation allowance; the latter condition shall not apply if there is no such establishment in the country of which the official is a national.

Section 2

EXPATRIATION ALLOWANCE

Article 4 (10)(13)(19)(23)(24)(27)(31)(32)

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

(a) to officials:

- who are not and have never been nationals of the State in whose territory the place where they are employed is situated, and
- who during the five years ending six months before they entered the service did not habitually reside or carry on their main occupation within the European territory of that State. For the purposes of this provision, circumstances arising from work done for another State or for an international organization shall not be taken into account;

(b) to officials who are or have been nationals of the State in whose territory the place where they are employed is situated but who during the 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 shall not be less than BFR 7674 per month.

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

3. For the purposes of paragraphs 1 and 2, an official who has by marriage automatically acquired and cannot renounce the nationality of the State in whose territory he or she is employed shall be treated in the same way as an official covered by the first indent of paragraph 1 (a).

Section 2a

FIXED ALLOWANCE

Article 4a (25)

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

Section 2b

TEACHING ALLOWANCE

Article 4b (24)

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

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

Section 3

REIMBURSEMENT OF EXPENSES

A. Installation allowance

Article 5 (8) (10)

1. An installation allowance equal to two months' basic salary in the case of an official who is entitled to the household allowance or to one month's basic salary in other cases shall be paid to an established official who qualifies for expatriation allowance or who furnishes evidence of having been obliged to change his place of residence in order to comply with Article 20 of the Staff Regulations.

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

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

2. An installation allowance of the same amount shall be paid to any official who is transferred to a new place of employment and is thereby obliged to change

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

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

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

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

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

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

B. Resettlement allowance

Article 6 (8) (10)

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

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

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

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

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

2. In the event of the death of an established official, the resettlement allowance shall be paid to the surviving spouse or, in the absence of such a person, to the

dependants within the meaning of Article 2 above, even if the requirement as to length of service laid down in paragraph 1 is not satisfied.

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

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

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

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

C. Travel expenses

Article 7 (24)

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

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

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

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

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

- the shortest and most economical standard route by rail between the place of employment and the place of recruitment or origin;
- first-class fare for officials in Categories A and B and in the Language Service; second-class for other officials. However, if the outward-and-return journey covers a distance of 800 km or more, officials in categories C and D shall be reimbursed the first-class fare;
- where the journey includes not less than six hours of night travel between 2200 hours and 0700 hours, sleeping accommodation up to the cost of tourist class or couchette, on production of the relevant ticket;
- where the route referred to in the first indent of the first subparagraph exceeds 500 km and in cases where the usual route includes a sea-crossing, the official concerned shall be entitled, on production of the tickets, to reimbursement of the cost of travel by air in the class immediately below luxury class, or first class.

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

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

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

Article 8 (8) (10) (24)

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

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

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

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

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

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

Travel expenses for children aged four to 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. However, if the distance of the outward and return journey is 800 km or more, payment for officials in categories C and D shall be based on the cost of a first-class ticket. Where calculation on these bases is not possible, the terms of payment shall be fixed by special decision of the appointing authority.

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

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

4. The preceding provisions shall apply to officials whose place of employment and place of origin are in Europe. An official whose place of employment and/or place of origin are outside Europe shall be entitled 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.

D. Removal expenses.

Article 9

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

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

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

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

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

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

E. Daily subsistence allowance

Article 10 (8)(10)(13)(19)(23)(27)(31)(32)

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

	Entitled to household allowance		Not entitled to household allowance	
	1st to 15th day	from 16th day	1st to 15th day	from 16th day
	Belgian francs per Calendar day			
A 1 to A 3 and L/A 3	1 301	612	894	513
A 4 to A 8 and L/A 4 to L/A 8 and Category B	1 262	572	855	447
Other grades	1 145	535	737	369

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

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

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

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

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

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

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

F. Mission expenses

Article 11

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

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

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

Article 12 (8) (14) (24)

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

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

By decision of the appointing authority, officials in Categories C and D travelling on mission involving an

outward and return journey of less than 800 km shall be entitled to reimbursement of the first-class rail fare when accompanying a member of the institution or an official who is travelling first class.

Travel expenses shall also include:

- the cost of seat reservations and transport of necessary luggage;
- supplements for special fast trains (reimbursed against production of special tickets where these are issued);
- supplements for sleeping accommodation (reimbursed against production of sleeper tickets) where the journey includes not less than six hours of night travel between 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 that case reimbursement shall be made against production of tickets for the class immediately below luxury class or first class.

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

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

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

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

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

Article 13 (3) (6) (14) (17) (20) (22) (26)

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

I	II	III
Grades A 1 to A 3 and L/A 3	Grades A 4 to A 8 L/A 4 to L/A 8 and Category B	Other Grades
BFR 860	BFR 1 320	BFR 1 220

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

2. In addition to the rates set out in Column I of the foregoing scale, the hotel bill covering room, service and taxes but excluding breakfast shall be reimbursed up to a maximum of BFR 930. Where a hotel bill is not produced, a flat-rate of BFR 400 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 BFR 330 and BFR 315 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 Communities.

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

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

(a) Mission of 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 for.

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

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

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

His daily subsistence allowance shall be reduced by BFR 200 for each meal provided for, the allowances provided for in Columns II and III shall be reduced by BFR 450 and BFR 420 for each day's accommodation provided for. Where an official on mission has all his meals and accommodation provided for 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 BFR 225 for each period of 24 hours in place of the daily subsistence allowance for missions provided for above.

9. (a) The rates given in paragraphs 1 and 8 shall, for the officials referred to in paragraph 1 (a), column I, be increased by:
- 51% for missions to Denmark,
 - 28% for missions to Belgium, France, Germany, Luxembourg or the Netherlands,
 - 10% for missions to the United Kingdom,
 - 6% for missions to Ireland or Italy.
- (b) The rates given in paragraphs 1, 3 and 8 shall, for the officials referred to in paragraph 1 (a), columns II and III, be increased by:

- 44% for missions to Denmark, Germany or the Netherlands,
- 36% for missions to Belgium, France or Luxembourg,
- 21% for missions to the United Kingdom,
- 6% for missions to Ireland or Italy.

(c) The rates given in paragraph 2 shall be increased by:

- 50% for missions to Germany or the Netherlands,
- 40% for missions to Belgium, France or Luxembourg,
- 30% for missions to Denmark,
- 24% for missions to the United Kingdom,
- 8% for missions to Ireland or Italy.

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

G. Fixed reimbursement of expenses

Article 14

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

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

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

Article 14a

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

Article 14b

An official employed in a place where the problem of transport is recognized as being particularly difficult and acute because of the distance between places of residence and the place of work may be given a transport allowance. The list of places for which such allowance may be granted, the maximum amount of

such allowance and the rules for granting it shall be laid down by the Council in accordance with the procedure laid down in Article 65 (3) of the Staff Regulations.

Article 15

By decision of the appointing authority, officials in Grades A 1 and A 2 who do not have an official car at their disposal may receive a fixed allowance, not exceeding BFR 36000 a year to cover normal travel within the boundaries of the town where they are employed.

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

Section 4 PAYMENT OF SUMS DUE

Article 16

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

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

- (a) where the actual number of days payable is fifteen or less, the number of thirtieths due shall equal the actual number of days payable;
- (b) where the actual number of days payable is more than fifteen, the number of thirtieths due shall equal the difference between the actual number of days not payable and thirty.

3. Where entitlement to family allowances and expatriation allowances commences after the date of entering the service, the official shall receive these from the first day of the month in which such entitlement commences. On cessation of such entitlement the official shall receive the sum due up to the last day of the month in which entitlement ceases.

Article 17 (28)

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

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

- (a) through the institution which he serves, regularly have part of his emoluments transferred up to a maximum amount equal to his expatriation or foreign residence allowance:
 - either in the currency of the Member State of which he is a national,
 - or in the currency of the Member State in which either his own domicile or the place of residence of a dependent relative is located,
 - or in the currency of his previous country of employment or of the country in which his institution has its seat, provided that the official in question has been assigned to a post outside the territory of the European Communities;
 - (b) have regular transfers made in excess of the maximum stated at the beginning of paragraph (a) provided that they are intended to cover expenditure arising in particular out of commitments proved to have been regularly undertaken by the official outside the country where the institutions has its seat or outside the country where he carries out his duties;
 - (c) be authorized, in very exceptional circumstances and for good reasons supported by evidence, to have transferred, apart from the aforementioned regular transfers, sums which he may wish to have available in the currencies referred to in paragraph (a).
3. The transfers provided for in paragraph 2 shall be made at the exchange rate specified in the second paragraph of Article 63 of the Staff Regulations; the amounts transferred shall be multiplied by a coefficient representing the difference between the weighting for the country in which the official is employed.

ANNEX VIII

Pension scheme

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CHAPTER I
GENERAL PROVISIONS

Article 1

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

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

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

CHAPTER 2
RETIREMENT PENSION
AND SEVERANCE GRANT

Section 1
RETIREMENT PENSION

Article 2 (8)

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

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

Article 3 (24)

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

- (a) the period of service as an official of one of the institutions of the three Communities in one of the administrative statuses set out in Article 35 (a), (b) and (e) of the Staff Regulations, and, on the conditions laid down in the last sentence of the second subparagraph of Article 40 (3) of the Staff Regulations, the administrative status referred to in Article 35 (c) of the Staff Regulations;
- (b) periods of entitlement to the allowance under Articles 41 and 50 of the Staff Regulations, up to a maximum of five years;
- (c) periods of service in any other capacity in accordance with the Conditions of Employment of other Servants of the Communities,

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

Article 4

An official who after leaving the service of one of the institutions takes up active employment again with his institution or with another institution of the Communities shall acquire further pension rights.

He may request that, for the purpose of calculating his retirement pension rights, the whole of his period of service in the three European Communities be taken into account, subject to his repaying any sums paid to him pursuant to Article 12 or received by him by way of-

retirement pension, plus compound interest at the rate of 3.5 % per annum.

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

Article 5 (8)

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

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

Article 6 (8)

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

Article 7

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

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

Article 8

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

Article 9

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

- be deferred until the first day of the calendar month following that in which he reaches the age of 60; or
- be paid immediately, provided that he is not less than 50 years of age. In this case, the retirement pension shall be reduced by an amount calculated

by reference to the official's age when he starts to draw his pension, as shown in the following table:

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

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

Article 10

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

Article 11

1. An official who leaves the service of the Communities to enter the service of a government administration or a national or international organization which has concluded an agreement with the Communities shall be entitled to have the actuarial equivalent of his retirement pension rights in the Communities transferred to the pension fund of the administration or organization.

2. An official who enters the service of the Communities after leaving the service of a government administration or of a national or international organization or of an undertaking shall have the right, on becoming established with that Community, to pay to it either:

- the actuarial equivalent of retirement pension rights acquired by him in the government administration, national or international organization or undertaking; or
- the sums repaid to him from the pension fund of the government administration, organization or undertaking at the date of his leaving its service.

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

Section 2
SEVERANCE GRANT

Article 12

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

- (a) the sum standing to the credit of his account under the temporary joint provident scheme of the institutions of the Communities at the date when the Staff Regulations entered into force, plus compound interest at the rate of 3.5 % per annum;
- (b) the aggregate amount deducted from his basic salary in respect of his pension contributions, plus compound interest at the rate of 3.5 % per annum;
- (c) provided that he has not been removed from his post, a severance grant proportionate to his actual length of service since the Staff Regulations entered into force, calculated on the basis of one and a half months for each year of service of the last basic salary before deductions. In cases covered by Article 11 (2), the period of former service shall likewise be deemed to be actual service, to the extent of the number of years of pensionable service which the official's institution credited to him when these Staff Regulations entered into force, in accordance with the second subparagraph of Article 11 (2);
- (d) the total sum paid to the Communities, in accordance with Article 11 (2), where that sum corresponds to periods before the Staff Regulations entered into force, plus compound interest at the rate of 3.5 % per annum.

Article 12a

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

CHAPTER 3
INVALIDITY PENSION

Article 13 (8)

Subject to the provisions of Article 1 (1), an official aged less than sixty-five years who at any time during the period in which he is acquiring pension rights is recognized by the Invalidity Committee to be suffering from total permanent invalidity preventing him from performing the duties corresponding to a post in his career bracket, and who is obliged on these grounds to end his service with the Communities shall be entitled, for so long as such incapacity persists, to invalidity pension as provided for in Article 78 of the Staff Regulations.

Invalidity pension and retirement pension shall not be paid concurrently.

Article 14 (8)

The right to receive payment of invalidity pension shall have effect from the first day of the calendar month following recognition of the official's permanent incapacity to perform his duties.

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

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

Article 15

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

Article 16

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

CHAPTER 4
SURVIVOR'S PENSION

Article 17 (8)

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

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

Article 18 (8)

Where a former official was in receipt of retirement pension his widow shall be entitled, provided that she had been married to him for at least one year when he left the service of an institution, and subject to the provisions of Article 22, to a widow's pension equal to 60 % of the retirement pension which he was receiving

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

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

Article 18a (8)

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

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

Article 19 (8)

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

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

Article 20

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

Article 21 (8)

1. The orphan's pension provided for in Article 80 of the Staff Regulations shall for the first orphan be equal to eight tenths of the survivor's pension to which the official's widow would have been entitled, the reductions set out in Article 25 being disregarded.

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

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

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

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

Article 22

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

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

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

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

Article 23

The husband of a deceased female official may, provided that he has no income of his own and subject to evidence that at his wife's death he was permanently incapacitated by invalidity or serious illness from engaging in gainful employment, receive :

- half the retirement pension which the official would have been paid if she had qualified, irrespective of length of service, for such pension at the time of death, provided he had been married to her for at least one year at the time of her death; or
- half the invalidity pension which the official was receiving at the time of his death, provided he was married to her when she became eligible for invalidity pension.

Payment of the pension shall cease if the surviving husband remarries.

The duration of the marriage shall not be taken into account if there are one or more children of the marriage, or if the official's death resulted either from physical disability or illness contracted in the performance of her duties or from an accident.

Article 24 (8)

The right to receive payment of survivor's pension shall have effect from the first day of the calendar month following that in which the official died.

However, where the payment provided for in Article 70 of the Staff Regulations is made on the death of the

official or of the person entitled to a pension, such right shall take effect on the first day of the fourth month following that in which death occurred.

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

Article 25

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

- 1 % for the year between ten and twenty;
- 2 % for the years twenty up to but not including twenty-five;
- 3 % for the years twenty-five up to but not including thirty;
- 4 % for the years thirty up to but not including thirty-five;
- 5 % for the years from thirty-five upwards.

Article 26

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

Article 27 (24)

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 did not find that the divorced wife in question 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 28 (24)

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 did not find that the divorced wife 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 for in Article 25, shall be applied separately to pensions divided in accordance with this Article.

Article 29

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

CHAPTER 5

PROVISIONAL PENSIONS

Article 30

The spouse or persons recognized as dependants of an official in active employment whose whereabouts are unknown for more than one year may provisionally receive the survivor's pension to which they would be entitled under this Annex.

Article 31

The spouse or persons recognized as dependants of an official in receipt of retirement or invalidity pension whose whereabouts are unknown for more than one year may provisionally receive the survivor's pension to which they would be entitled under this Annex.

Article 32

The provisions of Article 31 shall apply to persons recognized as a dependant of a person in receipt of or entitled to a survivor's pension whose whereabouts are unknown for more than one year.

Article 33

Provisional pensions under Articles 30, 31 and 32 shall be converted into definitive pensions when the death of the official or pensioner has been duly confirmed or he has been legally declared missing, presumed dead.

CHAPTER 6

PENSION INCREASES IN RESPECT OF DEPENDENT CHILDREN

Article 34 (8)

The provisions of the second paragraph of Article 81 of the Staff Regulations shall apply to persons in receipt of a provisional pension.

The provisions of Article 81 of the Staff Regulations shall not apply to children born more than 300 days after the death of the official.

Article 35 (8)

The award of a retirement, invalidity or survivor's pension or of a provisional pension shall not entitle the pensioner to expatriation allowance.

CHAPTER 7

Section 1

FUNDING OF THE PENSION SCHEME

Article 36

Salaries shall in all cases be subject to deduction of the contribution of the pension scheme provided for in Articles 77 to 84 of the Staff Regulations.

Article 37 (24)

An official on secondment shall continue to pay the contribution referred to in the preceding Article on the basis of the salary carried by 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, and to officials on leave on personal grounds who are continuing to acquire further pension rights on the conditions laid down in Article 40 (3) of the Staff Regulations.

All benefits to which any such official or those entitled under him may be entitled under this pension scheme shall be calculated on the basis of such salary.

Article 38

Contributions properly deducted shall not be refunded. Contributions wrongly deducted shall not confer the right to receive a pension; they shall not be reimbursed without interest at the request of the official or of those entitled under him.

Article 39

The budgetary authorities shall, after consulting one or more qualified actuaries and the Staff Regulations Committee provided for in Article 10 of Staff Regulations, lay down mortality and invalidity tables and the assumed salary increases for use in calculating the actuarial values provided for in the Staff Regulations and in this Annex.

Section 2

CALCULATION OF PENSION

Article 40 (8)

The institution in which the official was serving at the time when his active employment ended shall be responsible for calculating the amount of retirement, invalidity, survivor's or provisional pension. A detailed statement of the calculation shall be communicated to the official or to those entitled under him and to the Commission of the European Communities, which is the paying agency, at the same time as the decision awarding the pension.

A retirement or invalidity pension shall not be paid concurrently with the salary payable by an institution of the three European Communities nor with the allowance payable under Articles 41 and 50 of the Staff Regulations.

Article 41

The amount of pension may at any time be calculated afresh if there has been error or omission of any kind.

They shall be liable to modification or withdrawal if the award was contrary to the provisions of the Staff Regulations or of this Annex.

Article 42

Where an official dies and those entitled under him do not apply for their pension within one year from the date of his death, they shall lose their entitlement, save where *force majeure* is duly established.

Article 43

An official or those entitled under him in favour of whom benefits arise under this pension scheme shall furnish such written proof as may be required and inform the institution referred to in the second paragraph of Article 45 of any facts liable to affect their entitlement.

Article 44

Where an official has been deprived, in whole or in part, of his pension rights under Article 86 of the Staff Regulations, he shall be entitled to claim reimbursement in proportion to the amount by which his pension has been reduced of the pension contributions he has paid.

Section 3

PAYMENT OF BENEFITS

Article 45

Benefits under this pension scheme shall be paid monthly in arrears.

These benefits shall, on behalf of the Communities, be provided by the institution designated by the budgetary authorities; no other institution may, under any description whatsoever, pay out of its own funds benefits provided for under this pension scheme.

Beneficiaries may elect to have their pensions paid in the currency either of their country of origin or of their country of residence or of the country where the institution to which the official belonged has its seat; their choice shall remain operative for at least two years.

Where neither the country of origin nor the country of residence is a country of the Communities, benefits shall be paid in the currency of the country where the institution referred to in the second paragraph has its seat.

Article 46

Any sums due from an official of the Communities at the date when a benefit is payable under this pension scheme shall be deducted from the amount of his benefit or from the benefits payable to those entitled under him. The deduction may be spread over a number of months.

Article 47

Where the invalidity or death of an official is caused by a third party, the rights of action of the official or of those entitled under him against the third party shall vest in the Communities within the limits of their obligations under this pension scheme.

CHAPTER 8

TRANSITIONAL PROVISIONS

Article 48

An official to whom the Staff Regulations are applied pursuant to the transitional provisions shall be entitled to pension rights computed from the date of his joining

the temporary joint provident scheme of the institutions of the Communities.

If an official so requests, his pension rights shall, notwithstanding any provisions to the contrary in the Staff Regulations, be computed from the date on which he entered the service of an institution of one of the three European Communities in any capacity whatever. Where during the whole or part of his previous service he had not contributed under the provident scheme, he shall be entitled, by payment in instalments, to buy in the pension rights for which he had been unable to contribute. The amounts contributed by the official, together with the corresponding amounts contributed by the institution, shall be deemed to have been standing to the official's credit under the temporary provident scheme at the date of entry into force of these Staff Regulations.

Article 49

Where an official has exercised his option to withdraw from his account with the temporary joint provident scheme of the institutions of the Communities sums which he was required to contribute in his country of origin in order to maintain his pension rights there, his pension rights shall, in respect of the period when he was a member of the temporary provident scheme, be reduced in proportion to the sums withdrawn from his account.

The preceding paragraph shall not apply where an official has asked, within three months of the Staff

Regulations being applied to him, to be allowed to repay those sums plus compound interest at the rate of 3.5 % per annum.

Article 50

An official to whom the Staff Regulations are applied pursuant to the transitional provisions shall be entitled, if he leaves the services at the age of sixty-five years without having completed the ten years required under the first paragraph of Article 77 of the Staff Regulations, to opt for payment of a grant calculated in accordance with Article 12 of this Annex or for a proportionate pension calculated in accordance with the second paragraph of Article 77 of the Staff Regulations.

Article 51

This pension scheme shall apply to the widow of, and those entitled under, any servant of the Communities who died while in active employment before the entry into force of the Staff Regulations and to any servant of the Communities who, before the entry into force of the Staff Regulations, was suffering from total permanent invalidity within the meaning of Article 78 of the Staff Regulations, subject to the transfer to the Communities of the amounts standing to his credit under the temporary joint provident scheme of the institutions of the Communities. The Communities shall assume the liability for payment of the benefits provided for in this pension scheme.

ANNEX IX

Disciplinary proceedings

Article 1

A report shall be submitted to the Disciplinary Board by the appointing authority, stating clearly the facts complained of and, where appropriate, the circumstances in which they arose.

The report shall be communicated to the chairman of the Disciplinary Board, who shall bring it to the attention of the members of the Board and of the official charged.

Article 2

On receipt of the report, the official charged shall have the right to see his complete personal file and to take copies of all documents relevant to the proceedings.

Article 3

At the first meeting of the Disciplinary Board the chairman shall appoint one of its members to prepare a general report on the matter.

Article 4

The official charged shall have not less than fifteen days from the date of receipt of the report initiating disciplinary proceedings to prepare his defence.

When the official appears before the Disciplinary Board he shall have the right to submit observations in writing or orally, to call witnesses and to be assisted in his defence by a person of his own choice.

Article 5

The institution shall likewise have the right to call witnesses.

Article 6

If the Disciplinary Board requires further information concerning the facts complained of or the circumstances in which they arose, it may order an inquiry in which each side can submit its case and reply to the case of the other side.

The inquiry shall be conducted by the rapporteur. For the purpose of inquiry, the Board may call for any documents relating to the matter before it.

Article 7

After consideration of the documents submitted and having regard to any statements made orally or in

writing by the official concerned and by witnesses, and also to the results of any inquiry undertaken, the Disciplinary Board shall, by majority vote, deliver a reasoned opinion of the disciplinary measure appropriate to the facts complained of and transmit the opinion to the appointing authority and to the official concerned within one month of the date on which the matter was referred to the Board. The time limit shall be three months where an inquiry has been held on the instructions of the Board.

In the event of criminal proceedings, the Disciplinary Board may decide not to deliver its opinion until after the court has given its decision.

The appointing authority shall take its decision within one month; it shall first hear the official concerned.

Article 8

The chairman of the Disciplinary Board shall not vote on matters before the Board save on procedural questions or in case of equality of votes.

He shall ensure that the decisions of the Board are implemented and shall bring all relevant information and documents to the attention of each of its members.

Article 9

The secretary shall keep minutes of meetings of the Disciplinary Board.

Witnesses shall sign the minute recording their depositions.

The reasoned opinion provided for in Article 7 shall be signed by all members of the Disciplinary Board.

Article 10

Costs incurred on the initiative of an official in the course of disciplinary proceedings, in particular fees to a person chosen for his defence from outside the three European Communities, shall be borne by the official where the disciplinary proceedings result in any of the measures provided for under Article 86 (2) (c) to (g) of the Staff Regulations or where the procedure under Article 51 of the Staff Regulations results in dismissal for incompetence.

Article 11

Where there are new facts which are supported by relevant evidence, disciplinary proceedings may be reopened by the appointing authority on its own initiative or on application by the official concerned.

Transitional provisions applicable to Officials of the Communities on the entry into force of Council Regulation (EEC, Euratom, ECSC) No 259/68 of 29 February 1968.

Extract from Council Regulation (EEC, Euratom, ECSC) No 259/68 of 29 February 1968 laying down the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Communities and instituting special measures temporarily applicable to Officials of the Commission

(Official Journal of the European Communities No L 56, 4 March 1968)

Article 2 second paragraph

The Staff Regulations as defined in the first paragraph and also such implementing regulations made by the Councils of the European Economic Community and the European Atomic Energy Community or by the Council of the European Communities as are applicable on the entry into force of this Regulation shall automatically apply to officials, former officials and those entitled under them to whom, before the entry into force of this Regulation, the Staff Regulations of Officials of the European Economic Community and the European Atomic Energy Community or the Staff Regulations of Officials of the European Coal and Steel Community applied.

Articles 93 to 105 of the Staff Regulations of Officials of the European Coal and Steel Community shall remain applicable to those officials to whom Article 92 of those Staff Regulations remains applicable on the entry into force of this Regulation.

II

Conditions of employment of other servants of the European Communities

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TITLE I

GENERAL PROVISIONS

Article 1 (18)

The Conditions of Employment shall apply to servants engaged under contract by the Communities. Such servants shall be:

- temporary staff,
- auxiliary staff,
- local staff,
- special advisers.

Article 2 (18)

For the purposes of these Conditions of Employment, 'temporary staff' means:

- (a) staff engaged to fill a post which is included in the list of posts appended to the section of the budget relating to each institution and which the budgetary authorities have classified as temporary;
- (b) staff engaged to fill temporarily a permanent post included in the list of posts appended to the section of the budget relating to each institution;
- (c) staff, other than officials of the Communities, engaged to assist either a person holding an office provided for in the Treaties establishing the Communities, or the Treaty establishing a Single Council and a Single Commission of the European Communities, or the elected President of one of the institutions or organs of the Communities or the Elected Chairman of one of the political groups in the European Parliament.
- (d) Staff engaged to fill temporarily a permanent post paid from research and investment appropriations and included in the list of posts appended to the budget relating to the institution concerned.

Article 3

For the purposes of these Conditions of Employment, 'auxiliary staff' means:

- (a) staff engaged, within the limits set in Article 52, for the performance of full-time or part-time duties in an institution but not assigned to a post included in the list of posts appended to the section of the budget relating to that institution;
- (b) staff engaged, after the possibilities of temporary posting of officials within the institution have been examined, to replace certain persons who are unable for the time being to perform their duties, namely:
 - officials or temporary staff in Category B, C, or D or in the Language Service;
 - exceptionally, officials or temporary staff in Category A, other than those in Grade A 1 or A 2, occupying a highly specialized post;

such staff are paid from the total appropriations for the purpose under the section of the budget relating to the institution.

Article 4 (8) (18) (24)

For the purposes of these Conditions of Employment, 'local staff' means staff engaged according to local practice for manual or service duties, assigned to a post not included in the list of posts appended to the section of the budget relating to each institution and paid from the total appropriations for the purpose under that section of the budget. By way of exception, staff engaged to perform executive duties at the Press and Information Offices of the Commission of the European Communities may also be regarded as local staff.

In places of employment outside the Community countries, staff engaged for duties other than those mentioned in the first paragraph which, in the interests of the service, could not be assigned to an official or servant having another capacity within the meaning of Article 1, may be regarded as local staff.

Article 5

For the purposes of these Conditions of Employment, 'special adviser' means a person who, by reason of his special qualifications and notwithstanding gainful employment in some other capacity, is engaged to assist one of the institutions of the Communities either regularly or for a specified period and who is paid from the total appropriations for the purpose under the section of the budget relating to the institution which he serves.

Article 6

Each institution shall determine who shall be authorized to conclude the contracts referred to in Article 1.

The provisions of the second paragraph of Article 1 and of the second paragraph of Article 2 of the Staff Regulations shall apply by analogy.

Article 7 (8)

A servant whose contract is for more than one year or for an indefinite period shall be entitled to vote in elections and stand for election to the Staff Committee provided for in Article 9 of the Staff Regulations.

A servant whose contract is for less than one year shall also be entitled to vote if he had been employed for at least six months.

The Joint Committee provided for in Article 9 of the Staff Regulations may be consulted by the institution or by the Staff Committee on questions of a general nature relating to servants to whom Article 1 applies.

Article 7 a (8)

Article 24a of the Staff Regulations shall apply to the servants referred to in Article 1.

TITLE II

TEMPORARY STAFF

CHAPTER 1
GENERAL PROVISIONS*Article 8 (18)*

Temporary staff to whom Article 2 (a) applies may be engaged for a fixed or indefinite period.

Temporary staff to whom Article 2 (b) applies shall not be engaged for more than two years, and their contracts may be renewed not more than once for a maximum period of one year. At the end of that time they shall no longer be employed as temporary staff. On the expiry of their contracts such servants may be assigned to established posts in the institution only if they are appointed as officials in accordance with the Staff Regulations.

Temporary staff to whom Article 2 (c) applies shall be engaged for an indefinite period.

Temporary staff to whom Article 2 (d) applies shall be engaged on the following conditions:

- temporary staff in Category A or B required to perform duties necessitating scientific or technical qualifications shall be engaged for not more than five years; their contracts may be renewed;
- staff in Category A or B required to perform administrative duties shall be engaged for an indefinite period;
- staff in Category C or D shall be engaged for an indefinite or definite period.

Article 9

Temporary staff shall not be engaged for any purpose other than that of filling, in accordance with this Title, vacant posts included in the list of posts appended to the section of the budget relating to each institution.

Article 10

Article 5 (1), (2) and (4) and Article 7 of the Staff Regulations, concerning the classification of posts in categories, services and grades and the assignment of officials to posts, shall apply by analogy.

The grade and step at which temporary staff are engaged shall be stated in their contract.

Assignment of temporary staff to a post carrying a higher grade than that at which they were engaged shall be recorded in an agreement supplementary to their contract of service.

Articles 93 to 101 of the Staff Regulations and Annex I B to the Staff Regulations shall apply by analogy to temporary staff of the Commission who occupy posts in the field of nuclear science calling for scientific or technical qualifications and who are paid from appropriations in the research and investment budget.

Temporary staff to whom the preceding paragraph applies shall be included in the maximum number fixed in accordance with the second paragraph of Article 93 of the Staff Regulations.

CHAPTER 2
RIGHTS AND OBLIGATIONS*Article 11*

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.

Any decision requiring damage suffered by the Communities as a result of serious misconduct to be made good, as provided for in Article 22 of the Staff Regulations, shall be taken by the authority referred to in the first paragraph of Article 6 after observing the formalities provided for in cases of dismissal for serious misconduct.

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

CHAPTER 3
CONDITIONS OF ENGAGEMENT*Article 12*

1. The engagement of temporary staff shall be directed to securing for the institution the services of persons of the highest standard of ability, efficiency and integrity, recruited on the broadest possible geographical basis from among nationals of Member States of the Communities.

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

2. A member of the temporary staff may be engaged only on condition that:

- (a) he is a national of one of the Member States of the Communities, unless an exception is authorized by the authority referred to in the first paragraph of Article 6, and enjoys his full rights as a citizen;
- (b) he has fulfilled any obligations imposed on him by the laws concerning military service;
- (c) he produces the appropriate character references as to his suitability for the performance of his duties;

- (d) he is physically fit to perform his duties; and
 (e) he produces evidence of a thorough knowledge of one of the languages of the Communities and of a satisfactory knowledge of another language of the Communities to the extent necessary for the performance of his duties.

Article 13

Before being engaged, a member of the temporary staff shall be medically examined by one of the institution's medical officers in order that the institution may be satisfied that he fulfils the requirements of Article 12 (2) (d).

Article 14

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

Where during his probationary period a member of the temporary staff is prevented, by sickness or accident, from performing his duties for one month or more, the authority authorized to conclude the contract of engagement may extend his probationary period by the corresponding length of time.

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.

Article 15

Temporary staff shall be graded initially in accordance with Article 32 of the Staff Regulations.

Where a member of the temporary staff is assigned to a post corresponding to a higher grade, as provided for in the third paragraph of Article 10, his grading shall be determined in accordance with Article 46 of the Staff Regulations.

CHAPTER 4

WORKING CONDITIONS

Article 16 (7)

Articles 55 to 61 of the Staff Regulations, concerning hours of work, overtime, shiftwork, standby duty at place of work or at home, leave and public holidays, shall apply by analogy.

The paid sick leave provided for in Article 59 of the Staff Regulations shall not, however, exceed the length of time, which must in any event be not less than one month, worked by the servant. The leave shall not extend beyond the term of his contract.

On expiry of these time limits, a servant whose contract is not terminated, notwithstanding that he is unable to resume his duties, shall be placed on unpaid leave.

However, where a servant contracts an occupational disease or sustains an accident in the performance of his duties, he shall continue to receive his full remuneration throughout the period during which he is incapable of working until such time as he is awarded an invalidity pension under Article 33.

Article 17

In exceptional circumstances a member of the temporary staff may at his own request be granted unpaid leave on compelling personal grounds. The authority referred to in the first paragraph of Article 6 shall determine the length of such leave, which shall not exceed one quarter of the length of time already worked by the servant or three months, whichever is the shorter.

Any period of leave granted in accordance with the preceding paragraph shall not count for purposes of the application of the third paragraph of Article 20.

Article 18

A servant who is recalled to serve in the armed forces and whose employment is not terminated under Article 48 shall be placed on leave with full remuneration, for a period equal to the length of time worked by him, up to a maximum of three months. At the end of this period he shall, for the remainder of his service in the armed forces and up to a maximum of half the length of time worked by him, receive compensation equal to one third of his basic salary. At the end of this further period the servant shall be placed on unpaid leave.

However, the payments provided for in the preceding paragraph shall be reduced by the amount of service pay received by the servant concerned during the relevant period.

CHAPTER 5

REMUNERATION AND EXPENSES

Article 19

The remuneration of temporary staff shall comprise basic salary, family allowances and other allowances.

Article 20 (18)(19)(23)(24)(27)(30)(31)(32)

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, 70 and 70 (a) of the Staff Regulations, concerning basic salaries, family allowances, expatriation allowance and the teaching allowance payment in the event of death shall apply by analogy.

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

However, the basic monthly salaries of staff to whom Article 2 (d) applies shall be determined for each grade and step in accordance with the following table:

Grade	Step							
	1	2	3	4	5	6	7	8
A 1	215 360	226 766	238 172	249 578	260 984	272 390		
A 2	191 189	202 072	212 955	223 838	234 721	245 604		
A 3/LA 3	158 446	167 967	177 488	187 009	196 530	206 051	215 572	225 093
A 4/LA 4	133 214	140 645	148 076	155 507	162 938	170 369	177 800	185 231
A 5/LA 5	109 970	116 440	122 910	129 380	135 850	142 320	148 790	155 260
A 6/LA 6	95 140	100 289	105 438	110 587	115 736	120 885	126 034	131 183
A 7/LA 7	81 985	86 032	90 079	94 126	98 173	102 220		
A 8/LA 8	72 587	75 484						
B 1	95 140	100 289	105 438	110 587	115 736	120 885	126 034	131 183
B 2	82 522	86 358	90 194	94 030	97 866	101 702	105 538	109 374
B 3	69 317	72 510	75 703	78 896	82 089	85 282	88 475	91 668
B 4	60 037	62 806	65 575	68 344	71 113	73 882	76 651	79 420
B 5	53 736	55 976	58 216	60 456				
C 1	58 478	60 806	63 134	65 462	67 790	70 118	72 446	74 774
C 2	50 975	53 107	55 239	57 371	59 503	61 635	63 767	65 899
C 3	47 644	49 467	51 290	53 113	54 936	56 759	58 582	60 405
C 4	43 152	44 861	46 570	48 279	49 988	51 697	53 406	55 115
C 5	39 870	41 472	43 074	44 676				
D 1	44 943	46 859	48 775	50 691	52 607	54 523	56 439	58 355
D 2	41 059	42 764	44 469	46 174	47 879	49 584	51 289	52 994
D 3	38 261	39 862	41 463	43 064	44 665	46 266	47 867	49 468
D 4	36 225	37 635	39 045	40 455				

Article 21

Articles 1, 2, 3, 4 and 4a of Annex VII to the Staff Regulations, concerning payment of family allowances, expatriation allowance and temporary fixed allowances, shall apply by analogy.

Article 22

Subject to Articles 23 to 26, a member of the temporary staff shall be entitled, in accordance with Articles 5 to 15 of Annex VII to the Staff Regulations, to reimbursement of expenses incurred by him on taking up appointment, transfer or leaving the service, and also to reimbursement of expenses incurred in the course of or in connection with the performance of his duties.

Article 23

A member of the temporary staff engaged for a fixed period of not less than twelve months, or deemed by the authority referred to in the first paragraph of Article 6 to be engaged for an equivalent period if his contract is for an indefinite period, shall, as provided in Article 9 of Annex VII to the Staff Regulations, be entitled to reimbursement of his removal expenses.

Article 24 (10)

1. A member of the temporary staff engaged for a fixed period of not less than one year, or deemed by the authority referred to in the first paragraph of Article 6 to be engaged for an equivalent period if his contract is for an indefinite period, shall receive an installation allowance as provided for in Article 5 of Annex VII to the Staff Regulations amounting, for an expected period of service of:

not less than one year but less than two years, to one third } of the rate laid down in Article 5 of Annex VII
 not less than two years but less than three years, to two thirds } to the Staff Regulations
 three years or more, to three thirds }

2. The resettlement allowance provided for in Article 6 of Annex VII to the Staff Regulations shall be granted to temporary staff who have completed four years' service. A servant who has completed more than one year's but less than four years' service shall receive a resettlement allowance proportionate to his length of service, incomplete years being disregarded.

3. However, the installation allowance provided for in paragraph 1 and the resettlement allowance provided for in paragraph 2 shall not be less than:

- BFR 5000 for a servant who is entitled to the household allowance; and
- BFR 3000 for a servant who is not entitled to the household allowance.

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

Article 25 (8)

Article 10 of Annex VII to the Staff Regulations concerning the daily subsistence allowance, shall apply.

Article 26

Article 8 of Annex VII to the Staff Regulations, concerning annual payment of travel expenses from

place of employment to place of origin, shall apply only to temporary staff who have completed not less than nine months' service.

Article 27

Articles 16 and 17 of Annex VII to the Staff Regulations, concerning payment of sums due, shall apply by analogy.

CHAPTER 6

SOCIAL SECURITY BENEFITS

Section A

**SICKNESS AND ACCIDENT INSURANCE,
SOCIAL SECURITY BENEFITS**

Article 28 (18)

Articles 72 and 73 of the Staff Regulations, concerning sickness and accident cover, shall apply by analogy to temporary staff during the period of employment and sick leave; Article 72 of the Staff Regulations, concerning sickness cover, shall apply by analogy to temporary staff in receipt of invalidity pension or survivor's pension. Article 72 shall also apply to staff referred to in Article 39 (2) who are in receipt of a retirement pension.

If, however, the medical examination provided for in Article 13 shows the servant to be suffering from sickness or invalidity, the authority referred to in the first paragraph of Article 6 may decide that expenses arising from such sickness or invalidity are to be excluded from the reimbursement of expenditure provided for in Article 72 of the Staff Regulations.

If a member of the temporary staff proves that he cannot obtain cover under another social security scheme, he shall continue to benefit under the sickness scheme, without being required to contribute thereto, for a period of not more than sixty days after the expiry of his contract or while he is suffering from protracted serious illness contracted during his employment.

Article 29

Article 74 of Staff Regulations, concerning the birth grant, and Article 75 of the Staff Regulations, concerning the assumption of liability by the institution for the costs referred to therein, shall apply by analogy.

Article 30

Article 76 of Staff Regulations, concerning gifts, loans or advances, shall apply by analogy to temporary staff during the term of their contract or after expiry of the contract where, as a result of serious protracted illness contracted, or of an accident sustained, during his employment, the servant is incapable of working and proves that such illness or accident is not covered by another social security scheme.

Section B

**INSURANCE AGAINST
INVALIDITY AND DEATH**

Article 31

Temporary staff are insured in accordance with the following provisions against the risk of death and of invalidity occurring during their employment.

The payments and benefits provided for in this Section shall be suspended if the remuneration which a member of the staff receives in respect of his employment is suspended pursuant to these Conditions of Employment.

Article 32

Where the medical examination made before a servant is engaged shows that he is suffering from sickness or invalidity, the authority referred to in the first paragraph of Article 6 may, in so far as risks arising from such sickness or invalidity are concerned, decide to admit him to guaranteed benefits in respect of invalidity or death only after a period of five years from the date of his entering the service of the institution.

Article 33 (8)

1. A servant suffering from total invalidity who is obliged for that reason to leave the service of the institution shall be entitled to an invalidity pension, the amount of which shall be determined as follows:

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

Where the invalidity is due to some other cause, the invalidity pension, calculated by reference to the final basic salary of the temporary servant, shall be equal to 2 % for each year between the date of his entering the service and the date on which he reaches the age of 65 years; this rate shall be increased by 25 % of the amount of his pension rights as at age 60 years, but so that the total shall not exceed 70 % of his final basic salary.

The invalidity pension shall not be less than 120 % of the minimum subsistence figure defined in Article 6 of Annex VIII to the Staff Regulations.

In the case of invalidity deliberately brought about by the servant, the authority referred to in the first paragraph of Article 6 may decide that he will receive only the grant provided for in Article 39.

The second paragraph of Article 36 shall apply to persons entitled to invalidity pension.

2. Invalidity shall be established by the Invalidity Committee provided for in Article 9 of the Staff Regulations.

3. Entitlement to an invalidity pension shall take effect on the day following that on which the servant's engagement is terminated pursuant to Articles 47 and 48.

4. The institution referred to in Article 43 may at any time require proof that the recipient of an invalidity pension still fulfils the conditions for payment of that pension. Entitlement to pension shall cease if the Invalidity Committee finds that those conditions are no longer fulfilled.

If a servant is not re-engaged by the Communities, he shall receive the grant provided for in Article 39, calculated by reference to his actual length of service.

Article 34 (18)

The persons entitled under a deceased servant, as defined in Chapter 4 of Annex VIII to the Staff Regulations, shall be entitled to the survivor's pension as provided for in Articles 35 to 38. The grant provided for in Article 39 shall also be paid to them.

Where a servant dies leaving no survivors who are entitled to draw the survivor's pension, his heirs shall be entitled to payment of the grant provided for in Article 39.

'Where a former servant within the meaning of Article 2 (c) or (d) who was in receipt of a retirement pension or who left the service before reaching the age of 60 years and requested that his retirement pension be deferred until the first day of the calendar month following that during which he reached the age of 60 years dies, the persons entitled under the deceased servant, as defined in Chapter 4 of Annex VIII to the Staff Regulations, shall be entitled to the survivor's pension as provided for in that Annex.'

Article 35

The right to receive payment of pension shall have effect from the first day of the month following that in which death occurred or, where applicable, on the first day of the month following the period during which the deceased's widow, orphans or dependants receive his emoluments under Article 70 of the Staff Regulations.

Article 36 (8)

The widow of a servant shall be entitled to a widow's pension as provided for in Chapter 4 of Annex VIII to the Staff Regulations. The pension shall be equal to 35 % of the final basic monthly salary received by the servant; it shall not be less than the minimum subsistence figure defined in Article 6 of Annex VIII to the Staff Regulations.

A person drawing widow's pension shall be entitled, under the conditions laid down in Annex VII to the Staff Regulations, to the family allowances specified in Article 67 of the Staff Regulations. However, the dependent child allowance shall be equal to twice the amount of the allowance provided for in Article 67 (1) (b) of the Staff Regulations.

A pension calculated in accordance with the two preceding paragraphs may be granted by special decision of the institution which employed the servant to the husband of a deceased female servant provided he satisfies the requirements of Article 23 of Annex VIII to the Staff Regulations.

Article 37 (8) (24)

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.

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 an orphan's pension fixed in accordance with the last paragraph of Article 80 of the Staff Regulations.

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

Article 38

In the case of divorce or where there is more than one category of survivor who qualifies to claim a survivor's pension, such pension shall be apportioned in manner provided for in Chapter 4 of Annex VIII to the Staff Regulations.

Section C

RETIREMENT PENSION
AND SEVERANCE GRANT (8)*Article 39 (8) (18)*

1. On leaving the service a servant within the meaning of Article 2 (a) or (b) shall be entitled to payment of a sum equal to 13.5 % of the monthly salary payments on which the contribution provided for in Article 83 of the Staff Regulations was calculated during the period of his employment, plus compound interest at the rate of 3.5 % per annum.

This grant shall be reduced by the amounts paid in pursuance of Article 42.

2. On leaving the services, a servant within the meaning of Article 2 (c) or (d) shall be entitled to a retirement pension or severance grant as provided for in Title V, Chapter 3 of the Staff Regulations and Annex VIII to the Staff Regulations. The severance grant shall be reduced by the amounts paid in pursuance of Article 42. Where the servant is entitled to a retirement pension, his pension rights shall be reduced in proportion to the amounts paid in pursuance of Article 42.

Article 40

If a servant is appointed an official of the Communities, he shall not receive the grant provided for in the first paragraph of Article 39.

Any period of service on the temporary staff of one of the three European Communities shall be taken into account for the purpose of calculating years of pensionable service as provided for in Annex VIII to the Staff Regulations.

Where a servant has exercised the option provided for in Article 42, his retirement pension rights shall be reduced proportionately in respect of the period in which the sums were withdrawn.

The preceding paragraph shall not apply to a servant who, in the three months following application of the Staff Regulations to him, has asked to be allowed to repay such sums plus compound interest at the rate of 3.5 % per annum.

Section D FUNDING OF THE SOCIAL SECURITY SCHEME

Article 41

As regards the funding of the social security scheme provided for in Sections B and C, Article 83 of the Staff Regulations shall apply by analogy.

Article 42 (8)

In accordance with conditions to be laid down by the institution, a servant may request the institutions to effect any payments which he is required to make in order to constitute or maintain pension rights in his country of origin.

Such payments shall not exceed 13.5 % of his basic salary and shall be charged to the budget of the Communities.

Article 43

The benefits specified in Sections B and C shall, on behalf of the Communities, be provided by the institution designated by the budgetary authority no other institution may, under any description whatsoever, pay the benefits out of its own funds.

Article 44

Article 82 of the Staff Regulations and Article 45 of Annex VIII thereto, concerning the payment of benefits, shall apply by analogy.

Any sums due from a servant in respect of this scheme at the date when benefits become payable shall be deducted from those benefits in accordance with conditions to be laid down by the institution referred to in Article 43.

A servant who is a member of this scheme and any person drawing benefits under this scheme shall furnish all supporting documents which may be considered necessary by the institution referred to in Article 43.

CHAPTER 7 RECOVERY OF OVERPAYMENTS

Article 45 (8)

Article 85 of the Staff Regulations, concerning the recovery of overpayments, shall apply.

CHAPTER 8 APPEALS

Article 46

Title VII of the Staff Regulations, concerning appeals, shall apply by analogy.

CHAPTER 9 TERMINATION OF EMPLOYMENT

Article 47 (8)

Apart from cessation on death, the employment of temporary staff shall cease:

1. Where the contract is for a fixed period:
 - (a) on the date stated in the contract;
 - (b) at the end of the period of notice specified in the contract, where the latter contains a clause giving the servant or the institution the option to terminate earlier. Such period of notice shall be not more than three months nor less than one month. Contracts of servants recruited to occupy posts in Grade A 1 or A 2 shall include such a clause;
 - (c) at the end of the month in which the servant reaches the age of sixty-five years.

If the institution terminates the contract, the servant shall be entitled to compensation equal to one third of his basic salary for the period between the date when his duties end and the date when his contract expires.

2. Where the contract is for an indefinite period:
 - (a) 'At the end of the period of notice stipulated in the contract; the length of the period of notice shall not be less than two days for each completed month of service, subject to a minimum of 15 days and a maximum of three months. In the case of a servant within the meaning of Article 2 (d) the period of notice shall not be less than one month for each completed year of service, subject to a minimum of three months and a maximum of 10 months. The period of notice shall not, however, commence to run during maternity leave or sick leave, provided such sick leave does not exceed three months. It shall, moreover, be suspended during maternity or sick leave subject to the limits aforesaid.'
 - (b) at the end of the month in which the servant reaches the age of sixty-five years.

Article 48

Employment, whether for a fixed or for an indefinite period:

1. shall be terminated by the institution without notice if the servant is called to serve in the armed forces;
2. may be terminated by the institution without notice:
 - (a) at the end of the probationary period in accordance with the second paragraph of Article 14;
 - (b) if the servant is recalled to serve in the armed forces and his duties under his contract with the institution were such that there is no prospect of re-employing him in his former capacity when his period of service is over. In the latter case the servant concerned:
 - (i) where his contract is for a fixed or for an indefinite period, shall receive an allowance equal to his basic salary, plus family allowances, for a period equivalent to his

length of service, up to a maximum of three months;

- (ii) where his contract is for a fixed period, shall receive an allowance equal to one third of his last basic salary, plus family allowances, for any period of recall in excess of the three months referred to in subparagraph (i) but this further allowance shall not be paid for more than half the length of service completed by the servant in excess of the three months.

Where the contract is for a fixed period, the period by reference to which this allowance is calculated shall not exceed the term of the contract.

Payments provided for above shall, however, be reduced by the amount of service pay received by the servant concerned during the period of recall.

- (c) if the servant is elected to public office and the authority referred to in the first paragraph of Article 6 considers such public office to be incompatible with the discharge of his normal duties with the Communities;
- (d) if the servant ceases to satisfy the requirements of Article 12 (2) (a) and (d). However, if the servant ceases to satisfy the requirements of Article 12 (2) (d), his contract may be terminated only in the cases covered by Article 33;
- (e) if the servant is unable to resume his duties at the end of a period of paid sick leave as provided for in Article 16. In such case the servant shall receive an allowance equal to his basic salary plus family allowances at the rate of two days per each completed month of service.

Article 49

1. Employment may be terminated without notice on disciplinary grounds in serious cases of failure of temporary staff to comply with their obligations, whether intentionally or through negligence on their part. A reasoned decision shall be taken by the authority referred to in the first paragraph of Article 6, after the servant concerned has had an opportunity of submitting his defence.

2. In such cases the authority referred to in the first paragraph of Article 6 may decide:

- (a) to limit the severance grant provided for in Article 39 to repayment of the contribution provided for in Article 83 of the Staff Regulations, plus compound interest at the rate of 3.5 % per annum;
- (b) to withhold in whole or in part the resettlement allowance provided for in Article 24 (2).

Article 50

1. The employment of a member of the temporary staff shall be terminated by the institution without notice if the authority referred to in the first paragraph of Article 6 finds:

- (a) that at the time of his engagement he deliberately furnished false information as to either his professional ability or the requirements of Article 12 (2), and
- (b) that the false information furnished was a determining factor in his being engaged.

2. In such case the authority referred to in the first paragraph of Article 6 shall, after hearing the servant concerned, declare that his employment is terminated. The servant shall then immediately cease to perform his duties. The provisions of Article 49 (2) shall apply.

TITLE III

AUXILIARY STAFF

CHAPTER I GENERAL PROVISIONS

Article 51

The contracts of auxiliary staff may be for a fixed or for an indefinite period; they shall be renewable.

Article 52

The actual period of employment of auxiliary staff, including any period under renewal shall not exceed:

- (a) if the servant is engaged to replace an official or a member of the temporary staff who is unable for

the time being to perform his duties, the period of assignment for that purpose;

- (b) one year, in all other cases.

Article 53

Auxiliary staff shall be divided into four categories, subdivided into groups corresponding to the duties to be performed.

Within each group, auxiliary staff shall be graded in four classes. This grading shall take account of the qualifications and experience of the persons concerned.

The basic posts and corresponding groups are as shown in the following table:

Cat.	Group	Post
A	I	Researcher with a high degree of experience in one or more fields; Experienced reviser of translations; Interpreter with special experience.
	II	Researcher with some degree of experience; Reviser of translations; Experienced translator or interpreter.
	III	Researcher; Translator or interpreter.
B	IV	Staff doing difficult work (drafting, correcting, bookkeeping or of a technical nature);
	V	Staff doing simple work (drafting, bookkeeping or of a technical nature).
C	VI	Experienced secretary; Experienced office worker;
	VII	Secretary, typist or telephonist; Office worker.
D	VIII	Skilled worker; Usher or chauffeur;
	IX	Unskilled worker, messenger.

CHAPTER 2

RIGHTS AND OBLIGATIONS

Article 54

Articles 11 to 25 of the Staff Regulations, concerning the rights and obligations of officials, shall apply by analogy, save for Article 13, concerning gainful employment on the part of a spouse, Article 15, concerning officials who are candidates for elective public office, the third paragraph of Article 23, concerning *laissez-passer*, and the second paragraph of Article 25, concerning publication of decisions relating to specific individuals.

A decision requiring damage suffered by the Communities as a result of serious misconduct to be made good, as provided for in Article 22 of the Staff Regulations, shall be taken by the authority referred to in the first paragraph of Article 6 after observing the formalities provided for in cases of dismissal for serious misconduct.

CHAPTER 3

CONDITIONS OF ENGAGEMENT

Article 55

1. A member of the auxiliary staff may be engaged only on condition that:

- (a) he is a national of one of the Member States of the Communities, unless an exception is authorized by the authority referred to in the first paragraph of Article 6, and enjoys his full rights as a citizen;
- (b) he has fulfilled any obligations imposed on him by the laws concerning military service;
- (c) he produces the appropriate character references as to his suitability for the performance of his duties; and
- (d) he is physically fit to perform his duties.

2. The authority referred to in the first paragraph of Article 6 may waive the requirement that the person concerned should produce documentary evidence that he fulfills these conditions where his engagement is for not more than three months.

Article 56

The contract of a member of the auxiliary staff shall specify in particular:

- (a) the duration of the contract;
- (b) the date when he is to take up employment;
- (c) the nature of his work;
- (d) his grading;
- (e) the place where he is to be employed.

CHAPTER 4

WORKING CONDITIONS

Article 57 (7)

Articles 55 to 56b of the Staff Regulations, relating to hours of work, overtime, shiftwork, standby duty at place of work or at home, shall apply by analogy.

Article 58

Auxiliary staff shall be entitled to paid leave at the rate of two working days per month of service; any period of less than fifteen days's or half a month's service shall carry no leave entitlement.

Where it has not been possible, owing to the requirements of the service, for a member of the auxiliary staff to be given leave as provided for in the preceding paragraph during his employment, any days of leave not taken shall be paid for as extra days worked.

In addition to such leave, a member of the auxiliary staff may, in exceptional circumstances and at his own request, be granted special leave in accordance with rules laid down by the institution on the basis of the principles set out in Article 57 of the Staff Regulations and in Article 6 of Annex V to the Staff Regulations.

Article 59

Article 16, concerning sick leave, shall apply to auxiliary staff. Article 58 of the Staff Regulations, concerning maternity leave, shall apply by analogy.

Article 60

Articles 60 and 61 of the Staff Regulations, concerning unauthorized absence and public holidays, shall apply by analogy.

CHAPTER 5
REMUNERATION AND EXPENSES

Article 61

The remuneration of auxiliary staff shall comprise basic salary, family allowances and other allowances.

Auxiliary staff shall remain throughout the term of their contract in the salary class specified in their contract.

Article 62

Auxiliary staff shall be paid by the day or by the month.

In the case of auxiliary staff paid by the day, only days actually worked shall be paid.

Article 63 (13)(19)(23)(27)(30)(31)(32)

The scale of basic salaries shall be as provided for in the following table:

Category	Group	Class			
		1	2	3	4
A	I	103 170	115 749	128 328	140 907
	II	75 114	82 376	89 638	96 900
	III	63 201	66 006	68 811	71 616
B	IV	60 742	66 633	72 524	78 415
	V	47 860	51 011	54 162	57 313
C	VI	45 571	48 221	50 871	53 521
	VII	40 900	42 262	43 624	44 986
D	VIII	36 946	39 117	41 288	43 459
	IX	35 633	36 137	36 641	37 145

Article 64

Articles 63, 64 and 65 of the Staff Regulations, concerning the currency in which remuneration is to be expressed and adjustments to such remuneration, shall apply by analogy.

Article 65 (10) (24)

Article 67, with the exception of paragraph 1 (c), and Article 69 of the Staff Regulations and Articles 1, 2, 4 and 4a of Annex VII to the Staff Regulations concerning the payment of family, expatriation and fixed allowances shall apply by analogy.

Article 66

The remuneration due for each day's work payable shall be one twentieth of the monthly remuneration.

Article 67

Articles 7, 11, 12, 13, 14a and 14b of Annex VII to the Staff Regulations, concerning the reimbursement of travel expenses and mission expenses, and the granting of housing and transport allowances, shall apply by analogy.

Auxiliary staff in Categories A and B shall be entitled to subsistence allowance as set out in Column II of the table in Article 13 of Annex VII to the Staff Regulations; other auxiliary staff shall be entitled to subsistence allowance as set out in Column III of that table.

Article 68

In the case of auxiliary staff paid by the month, the remuneration shall be paid in accordance with Article 16 of Annex VII to the Staff Regulations.

In the case of auxiliary staff paid by the day, the remuneration shall be paid at the end of each week for that week.

Article 69 (8)

A member of the auxiliary staff who furnishes evidence that he cannot continue to reside at his former address shall be entitled for not more than one year to the daily subsistence allowance provided for in Article 10 of Annex VII to the Staff Regulations.

CHAPTER 6

SOCIAL SECURITY BENEFITS

Article 70

1. So that auxiliary staff are insured against sickness, accident, invalidity and death and can build up a retirement pension, they shall be affiliated to a compulsory social security scheme, preferably that of the country to whose scheme they were last affiliated or that of their country of origin.

The institution shall be responsible for the employer's contributions required under the legislation in force where the servant is compulsorily affiliated to

such a social security scheme, or for two thirds of the servant's contributions where he remains voluntarily affiliated to the national social security scheme of which he was a member before he entered the service of the Communities or where he voluntarily joins a national social security scheme.

2. Where it is not possible to apply the provisions of paragraph 1, auxiliary staff shall be insured against sickness, accident, invalidity and death and for the provision of a retirement pension, at the expense of the institution which employs them for the equivalent of the two-third share specified in paragraph 1. Provisions for applying the foregoing shall be laid down by agreement between the institutions after consulting the Staff Regulations Committee provided for in Article 10 of the Staff Regulations.

Article 71

Article 76 of the Staff Regulations, concerning gifts, loans or advances, shall apply by analogy to auxiliary staff during the term of their contract.

CHAPTER 7

RECOVERY OF OVERPAYMENTS

Article 72 (8)

Article 85 of the Staff Regulations, concerning the recovery of overpayments, shall apply.

CHAPTER 8

APPEALS

Article 73

Title VII of the Staff Regulations, concerning appeals, shall apply by analogy.

CHAPTER 9

TERMINATION OF EMPLOYMENT

Article 74

Apart from cessation on death, the employment of auxiliary staff shall cease:

1. where the contract is for a fixed period:
 - (a) on the date stated in the contract;
 - (b) at the end of the month in which the servant reaches the age of sixty-five years;
2. Where the contract is for an indefinite period:
 - (a) at the end of the period of notice specified in the contract; the length of the period of notice shall not be less than two days for each completed month of service, subject to a maximum of three months. The period of notice shall not, however, commence to run during maternity leave or sick leave, provided such sick leave does not exceed three months. It shall, moreover, be suspended during maternity or sick leave subject to the limits aforesaid;

- (b) at the end of the month in which the servant reaches the age of sixty-five years.

Article 75

The employment of auxiliary staff, whether for a fixed or for an indefinite period:

1. shall be terminated by the institution without notice if the servant is called to serve in the armed forces;
2. may be terminated by the institution without notice:
 - (a) if the servant is recalled to service in the armed forces and his duties under his contract with the institution were such that there is no prospect of re-employing him in his former capacity when his period of service is over. In such case the servant shall receive an allowance equal to his basic salary plus family allowances at the rate of two days for each completed month of service;
 - (b) if the servant is elected to public office and the authority referred to in the first paragraph of Article 6 considers such public office to be incompatible with the discharge of his normal duties;
 - (c) if the servant ceases to satisfy the requirements of Article 55 (1) (a) and (d). However, if the servant ceases to satisfy the requirements laid down in Article 55 (1) (d), his contract may be terminated only if he is entitled to an invalidity pension;
 - (d) if the servant is unable to resume his duties at the end of a period of paid sick leave as provided for in Article 59. In such case the servant shall receive an allowance equal to his basic salary plus family allowances at the rate of two days for each completed month of service.

Article 76

The employment of a member of the auxiliary staff may be terminated without notice on disciplinary grounds in serious cases of failure to comply with his obligations, whether intentionally or through negligence on his part. A reasoned decision shall be taken by the authority referred to in the first paragraph of Article 6, after the servant concerned has had an opportunity of submitting his defence.

Article 77

The employment of a member of the auxiliary staff shall be terminated by the institution without notice if the authority referred to in the first paragraph of Article 6 finds:

- (a) that at the time of his engagement he deliberately furnished false information as to either his professional ability or the requirements of Article 55 (1); and
- (b) that the false information furnished was a determining factor in his being engaged.

In such case the authority referred to in the first paragraph of Article 6 shall, after hearing the servant concerned, declare that his employment is terminated.

Article 78

By way of derogation from the provisions of this Title, auxiliary staff engaged by the European Parliament for the duration of the work of its sessions shall be subject to the conditions of recruitment and remuneration laid down in the agreement between the Parliament, the Council of Europe and the Assembly of

Western European Union in respect of engagement of such staff.

The provisions of that agreement and any subsequent amendment thereto shall be notified to the competent budgetary authorities one month before their entry into force.

*TITLE IV***LOCAL STAFF***Article 79*

Subject to the provisions of this Title, the conditions of employment of local staff, in particular:

- (a) the manner of their engagement and termination of their contract;
- (b) their leave; and
- (c) their remuneration

shall be determined by each institution in accordance with current rules and practice in the place where they are to perform their duties.

Article 80

As regards social security, the institution shall be responsible for the employer's share of the social security contributions under current regulations in the place where the servant is to perform his duties.

Article 81

Any dispute between the institution and a member of the local staff shall be submitted to the competent court in accordance with the laws in force in the place where the servant performs his duties.

*TITLE V***SPECIAL ADVISERS***Article 82*

1. The remuneration of special advisers shall be determined by direct agreement between the adviser concerned and the authority referred to in the first paragraph of Article 6. The contract of a special adviser shall be for a term not exceeding two years. It shall be renewable.

2. An institution which intends to recruit a special adviser or renew his contract shall notify the competent budgetary authority, specifying the remuneration contemplated.

Before the contract is finally concluded there shall be an exchange of views with the competent budgetary

authority on the proposed remuneration if within one month following the date of notification a member of that authority or the institution concerned so requests.

Article 83

Article 11, the first paragraph of Article 12, Article 14, the first paragraph of Article 16, Articles 17, 19 and 22, the first and second paragraphs of Article 23 and the second paragraph of Article 25 of the Staff Regulations, concerning the rights and obligations of officials, and Articles 90 and 91 of the Staff Regulations, concerning appeals, shall apply by analogy.

TITLE VI

Articles 84 to 98 shall be repealed. (18)

*TITLE VII***TRANSITIONAL PROVISIONS***Article 99*

A servant in the employment of the Communities when these Conditions of Employment enter into force who, notwithstanding that the institution has decided to continue to employ him, is not appointed as an official under Article 102 of the Staff Regulations¹ must be offered a contract by the authority referred to in the first paragraph of Article 6 in accordance with these Conditions of Employment. Such contract shall take effect on the date when these Conditions of Employment enter into force.

The contract of a servant who refuses an offer made as provided for in the preceding paragraph shall be terminated under the terms of his earlier contract.

¹ 1.1.1962.

Article 100

Service with an institution of the three European Communities before the entry into force of these Conditions of Employment shall be treated as service under these Conditions of Employment.

Article 101

Where a servant receives a contract as a member of the temporary staff under these Conditions of Employment, the amounts standing to his credit with the Communities' temporary provident scheme shall be taken into consideration for purposes of calculating the sums payable to that servant under Article 39.

*TITLE VIII***FINAL PROVISIONS***Article 102*

Subject to Article 103, the general provisions for giving effect to these Conditions of Employment shall be adopted by each institution after consulting its Staff Committee and the Staff Regulations Committee provided for in Article 10 of the Staff Regulations.

The administrations of the institutions of the Communities shall confer for the purpose of securing uniform application of these Conditions of Employment.

Article 103

The general provisions for giving effect to the Staff Regulations, referred to in Article 110 of those Regulations, shall apply to servants covered by these Conditions of Employment where by virtue of these Conditions of Employment the provisions of the said Regulations apply to those servants.

Transitional provisions applicable to other servants of the Communities on the entry into force of Council Regulation (EEC, Euratom, ECSC) No 259/68 of 29 February 1968.

Extract from Council Regulation (EEC, Euratom, ECSC) No 259/68 of 29 February 1968 laying down the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Communities and instituting special measures temporarily applicable to officials of the Commission.

(Official Journal of the European Communities No L 56, 4 March 1968)

Article 3 (2)

The Conditions of Employment as defined in the first paragraph and also such implementing regulations made by the Councils of the European Economic Community and the European Atomic Energy Community or by the Council of the European

Communities as are applicable on the entry into force of this Regulation shall automatically apply to other servants, former other servants and those entitled under them to whom, before the entry into force of this Regulation, the Conditions of Employment of Other Servants of the European Economic Community and the European Atomic Energy Community applied.

Transitional provisions applicable to other servants of the Communities on the entry into force of Council Regulation (ECSC, EEC, Euratom) No 2615/76 of 21 October 1976

Extract from Council Regulation (ECSC, EEC, Euratom) No 2615/76 of 21 October 1976 amending Regulation (EEC, Euratom, ECSC) No 259/68 as regards the conditions of employment of other servants of the European Communities.

(Official Journal of the European Communities No L 299, 29 October 1976)

Article 2

1. A member of the establishment or local staff paid from the research and investment appropriations who is in service on the date on which this Regulation comes into force shall be offered a contract by the authority referred to in the first paragraph of Article 6 of the conditions of employment of other servants of the European Communities in accordance with Title II of these conditions of employment.

The contract shall take effect on the said date.

2. The person concerned shall be assigned to a post in accordance with Article 10 of the conditions of employment.

He shall receive a basic salary such as will ensure that his net remuneration is at least equal to the net remuneration which he received before the new contract was concluded.

For the purpose of implementing this Chapter the remuneration to which the person concerned would be entitled under the former conditions of employment shall be one twelfth of his total annual remuneration, less Community tax and his contributions to national pension and social security schemes.

The family allowances which are taken into account for the purpose of implementing the above provisions shall be those which under the former conditions of remuneration the servant would have received for the first month following the conclusion of the new contract if his situation as to dependants had been the same at that time as during the month in question.

3. Establishment and local staff engaged pursuant to this Article as temporary staff within the meaning of Article 2 (d) of the conditions of employment of other servants of the European Communities shall not be required to serve the probationary period referred to in Article 14 of the said conditions of employment.

4. In the case of establishment and local staff who are in service on the date on which this Regulation comes into force, calculation of the length of service referred to in the first paragraph of Article 77 of the Staff Regulations shall take account of the number of years of service that staff engaged pursuant to paragraph 1 above have completed as establishment or local staff.

However, only the number of years of service completed by staff as temporary staff within the meaning of Article 2 (d) shall be taken into account for the purpose of calculating the years of pensionable service within the meaning of Article 2 of Annex VIII to the Staff Regulations.

5. The contract of any member of establishment or local staff who does not accept the offer made under paragraph 1 within six months shall be terminated. In this event the person in question shall be entitled to the period of notice specified in Article 98 (2) of the conditions of employment of other servants of the European Communities or in the relevant Article of the rules governing the conditions of employment of local staff.

III

**Other regulations of the Council/of the Councils
applicable to the officials
and other servants of the
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¹ Special edition.

COUNCIL REGULATION (Euratom, ECSC, EEC) No. 397/81

of 10 February 1981

fixing the tables of salaries and other components of remuneration consequent on Regulation (Euratom, ECSC, EEC) No. 187/81 adjusting the salaries and pensions of officials and other servants of the European Communities and the weightings applying thereto

Article 1

1. With effect from 1 July 1980, the weightings applicable to the remuneration of officials and other servants employed in the countries listed below shall be as follows:

Belgium	100,0
Denmark	104,7
Germany	98,6
France	97,2
Ireland	73,4
Italy	75,3
Luxembourg	100,0
Netherlands	96,7
United Kingdom	86,0
Switzerland	113,9
New York	108,8
Washington	100,7
Canada	87,7
Japan	134,2
Greece	81,2
Turkey	67,2
Spain	93,9
Portugal	68,9
Venezuela	123,0
Austria	103,9
Thailand	120,8
Chile	123,6
Australia	105,9
Yugoslavia	87,2
Algeria	125,0
Morocco	114,9
Tunisia	103,6
Egypt	123,5
Syria	125,4
Jordan	137,9
Lebanon	131,0
Israel	102,7

2. With effect from 1 July 1980, the weightings applicable to pensions in accordance with the second subparagraph of Article 82(1) of the Staff Regulations shall be that given below for the country of the Communities in which the person entitled to the pension declares his home to be:

Belgium	100,0
Denmark	104,7
Germany	98,6
France	97,2
Ireland	73,4
Italy	75,3

Luxembourg	100,0
Netherlands	96,7
United Kingdom	86,0

If a person entitled to a pension declares his home to be in a country other than those listed above, the weighting applicable to the pension shall be that for Belgium.

Article 2

1. With effect from 1 July 1980, the weightings applicable to the remuneration of persons covered by Article 2 of Regulation (EEC, Euratom, ECSC) no. 160/80, shall be as follows:

Belgium	104,0
Denmark	122,7
Germany	101,1
France	106,6
Ireland	77,6
Italy	89,5
Luxembourg	104,0
Netherlands	101,1
United Kingdom	82,0
Switzerland	123,4
Japan	175,0

2. With effect from 1 July 1980, the weighting applicable to pensions and allowances paid to persons covered by Article 2 of Regulation (EEC, Euratom, ECSC) No 160/80 shall be as follows:

Belgium	104,0
Denmark	122,7
Germany	101,1
France	106,6
Ireland	77,6
Italy	89,5
Luxembourg	104,0
Netherlands	101,1
United Kingdom	82,0

If a person entitled to a pension declares his home to be in a country other than one of those listed above, the weighting applicable to the pension shall be that for Belgium

Article 3

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

COUNCIL REGULATION (EURATOM, ECSC, EEC) No 914/78

of 2 May 1978

amending the Staff Regulations of officials of the European Communities as regards the allowances referred to in Article 4a of Annex VII to the Staff Regulations

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing a Single Council and a Single Commission of the European Communities, and in particular Article 24 thereof;

Having regard to the proposal from the Commission submitted after consulting the Staff Regulations Committee;

Having regard to the opinion of the European Parliament¹;

Having regard to the opinion of the Court of Justice; Whereas Regulation (EEC, Euratom, ECSC) No 259/68² as last amended by Regulation (Euratom, ECSC, EEC) No 912/78³, lays down in Article 2 the Staff Regulations of officials of the European Communities and in Article 3 the conditions of employment of other servants of the European Communities; whereas it is for the Council, acting by a qualified majority on a proposal from the Commission and after consulting the other institutions concerned, to amend the Staff Regulations and the conditions of employment;

Whereas it seems desirable to make the allowance referred to in Article 4a of Annex VII to the Staff Regulations permanent;

HAS ADOPTED THIS REGULATION:

Article 1

1. In Annex VII the word 'temporary' shall be deleted from the title of Section 2a and from the first sentence of Article 4a.

2. The second sentence of Article 4a of Annex VII shall be replaced by the following:

'The amount of this allowance shall be determined by the Council in accordance with the procedure laid down in Article 65 (3) of the Staff Regulations'.

Article 2⁴

With effect from 1 July 1980 the fixed allowance referred to in Article 4a of Annex VII to the Staff Regulations shall be⁵:

- Bfrs 2002 per month for officials in Grade C 4 or C 5,
- Bfrs 3069 per month for officials in Grade C 1, C 2 or C 3.

Article 3

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

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

Done at Brussels, 2 May 1978.

For the Council
The President
K.B. ANDERSEN

¹ OJ No C 140, 13.11.1974, p. 20

² OJ No L 56, 4.3.1968, p. 1

³ OJ No L 119, 3.5.1978, p. 11.

⁴ OJ No L 46, 19.2.1981, p. 1.

⁵ OJ No L 20, 26.1.1980, p. 8.

REGULATION No 6/66/EURATOM, 121/66/EEC OF THE COUNCILS

of 28 July 1966

laying down the list of places for which a rent allowance may be granted, the maximum amount of that allowance and the rules for granting it

THE COUNCIL OF THE EUROPEAN ATOMIC ENERGY COMMUNITY,

THE COUNCIL OF THE EUROPEAN ECONOMIC COMMUNITY,

Having regard to Regulation No 31 (EEC), 11 (EAEC)¹ on the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Economic Community and the European Atomic Energy Community and in particular Article 14a of Annex VII to those Staff Regulations and Articles 22 and 67 of those Conditions of Employment;

Having regard to the proposals from the Commission of the European Atomic Energy Community and the Commission of the European Economic Community; Whereas it is for the Councils, acting in accordance with the procedure referred to in Article 65 (3) of the Staff Regulations to lay down the list of places for which a rent allowance may be granted, the maximum amount of that allowance and the rules for granting it;

HAVE ADOPTED THIS REGULATION:

Article 1

An official employed in a place where the problem of accommodation is recognized as being particularly difficult may be given a rent allowance under the conditions set out below.

Article 2

1. The places of employment for which the allowance referred to in Article 1 may be granted shall be:

Germany

Karlsruhe
Garching
Geesthacht

France

Paris
Departments of Hauts-de-Seine, Seine-St-Denis,
Val-de-Marne, Essonne, Yvelines, Val-d'Oise.
Cadarache
Grenoble

United Kingdom

London

Switzerland

Geneva.

2. In addition to the places referred to in paragraph 1, a rent allowance may also be granted in respect of places where there are not more than three officials. In this case, the Commissions shall notify the Councils and the list submitted shall be deemed to have been approved if within six weeks no delegation has expressed a wish to contest the granting of a rent allowance in respect of those places.

Article 3

Before granting any allowance, the appointing authority shall see whether the accommodation is suitable for the requirements of the official, having regard to his duties and his family circumstances, and the number of dependants actually living under his roof. Where appropriate, it may set a limit on the amount of rent taken into account for calculating the accommodation allowance.

Article 4

Subject to provisions of Article 3, a rent allowance shall be granted to an official whose monthly rent excluding, where appropriate, the cost of utilities such as heating, water, gas, electricity and maintenance services, amounts to more than:

18 % for officials up to and including Grade B 2,
20 % for officials from Grade B 1 to Grade A 4,
22 % for officials above Grade A 4,
of his total emoluments as determined below.

Total emoluments shall comprise basic salary plus expatriation allowance and head of household allowance, less the compulsory deductions referred to in Article 64 of the Staff Regulations and Community tax. The amount thus obtained shall be adjusted by the corrective factor applicable at the place of employment of the official concerned.

Article 5

The institution shall be responsible for that part of the rent which exceeds the percentages indicated in the first paragraph of Article 4 to the extent of:

50 % for an unmarried official and an official who is a head of household without dependants;
55 % for an official who is a head of household with one dependant;
60 % for an official who is a head of household with more than one dependant;

where the expression 'dependant' has the meaning defined in Article 2 of Annex VIII to the Staff Regulations.

Article 6

Rent allowances shall in no case exceed 5 % of the total emoluments indicated in the second paragraph of Article 4.

Article 7

This Regulation shall enter into force on 1 January 1966.

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

Done at Brussels, 28 July 1966.

For the Councils
The President
S.A. POSTHUMUS

REGULATION No 7/66/EURATOM, 122/66/EEC OF THE COUNCILS
of 28 July 1966

laying down the list of places for which a transport allowance may be granted, the maximum amount of that allowance and the rules for granting it

THE COUNCIL OF THE EUROPEAN ATOMIC ENERGY COMMUNITY,

THE COUNCIL OF THE EUROPEAN ECONOMIC COMMUNITY,

Having regard to Regulation No 31 (EEC), 11 (EAEC)¹ on the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Economic Community and the European Atomic Energy Community, and in particular Article 14b of Annex VII to those Staff Regulations and Articles 22 and 67 of those Conditions of Employment;

Having regard to the proposals from the Commission of the European Atomic Energy Community and the Commission of the European Economic Community;

Whereas it is for the Councils, acting in accordance with the procedure referred to in Article 65 (3) of the Staff Regulations, to lay down the list of places for which a transport allowance may be granted, the maximum amount of that allowance and the rules for granting it;

HAVE ADOPTED THIS REGULATION:

Article 1

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

Article 2

1. The places of employment for which the allowance referred to in Article 1 may be granted shall be:

Germany:

Garching
Gundremmingen

France:

Fontenay-aux-Roses
Saclay
Cadarache
Chooz
Epoisses

Italy:

Centrale di Latina
Centrale di Garigliano
Casaccia

Netherlands:

Petten
Dodewaard

United Kingdom:

Winfrith.

2. In addition to the places referred to in paragraph 1, a transport allowance may also be granted in respect of places where there are not more than three officials. In this case, the Commissions shall notify the Councils and the list submitted shall be deemed to have been approved if within six weeks no delegation has expressed a wish to contest the granting of the transport allowance in respect of those places.

Article 3

Transport allowances shall be granted only to officials who:

- because of difficult housing conditions in the place of employment cannot obtain appropriate accommodation on payment of a monthly rent which, excluding, where appropriate, the cost of utilities such as heating, water, gas, electricity and maintenance services, amounts to less than:
 - 18 % for officials up to and including Grade B 2,
 - 20 % for officials from Grade B 1 to Grade A 4,
 - 22 % for officials above Grade A 4,

of the total emoluments as determined below, and pay rent of more than 10 % of the total emoluments as determined below.

Total emoluments shall comprise basic salary plus expatriation allowance and head of household allowance, less the compulsory deductions referred to in Article 64 of the Staff Regulations and Community tax. The amount thus obtained shall be adjusted by the corrective factor applicable at the place of employment of the official concerned.

No allowance shall be granted in cases where it is possible to make use of joint means of transport, nor where a service car is used, nor where a standard local travel allowance is granted.

The amount of the transport allowance shall be:

- BFR 600 per month where the distance between the official's place of residence and place of work is not less than 20 kilometres and not more than 30 kilometres;

¹ OJ No 45, 14.6.1962, p. 1385/62.
OJ No 47, 24.3.1965, p. 701/65.

- BFR 1 000 per month where the distance between the official's place of residence and place of work is greater than 30 kilometres.

Article 4

This Regulation shall enter into force on 1 January 1966.

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

Done at Brussels, 28 July 1966.

For the Councils
The President
S.A. POSTHUMUS

**REGULATION (EEC, EURATOM, ECSC) No 259/68
OF THE COUNCIL**

of 29 February 1968

Extract

...instituting special measures temporarily applicable to officials of the Commission

THE COUNCIL OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing a Single Council and a Single Commission of the European Communities, and in particular Article 24 thereof;

Having regard to the Protocol on the Privileges and Immunities of the European Communities, and in particular Article 7 and Articles 12 to 16 thereof;

Having regard to the task assigned to the Commission under Annex I to the Final Act of the Conference held in Brussels on 8 April 1965 for signature of the Treaty establishing a Single Council and a Single Commission of the European Communities;

Having regard to the proposal from the Commission;

Having regard to the Opinion of the European Parliament¹;

Having regard to the Opinion of the Court of Justice; Whereas it is for the Council, acting by a qualified majority on a proposal from the Commission after consulting the other institutions concerned, to lay down the Staff Regulations of officials and the Conditions of Employment of other servants of the European Communities;

Whereas the Staff Regulations and Conditions of Employment should be such as to secure for the Communities the services of officials and servants of the highest standard of independence, ability, efficiency and integrity, recruited on the broadest possible geographical basis from among nationals of Member States of the Communities, and at the same time to enable those officials and servants to discharge their duties in conditions which ensure maximum efficiency;

HAS ADOPTED THIS REGULATION:

CHAPTER I
**STAFF REGULATIONS OF OFFICIALS AND
CONDITIONS
OF EMPLOYMENT OF OTHER SERVANTS OF
THE EUROPEAN COMMUNITIES**

(see part I)

¹ OJ No C 10, 14.2.1968, pp. 44 and 45.

CHAPTER II

**SPECIAL MEASURES TEMPORARILY
APPLICABLE
TO OFFICIALS OF THE COMMISSION**

Article 4

1. Until 30 June 1968 the Commission is authorized, in the interests of the service and in order either to rationalize its administration or to meet requirements resulting from a reduction in the number of posts, to adopt measures terminating the service of officials, provided for in Article 47 of the Staff Regulations, in manner provided for hereinafter.

2. Where the Commission intends to take the measures provided for in paragraph 1 in respect of officials of grades other than A 1 and A 2, it shall draw up a list of the officials to be affected by such measures in each grade, after consulting the Joint Committee, taking into account the officials' ability, efficiency, conduct in the service, family circumstances and seniority.

An official whose name appears on such a list may opt for termination of service as provided for in paragraph 1 or for non-active status. If the latter Article 41 (3), (4) and (5) of the Staff Regulations shall apply.

An official who proposes to opt for non-active status shall declare his choice within one month from the date on which he was informed that his name appeared on the list provided for in the first subparagraph; in default, he shall forgo the right to opt.

3. If the interests of the service permit, the Commission shall take into account an official's request that his service be terminated under paragraph 1.

4. The measures provided for in paragraphs 1 and 2 shall in no way constitute disciplinary measures.

5. Until 30 June 1968, but without prejudice to paragraph 2, the Commission shall take no decision placing an official on non-active status or retiring an official in the interests of the service.

Article 5

1. An official affected by the measures provided for in Article 4 (1) shall be entitled:

(a) for a period of six months, to a monthly allowance equal to his last remuneration, and

(b) for a period fixed in accordance with the table in paragraph 2, to a monthly allowance equal to:

85% of his basic salary from the seventh to the twelfth month,

70% of his basic salary from the thirteenth to sixty-sixth month,

60% of his basic salary thereafter.

Entitlement to that allowance shall cease not later than the day on which the official reaches the age of sixty-five.

2. In order to determine on the basis of the official's age the period during which he shall receive the allowance provided for in paragraph 1 (b), the coefficient fixed in the following table shall be applied to the length of his service; the period shall be rounded down, where necessary, to the immediately preceding month.

Age	%	Age	%	Age	%	Age	%	Age	%
20	18	30	33	40	48	50	63	60	78
21	19.5	31	34.5	41	49.5	51	64.5	61	79.5
22	21	32	36	42	51	52	66	62	81
23	22.5	33	37.5	43	52.5	53	67.5	63	82.5
24	24	34	39	44	54	54	69		
25	25.5	35	40.5	45	55.5	55	70.5		
26	27	36	42	46	57	56	72		
27	28.5	37	43.5	47	58.5	57	73.5		
28	30	38	45	48	60	58	75		
29	31.5	39	46.5	49	61.5	59	76.5		

3. The allowance provided for in paragraph 1 shall be weighted, in accordance with the second subparagraph of Article 82 (1) of the Staff Regulations, for the Community country where the recipient provides proof of residence.

If the recipient of that allowance resides outside the Community countries the weighting to be applied to the allowance shall be that valid for Brussels.

4. The income accruing to the official concerned from any new employment during this period shall be deducted from the allowance provided for in paragraph 1, in so far as that income plus that allowance exceed the total remuneration last received by the official in the performance of his duties. That remuneration shall be weighted as provided for in paragraph 3.

5. All family allowances shall remain payable where the official receives the allowance provided for in paragraph 1.

6. During the period for which he is entitled to receive that allowance, the official shall be entitled, in respect of himself and of persons covered by his insurance, to benefits under the sickness insurance scheme common to the institutions of the European Communities, provided that he pays the contribution calculated on the basis of the basic salary attaching to his grade and step and is not covered against sickness by another scheme.

7. During the period for which he is entitled to receive the grant the official shall, up to a maximum five years, continue to acquire further rights to retirement pension based on the salary attaching to his grade and step, provided that he pays the contributions provided for in the Staff Regulations during that period. For the

purposes of Article 5 of Annex VIII to the Staff Regulations, such period shall be considered to be a period of service.

If the official is reinstated in an institution of the European Communities and thus acquires further pension rights he shall cease during this further period of service to benefit from the provisions provided for in the first subparagraph above. However, for that part of the period referred to in the first subparagraph which is not yet completed at the time of reinstatement, the official may request that both his contribution to the pension scheme and his pension rights be calculated on the basis of the basic salary attaching to the grade and step reached in his previous post.

For the purposes of Article 77 of the Staff Regulations an official receiving the allowance provided for in paragraph 1 shall be treated as an official removed from his post in the interests of the service.

At the end of such period the official shall be entitled to a pension without application of the reduction laid down in Article 9 of Annex VIII to the Staff Regulations, provided that he has reached the age of fifty-five.

In fixing the amount of the survivor's pension, to which the widow of an official who has died during such period is entitled, the provisions of the second subparagraph of Article 79 of the Staff Regulations shall apply.

8. If, in application of these provisions, the official is entitled to receive a pension before the age of sixty, he shall be entitled, for each dependent child within the meaning of Article 2 of Annex VII to the Staff Regulations, to the dependent child allowance.

9. In order to receive the resettlement allowance the official shall not be required to satisfy the condition of length of service referred to in the first subparagraph of Article 6 (1) of Annex VII to the Staff Regulations.

10. For the purposes of Article 107 of the Staff Regulations and of Article 102 (2) of the Staff Regulations of Officials of the European Coal and Steel Community, an official affected by measures provided for in Article 4 (1) shall be treated as an official to whom the provisions of Articles 41 and 50 of the Staff Regulations have been applied.

Article 6

1. An official affected by the measures provided for in Article 4 (1) who has not completed 11 years service may renounce irrevocably his pension rights. In this case he shall receive a payment fixed under the conditions laid down in Article 12 of Annex VIII to the Staff Regulations. The provisions of Article 5 (7) and (8) and Article 7 of this Regulation shall not apply to him.

For the purposes of Article 12 (c) of Annex VIII to the Staff Regulations, the actual length of service shall include the period in which the official is entitled to the grant provided for in Article 5 and the extended period allowed him, where appropriate, in accordance with Article 5 (10).

2. An official who proposes to opt for application of the provisions provided for in paragraph 1 must declare his choice within six months from the date of notification of the measure referred to in Article 4 (1); in default, he shall forgo the right to opt.

Any sums which may have been paid by way of pension prior to the application of the provisions of this Article shall be deducted from the payment provided for in paragraph 1.

Article 7

1. The officials referred to in the last subparagraph of Article 2 and in Article 102 (5) of the Staff Regulations, with the exception of those who before 1 January 1962 held Grade A 1 or A 2 posts under the Staff Regulations of the European Coal and Steel Community, to whom the measures provided for in Article 4 (1) are applied, may request that their remuneration be determined in accordance with the provisions of Article 34 of the Staff Regulations of the European Coal and Steel Community and Article 50 of the Rules and Regulations of the European Coal and Steel Community.

2. Officials who before 1 January 1962 held Grade A 1 or A 2 posts under the Staff Regulations of the European Coal and Steel Community, to whom the measures provided for in Article 4 (1) are applied, may request that their remuneration be determined in accordance with the provisions of Article 42 of the Staff Regulations of the European Coal and Steel Community.

Article 8

1. Before taking any measures in accordance with Article 4 (1), the Commission may in the interests of the service request the official concerned to state within one month whether he will accept transfer to a post corresponding to the career bracket immediately below that applicable to his grade. If the official accepts, he may be transferred to such a post notwithstanding the provisions of Article 7 (1) of the Staff Regulations.

2. An official affected by a decision taken in accordance with the second subparagraph of paragraph 1 shall retain his grade and all rights relating thereto. He shall have a priority right of transfer to any post corresponding to his grade which may fall vacant or be created provided that he is suitable for the post in question.

CHAPTER III

TRANSITIONAL AND FINAL PROVISIONS

Article 9

The installation allowance, the resettlement allowance and the severance grant, to which an official may be entitled if during 1968 he is established or if he is transferred to another place or his service is terminated, shall be subject to a corrective factor of 117.5 %.

Article 10

Until the setting up of a Staff Committee, which must take place by 31 December 1968 at the latest, the functions of that Committee shall be performed by a Committee consisting of members of the Staff Committee or Committees elected before the entry into force of this Regulation.

Article 11

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

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

Done at Brussels, 29 February 1968.

For the Council
The President

M. COUVE de MURVILLE

REGULATION (EEC, EURATOM, ECSC) No 260/68 OF THE COUNCIL

of 29 February 1968

laying down the conditions and procedure for applying the tax for the benefit
of the European Communities

THE COUNCIL OF THE EUROPEAN
COMMUNITIES,

Having regard to the Treaty establishing a Single Council and a Single Commission of the European Communities;

Having regard to the Protocol on the Privileges and Immunities of the European Communities, and in particular Article 13 thereof;

Having regard to the proposal from the Commission; Whereas it is necessary to lay down the conditions and procedure under which the salaries, wages, and emoluments of officials and other servants of the Communities, and of persons of whom Article 13 of the Protocol on Privileges and Immunities also applies, shall be liable to the tax instituted by that Article;

HAS ADOPTED THIS REGULATION:

Article 1

The tax on salaries, wages and emoluments paid by the Communities to their officials and other servants, indicated by the first paragraph of Article 13 of the Protocol on the Privileges and Immunities of the European Communities, shall be determined under the conditions and collected according to the procedure laid down in this Regulation.

Article 2

The following shall be liable to the tax:

- persons coming under the Staff Regulations of Officials or the Conditions of Employment of Other Servants of the Communities, including recipients of the compensation provided for in the event of removal from post in the interests of the service, but excluding local staff;
- recipients of invalidity retirement and survivor's pensions paid by the Communities;
- recipients of the compensation on termination of service provided for in Article 5 of Council Regulation (EEC, Euratom, ECSC) No 259/68;
- those entitled to the allowance for termination of service under Article 3 of Regulation (Euratom, ECSC, EEC) No 2530/72;
- those entitled to the allowance for termination of service under Article 4 of Regulation (Euratom, ECSC, EEC) No 2530/72;

- those entitled to the allowance for termination of service under Articles 3 and 4 of Regulation (ECSC, EEC, Euratom) No 1543/73;
- those entitled to the allowance for termination of service under Article 5 of Regulation (ECSC, EEC, Euratom) No 1543/73.

Article 3

1. The tax shall be payable each month on salaries, wages and emoluments paid by the Communities to each person liable.
2. However, monies and allowances, whether lump sums or not, which represent compensation for expenses incurred in the performance of official duties, shall be excluded from the basic taxable amount.
3. The family allowance and social benefits listed below shall be deducted from the basic taxable amount:
 - (a) family allowances:
 - household allowance,
 - dependent child's allowance,
 - education allowance,
 - allowance on the birth of a child;
 - (b) social assistance;
 - (c) allowances paid on account of occupational disease or accident;
 - (d) that part of any payment which represents family allowances.

The amount to be deducted shall be calculated, with due regard, where appropriate, to the provisions of Article 5.

4. Subject to the provisions of Article 5, an abatement of 10 % for occupational and personal expenses shall be made from the amount obtained by applying the preceding provisions.

An additional abatement equivalent to twice the amount of the allowance for a dependent child shall be made for each dependent child of the person liable as well as for each person treated as a dependent child within the meaning of Article 2 (4) of Annex VII to the Staff Regulations.

5. Deductions from remuneration of persons liable on account of pensions and retirement allowances or of social security shall be deducted from the basic taxable amount.

Article 4

The tax shall be calculated, subject to the provisions of Article 5, on the taxable amount obtained by

applying Article 3 and disregarding any amount not exceeding BFR 803 and by applying the rate of:

8	% to amounts between BFR	803 and 14 178
10	% to amounts between BFR	14 179 and 19 528
12.50	% to amounts between BFR	19 529 and 22 380
15	% to amounts between BFR	22 381 and 25 413
17.50	% to amounts between BFR	23 414 and 28 265
20	% to amounts between BFR	28 266 and 31 030
22.50	% to amounts between BFR	31 031 and 33 883
25	% to amounts between BFR	33 884 and 36 648
27.50	% to amounts between BFR	36 649 and 39 500
30	% to amounts between BFR	39 501 and 42 265
32.50	% to amounts between BFR	42 266 and 45 118
35	% to amounts between BFR	45 119 and 47 883
40	% to amounts between BFR	47 884 and 50 735
45	% to amounts above	BFR 50 735

Article 5

When salaries, wages and emoluments are subject to a corrective factor:

- the amount of each of the elements included in the calculation of the tax, except deductions made from the remuneration of persons liable on account of pensions, and retirement allowances or of social security, shall, for the application of this Regulation, be obtained by applying the corrective factor to the amount of this element as calculated before applying any corrective factor to the remuneration;
- the amount of abatements mentioned in Article 3 (4) shall be obtained by applying the corrective factor to the amount of the abatements as calculated before applying any corrective factor to the remuneration;
- the amounts of income shown in Article 4 shall be subject to the corrective factor.

(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.

These provisions shall also apply to payments made pursuant to Article 4 of Regulation (Euratom, ECSC, EEC) No 2530/72.

These provisions shall apply also to payments made pursuant to Article 5 of Regulation (ECSC, EEC, Euratom) No 1543/73.

2. The application of this Regulation shall not have the effect of reducing salaries, wages and emoluments of any kind paid by the Communities to an amount less than the minimum subsistence rate as defined in Article 6 of Annex VIII to the Staff Regulations of Officials of the Communities.

Article 6

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

(a) the sums paid

- as compensation for overtime,
- for work of a particularly arduous nature,
- for exceptional service,
- for patented inventions,
- under Articles 56a and 56b of the Staff Regulations of Officials,
- under Article 70a of the Staff Regulations,

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;

Article 7

When the taxable payment covers a period of less than one month, the rate of the tax shall be that which is applicable to the corresponding monthly payment.

When the taxable payment covers a period of more than one month the tax shall be calculated as if this payment had been spread evenly over the months to which it relates.

Corrective payments not related to the month during which they are paid shall be subject to the tax to which they would have been subject had they been made at the proper time.

Article 8

Tax shall be collected by means of deduction at source. The amount shall be rounded off at the lower unit.

Article 9

The tax proceeds shall be entered as revenue in the budgets of the Communities.

Article 10

The governing bodies of institutions of the Communities shall co-operate for the purpose of applying this Regulation in a uniform manner.

The Council, acting on a proposal from the Commission, shall adopt any provisions necessary for the application of this Regulation.

Article 11

This Regulation shall also apply:

- to members of the Commission;
- to Judges, Advocates-General, the Registrar and Assistant Rapporteurs at the Court of Justice,
- to members of the Audit Board.

Article 12

This Regulation shall apply to members of the organs of the European Investment Bank, and to members of

its staff and recipients of the pensions it pays, who are included in the categories determined by the Council in application of the first paragraph of the Article 16 of the Protocol on Privileges and Immunities, with regard to salaries, wages and emoluments and to disability, retirement and survivor's pensions paid by the Bank.

Article 13

The compensation and payments referred to in Article 12 of Regulation No 32 (EEC), 12 (EAEC)¹ shall be exempt from the tax.

Article 14

Regulation No 32 (EEC), 12 (EAEC) is hereby repealed.

Article 15

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

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

Done at Brussels, 29 February 1968.

For the Council

The President

M. COUVE de MURVILLE

¹ OJ No 45, 14.6.1962, p. 1461/62.

REGULATION (EURATOM, ECSC, EEC) No 549/69 OF THE COUNCIL

of 25 March 1969

determining the categories of officials and other servants of the European Communities to whom the provisions of Article 12, the second paragraph of Article 13 and Article 14 of the Protocol on the Privileges and Immunities of the Communities apply

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing a Single Council and a Single Commission of the European Communities, and in particular the first paragraph of Article 28 thereof;

Having regard to the Protocol of the Privileges and Immunities of the European Communities, and in particular Articles 16 and 22 thereof;

Having regard to the proposal from the Commission; Having regard to the Opinion of the European Parliament¹;

Having regard to the Opinion of the Court of Justice of the European Communities;

Whereas the privileges, immunities and facilities conferred on officials and other servants of the Communities by the Protocol on the Privileges and Immunities are granted solely in the interest of the Communities;

Whereas it is therefor important to ensure that officials and other servants, in view of their duties and responsibilities and of their particular situation, benefit from such privileges, immunities and facilities as are necessary for the proper functioning of the Communities;

HAS ADOPTED THIS REGULATION:

Article 1

The provisions of Article 12 of the Protocol on the Privileges and Immunities of the Communities shall apply to the following categories:

- (a) officials coming under the Staff Regulations of Officials of the Communities, with the exception of officials placed on non-active status, to whom only Article 12 (a) and, in respect of allowances paid by the Communities, Article 12 (c) shall apply;
- (b) staff coming under the Conditions of Employment of Other Servants of the Communities, with the exception of:
 1. local staff, to whom Article 12 (a) shall apply;
 2. part-time auxiliary staff, to whom only Article 12 (a) and (b) and, in respect of remuneration paid by the Communities, Article 12 (c) shall apply.

Article 2

The provisions of the second paragraph of Article 13 of the Protocol on the Privileges and Immunities of the Communities shall apply to the following categories:

- (a) persons coming under the Staff Regulations of Officials or the Conditions of Employment of Other Servants of the Communities, including those who receive the compensation provided for in the case of retirement in the interests of the service, with the exception of local staff;
- (b) persons receiving disability, retirement or survivor's pensions paid by the Communities;
- (c) persons receiving the compensation provided for in Article 5 of Regulation (EEC, Euratom, ECSC) No 259/68² in the case of termination of service;
- (d) those entitled to the allowance provided for in the event of termination of service under Article 3 of Regulation (Euratom, ECSC, EEC) No 2530/72;
- (e) those entitled to the allowance provided for in the event of termination of service under Article 4 of Regulation (Euratom, ECSC, EEC) No 2530/72;
- (f) those entitled to the allowance provided for in the event of termination of service under Articles 3 and 4 of Regulation (ECSC, EEC, Euratom) No 1543/73;
- (g) those entitled to the allowance provided for in the event of termination of service under Article 5 of Regulation (ECSC, EEC, Euratom) No 1543/73.

Article 3

The provisions of Article 14 of the Protocol on the Privileges and Immunities of the Communities shall apply to the following categories:

- (a) officials coming under the Staff Regulations of Officials of the Communities;
- (b) staff coming under the Conditions of Employment of Other Servants of the Communities, with the exception of local staff.

Article 4

Without prejudice to the provisions of the first paragraph of Article 22 of the Protocol on the Privileges and Immunities of the European Community concerning members of the organs of the European Investment Bank, the privileges and immunities provided for in Article 12, in the second paragraph of Article 13 and in Article 14 of the Protocol shall apply

¹ OJ No C 135, 14.12.1968, p. 31.

² OJ No L 56, 4.3.1968, p. 1

under the same conditions and within the same limits as those laid down in Articles 1, 2 and 3 of this Regulation to:

- staff of the European Investment Bank;
- persons receiving disability, retirement or survi-

vor's pensions paid by the European Investment Bank.

Article 5

Regulation No 8/63 Euratom, 127/63/EEC¹ is hereby repealed.

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

Done at Brussels, 25 March 1969.

For the Council
The President
G. THORN

¹ OJ No 181, 11.12.1963, p. 2880/63.

REGULATION (ECSC, EEC, EURATOM) No 1826/69 OF THE COUNCIL**of 15 September 1969****laying down the form of the 'laissez passer' to be issued to members and servants of the institutions****THE COUNCIL OF THE EUROPEAN COMMUNITIES**

Having regard to Article 7 (1) of the Protocol of the Privileges and Immunities of the European Communities annexed to the Treaty establishing a Single Council and a Single Commission of the European Communities;

Whereas Article 7 (1) of the Protocol on the Privileges and Immunities of the European Communities provides that the Council shall prescribe the form of the *laissez passer* which may be issued to members and servants of the institutions by the Presidents of those institutions;

Whereas a single form of *laissez passer* should be prescribed for all the institutions and whereas it is therefore appropriate to repeal Regulation No 2¹ of the Council of the European Economic Community and of the Council of the European Atomic Energy

Community establishing the form of the *laissez passer* issued to members of the European Parliament;

HAS ADOPTED THIS REGULATION:*Article 1*

The *laissez passer* issued to members and servants of the institutions shall be drawn up in the form laid down in the Annex to this Regulation.

Article 2

Regulation No 2 of the Council of the European Economic Community and of the Council of the European Atomic Energy Community of 1 July 1958 is hereby repealed.

However, the *laissez passer* issued pursuant to that Regulation shall remain valid until the issue of the *laissez passer* in accordance with this Regulation.

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

Done at Brussels, 15 September 1969.

For the Council
The President
H.J. DE KOSTER

¹ OJ No 17, 6.10.1958, p. 387/58 and p. 403/58.

COUNCIL REGULATION (EEC, EURATOM, ECSC) No 3288/80**of 4 December 1980****amending Regulation (ECSC, EEC, Euratom) No 1826/69 laying down the form of the 'laissez-passer' to be issued to members and servants of the institutions****THE COUNCIL OF THE EUROPEAN COMMUNITIES**

Having regard to Article 7 (1) of the Protocol of the Privileges and Immunities of the European Communities annexed to the Treaty establishing a Single Council and a Single Commission of the European Communities;

Whereas, pursuant to Regulation (ECSC, EEC, Euratom) No 1826/69¹, as amended by Regulation (ECSC, EEC, Euratom) No 950/73², the 'laissez-passer' issued to members and servants of the institutions are drawn up in six languages;

Whereas, following the enlargement of the European Communities, the 'laissez-passer' should be drawn up in seven languages; whereas it is therefore appropriate

to adapt the form of the 'laissez-passer' annexed to Regulation No 1826/69;

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (ECSC, EEC, Euratom) No 1826/69, in the version laid down by Regulation (ECSC, EEC, Euratom) No 950/73, is hereby replaced by the Annex to this Regulation.

Article 2

However, the 'laissez-passer' whose validity has not yet expired shall remain valid until the issue of the 'laissez-passer' in the form laid down by this Regulation.

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

Done at Brussels, 4 december 1980.

For the Council
The President
J. BARTHEL

¹ OJ No L 235, 18.9.1969, p. 1.

² OJ No L 98, 12.4.1973, p. 1.

BILAG — ANHANG — ΠΑΡΑΡΤΗΜΑ — ANNEX — ANNEXE — ALLEGATO — BIJLAGE

DE EUROPÆISKE FÆLLESSKABER
 EUROPÄISCHE GEMEINSCHAFTEN
 ΕΥΡΩΠΑΪΚΕΣ ΚΟΙΝΟΤΗΤΕΣ
 EUROPEAN COMMUNITIES
 COMMUNAUTÉS EUROPÉENNES
 COMUNITÀ EUROPEE
 EUROPESE GEMEENSCHAPPEN

PASSÉRSEDDEL
AUSWEIS
ΑΔΕΙΑ ΔΙΕΛΕΥΣΕΩΣ
LAISSEZ-PASSER
LAISSEZ-PASSER
LASCIAPASSARE
LAISSEZ-PASSER

Passérsedlen omfatter 22 sider

Der Ausweis enthält 22 Seiten

Ἡ ἄδεια διελεύσεως περιλαμβάνει 22 σελίδες

The laissez-passer contains 22 pages

Le laissez-passer contient 22 pages

Il lasciapassare è composto di 22 pagine

Het laissez-passer bevat 22 bladzijden

Denne passérseddel er udstedt i medfør af bestemmelserne i artikel 7, stk. 1, i protokollen vedrørende De europæiske Fællesskabers privilegier og immuniteter, der er knyttet til traktaten om oprettelse af et fælles Råd og en fælles Kommission for De europæiske Fællesskaber som bilag.

Indehaveren af denne passérseddel nyder de i denne protokol fastsatte privilegier og immuniteter.

Dieser Ausweis ist ausgestellt aufgrund des Artikels 7 Absatz 1 des dem Vertrag zur Einsetzung eines gemeinsamen Rates und einer gemeinsamen Kommission der Europäischen Gemeinschaften beigefügten Protokolls über die Vorrechte und Befreiungen der Europäischen Gemeinschaften.

Der Inhaber dieses Ausweises genießt die in diesem Protokoll vorgesehenen Vorrechte und Befreiungen.

Ἡ παρούσα ἄδεια διελεύσεως ἐκδίδεται δυνάμει τῶν διατάξεων τοῦ ἀρθροῦ 7 παράγραφος 1 τοῦ πρωτοκόλλου περί τῶν προνομίων καί ἀσυλιῶν τῶν Εὐρωπαϊκῶν Κοινοτήτων πού ἐπισυνάπτεται στή συνθήκη περί ἰδρύσεως ἐνιαίου Συμβουλίου καί ἐνιαίας Ἐπιτροπῆς τῶν Εὐρωπαϊκῶν Κοινοτήτων.

Ὁ δικαιούχος τῆς παρούσης ἀδείας διελεύσεως ἀπολαύει τῶν προνομίων καί ἀσυλιῶν πού προβλέπονται στό ἐν λόγω πρωτόκολλο.

This laissez-passer is issued pursuant to Article 7 (1) of the Protocol on the Privileges and Immunities of the European Communities annexed to the Treaty establishing a Single Council and a Single Commission of the European Communities.

The bearer of this laissez-passer shall enjoy the privileges and immunities provided for in that Protocol.

Le présent laissez-passer est délivré en vertu des dispositions de l'article 7 paragraphe 1 du protocole sur les privilèges et immunités des Communautés européennes annexé au traité instituant un Conseil unique et une Commission unique des Communautés européennes.

Le titulaire de ce laissez-passer jouit des privilèges et immunités prévus à ce protocole.

Il presente lasciapassare è rilasciato in virtù delle disposizioni dell'articolo 7, paragrafo 1, del protocollo sui privilegi e sulle immunità delle Comunità europee allegato al trattato che istituisce un Consiglio unico e una Commissione unica delle Comunità europee.

Il titolare del presente lasciapassare gode dei privilegi e delle immunità previste da tale protocollo.

Dit laissez-passer is afgegeven krachtens de bepalingen van artikel 7, lid 1, van het Protocol betreffende de voorrechten en immuniteiten van de Europese Gemeenschappen dat aan het Verdrag tot instelling van één Raad en één Commissie van de Europese Gemeenschappen is gehecht.

De houder van dit laissez-passer geniet de privileges en immuniteiten, voorzien in dit Protocol.

FORMANDEN/PRÆSIDENTEN (1)

anmoder alle myndigheder i De europæiske Fællesskabers medlemsstater om at lade indehaveren af denne passérseddel rejse uhindret og i påkommende tilfælde at yde ham hjælp og beskyttelse.

DER PRÄSIDENT (1)

bittet alle Behörden der Mitgliedstaaten der Europäischen Gemeinschaften, den Inhaber dieses Ausweises ungehindert reisen zu lassen und ihm erforderlichenfalls in jeder Weise Schutz und Hilfe zu gewähren.

Ο ΠΡΟΕΔΡΟΣ (1)

παρακαλεί όλες τις αρχές των Κρατών μελών των Ευρωπαϊκών Κοινοτήτων να επιτρέπουν την ελεύθερη κυκλοφορία του δικαιούχου της παρούσης άδειας διελεύσεως και να του παρέχουν, αν χρειασθεί, βοήθεια και προστασία.

THE PRESIDENT (1)

requests all authorities of Member States of the European Communities to allow the bearer to pass freely and to afford the bearer such assistance and protection as may be necessary.

LE PRÉSIDENT (1)

prie toutes les autorités des États membres des Communautés européennes de laisser circuler librement le titulaire du présent laissez-passer et de lui porter aide et protection en cas de besoin.

IL PRESIDENTE (1)

prega tutte le autorità degli Stati membri delle Comunità europee di lasciar liberamente circolare il titolare del presente lasciapassare e di prestargli, ove occorra, aiuto e protezione.

DE VOORZITTER (1)

verzoekt alle Overheden van de Lid-Staten van de Europese Gemeenschappen de houder van dit laissez-passer vrije doorgang te verlenen en hem zo nodig alle hulp en bijstand te verschaffen.

Navn og fornavn/Name und Vorname/Όνοματεπώνυμο/Name and forenames/Nom et prénoms/Cognome e nome/

Naam en voornamen:

Født den/Geboren am/Ημερομηνία γεννήσεως/Date of birth/Né le/Nato il/Geboren op:

i/in/εις/in/à/a/'te:

Nationalitet/Staatsangehörigkeit/Υπηκοότητα/Nationality/Nationalité/Nazionalità/Nationaliteit:

Stilling/Funktion/Επάγγελμα/Position held/Fonction/Funzione/Functie:

Adresse/Adresse/Διεύθυνση/Address/Adresse/Indirizzo/Adres:

(1) Angivelse af den pågældende institution.
Angabe der betreffenden Institution.
Όνομασία του όργανου.
Name of institution concerned.
Indication de l'institution concernée.
Indicazione dell'istituzione di cui si tratta.
Aanduiding van de betrokken Instelling.

**SIGNALEMENT / PERSONENBESCHREIBUNG / ΠΕΡΙΓΡΑΦΗ ΚΑΤΟΧΟΥ / DESCRIPTION
SIGNALEMENT / CONNOTATI / SIGNALEMENT**

Øjne / Augen / Ὄφθαλμοί / Eyes / Yeux / Occhi / Ogen:

Hår / Haare / Κόμη / Hair / Cheveux / Capelli / Haren:

Højde / Größe / Ἀνάστημα / Height / Taille / Statura / Lengte:

Særlige kendetegn / Besondere Kennzeichen / Ἰδιαιτέρα χαρακτηριστικά /
Special peculiarities / Signes particuliers / Segni particolari / Bijzondere kentekenen:

Indehaverens underskrift

Unterschrift des Inhabers

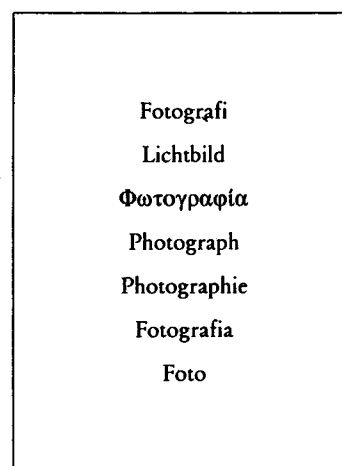
Ἵπογραφή κατόχου

Usual signature of bearer

Signature du titulaire

Firma del titolare

Handtekening van de houder



Denne passerseddel er gyldig i de områder, der er omhandlet i artikel 227, stk. 1 og 4, i traktaten om oprettelse af Det europæiske økonomiske Fællesskab, samt i de områder i tredjelande, med hvilke Kommissionen har indgået aftaler efter artikel 7, stk. 1, andet afsnit, i protokollen vedrørende De europæiske Fællesskabers privilegier og immuniteter.

Dieser Ausweis gilt für die Hoheitsgebiete, die in Artikel 227 Absätze 1 und 4 des Vertrages zur Gründung der Europäischen Wirtschaftsgemeinschaft genannt sind, sowie für das Hoheitsgebiet der dritten Staaten, mit denen die Kommission gemäß Artikel 7 Absatz 1 Unterabsatz 2 des Protokolls über die Vorrechte und Befreiungen der Europäischen Gemeinschaften Abkommen geschlossen hat.

Ἡ παρούσα ἄδεια διελεύσεως ἰσχύει γιὰ τὰ ἐδάφη πού προβλέπονται στὶς παραγράφους 1 καὶ 4 τοῦ ἀρθροῦ 227 τῆς συνθήκης περὶ ἰδρύσεως τῆς Εὐρωπαϊκῆς Οἰκονομικῆς Κοινότητος, καθὼς καὶ γιὰ τὰ ἐδάφη τῶν τρίτων χωρῶν, μὲ τίς ὁποῖες ἡ Ἐπιτροπὴ συνάπτει συμφωνίες, σύμφωνα μὲ τὸ ἀρθρο 7 παράγραφος 1 δεύτερο ἐδάφιο τοῦ πρωτοκόλλου περὶ τῶν προνομίων καὶ ἀσυλιῶν τῶν Εὐρωπαϊκῶν Κοινοτήτων.

This laissez-passer is valid for the territories referred to in Article 227 (1) and (4) of the Treaty establishing the European Economic Community and for the territory of the third countries with which the Commission has concluded agreements within the meaning of the second subparagraph of Article 7 (1) of the Protocol on the Privileges and Immunities of the European Communities.

Ce laissez-passer est valable pour les territoires visés aux paragraphes 1 et 4 de l'article 227 du traité instituant la Communauté économique européenne ainsi que pour le territoire des États tiers avec lesquels la Commission aura conclu des accords au sens de l'article 7 paragraphe 1 deuxième alinéa du protocole sur les privilèges et immunités des Communautés européennes.

Il presente lasciapassare è valido per i territori di cui all'articolo 227, paragrafi 1 e 4, del trattato che istituisce la Comunità economica europea, nonché per il territorio degli Stati terzi con i quali la Commissione avrà concluso accordi ai sensi dell'articolo 7, paragrafo 1, secondo comma, del protocollo sui privilegi e sulle immunità delle Comunità europee.

Dit laissez-passer is geldig voor de grondgebieden bedoeld in artikel 227, leden 1 en 4, van het Verdrag tot oprichting van de Europese Economische Gemeenschap alsmede voor het grondgebied van derde Staten waarmede de Commissie akkoorden zal hebben gesloten in de zin van artikel 7, lid 1, tweede alinea, van het Protocol betreffende de voorrechten en immuniteten van de Europese Gemeenschappen.

Denne passerseddels gyldighed udløber den / Dieser Ausweis wird ungültig am / 'Η παρούσα άδεια διελεύσεως λήγει τήν /
This laissez-passer expires on / Il expire le / Scade il / De geldigheid van dit laissez-passer eindigt op:

....., den/le/il

FORMANDEN/PRÆSIDENTEN	.....	(¹)
DER PRÄSIDENT	.....	(¹)
Ο ΠΡΟΕΔΡΟΣ	.....	(¹)
THE PRESIDENT	.....	(¹)
LE PRÉSIDENT	.....	(¹)
IL PRESIDENTE	.....	(¹)
DE VOORZITTER	.....	(¹)

Denne passerseddels gyldighed forlænges

Die Gültigkeit dieses Ausweises wird verlängert

'Η ισχύς τής παρούσης άδείας διελεύσεως παρατείνεται

The validity of this laissez-passer is extended

La validité du présent laissez-passer est prorogée

La validità del presente lasciapassare è prorogata

De geldigheidsduur van dit laissez-passer wordt verlengd

fra/vom/άπό τήν/from/du/dal/van

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FORMANDEN/PRÆSIDENTEN	(¹)
DER PRÄSIDENT	(¹)
Ο ΠΡΟΕΔΡΟΣ	(¹)
THE PRESIDENT	(¹)
LE PRÉSIDENT	(¹)
IL PRESIDENTE	.....	(¹)
DE VOORZITTER	.....	(¹)

Denne passerseddels gyldighed forlænges

Die Gültigkeit dieses Ausweises wird verlängert

'Η ισχύς τής παρούσης άδείας διελεύσεως παρατείνεται

The validity of this laissez-passer is extended

La validité du présent laissez-passer est prorogée

La validità del presente lasciapassare è prorogata

De geldigheidsduur van dit laissez-passer wordt verlengd

(¹) Angivelse af den pågældende institution.

Angabe der betreffenden Institution.

Όνομασία του όργανου.

Name of institution concerned.

Indication de l'institution concernée.

Indicazione dell'istituzione di cui si tratta.

Aanduiding van de betrokken Instelling.

fra/vom/ἀπό τήν/from/du/dal/van
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FORMANDEN/PRÆSIDENTEN (¹)
 DER PRÄSIDENT (¹)
 Ο ΠΡΟΕΔΡΟΣ (¹)
 THE PRESIDENT (¹)
 LE PRÉSIDENT (¹)
 IL PRESIDENTE (¹)
 DE VOORZITTER (¹)

Denne passerseddels gyldighed forlænges
 Die Gültigkeit dieses Ausweises wird verlängert
 Ἡ ἰσχὺς τῆς παρούσης ἀδείας διελεύσεως παρατείνεται
 The validity of this laissez-passer is extended
 La validité du présent laissez-passer est prorogée
 La validità del presente lasciapassare è prorogata
 De geldigheidsduur van dit laissez-passer wordt verlengd

fra/vom/ἀπό τήν/from/du/dal/van
 til/bis/μέχρι τίς/to/au/al/tot
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FORMANDEN/PRÆSIDENTEN (¹)
 DER PRÄSIDENT (¹)
 Ο ΠΡΟΕΔΡΟΣ (¹)
 THE PRESIDENT (¹)
 LE PRÉSIDENT (¹)
 IL PRESIDENTE (¹)
 DE VOORZITTER (¹)

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(¹) Angivelse af den pågældende institution.
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 Name of institution concerned.
 Indication de l'institution concernée.
 Indicazione dell'istituzione di cui si tratta.
 Aanduiding van de betrokken Instelling.

REGULATION (EEC) No 1799/72 OF THE COUNCIL

of 18 August 1972

determining the rates and conditions of the special allowances provided for in Article 100 of the Staff Regulations which may be granted to compensate for particularly arduous working conditions

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Staff Regulations of officials and the Conditions of Employment of other servants of the European Communities laid down in Regulation (EEC, Euratom, ECSC) No 259/68¹, as last amended by Regulation (EEC, Euratom, ECSC) No 1369/72², and in particular Article 100 of the Staff Regulations;

Having regard to the proposal from the Commission submitted after consulting the Staff Regulations Committee;

Whereas it is for the Council, acting on a proposal from the Commission, to determine the rates and conditions of the special allowances which may be granted to certain of the officials covered by Article 92 of the Staff Regulations to compensate for particularly arduous working conditions;

HAS ADOPTED THIS REGULATION:

Article 1

Special allowances determined in accordance with the following articles shall be granted to officials covered by Article 92 of the Staff Regulations who are called upon to do particularly arduous work.

Article 2

The allowances shall be expressed in points. A point shall be equal to 0.032 % of the basic salary of an official in Grade D 4, first step. Such allowances shall be adjusted by the weighting applicable to the remuneration of officials.

The allowances shall be paid monthly.

Article 3

1. The following table shows the special working conditions for which allowances may be granted and the number of points per hour of actual work:

Special working conditions	Number of points per hour of actual work for Categories A, B, C and D
<i>I. Safety of the individual:</i>	
(a) Wearing of particularly uncomfortable clothing for protection against fire, contamination, radiation or corrosive substances:	
1. Particularly heavy clothing	10
2. Self-contained protective suits against fire	50
3. Other self-contained protective suits	34
4. Protective clothing with self-contained breathing apparatus	25
5. Other protective clothing with breathing apparatus	20
(b) Partial protection:	
1. Self-contained breathing apparatus	16
2. Complete respirators	10
3. Anti-dust respirators	6
4. Other protective apparatus against toxic, asphyxiating, corrosive substances, etc.	2
5. Glove-box and telemanipulators	2

¹ OJ No L 56, 4.3.1968, p. 1

² OJ No L 149, 1.7.1972, p. 1.

Special working conditions	Number of points per hour of actual work for Categories A, B, C and D
<i>II. Place of work:</i>	
(a) Confined: Work in confined premises, without daylight, which are crossed by high-tension cables or by high-temperature piping and which are so cluttered up as to make it difficult to move about	2
(b) Noisy: Work in premises with an average sound volume exceeding 85 decibels	2
(c) Dangerous sites which necessitate the use of onerous protective appliances:	
1. Underground passages	2
2. Places where work is carried out at more than 6 metres from the ground involving exceptional risks	5
In these cases the allowance shall be granted by decision of the appointing authority after consulting, where appropriate, the Joint Committee.	
<i>III. Nature of work.</i>	
(a) Handling or working with certain substances in conditions which make the work arduous (see list in Annex)	2
(b) Work with explosives as a pyrotechnist	5

2. In order to make constant supervision possible, work carried out under the conditions laid down in paragraph 1 must be recorded promptly and in chronological order. This record shall give details of the work carried out with reference to the table above. The appointing authority shall lay down the procedure, for carrying out this supervision; where the number of hours of work in question can be taken as being the same every month the appointing authority may disregard the record.

Article 4

The allowances for work carried out under the conditions laid down in item I of the table in Article 3 may not be aggregated; this applies also to those allowances in items II and III of the table.

Moreover, the allowances for work carried out under the conditions laid down in items I and II of the table may not be aggregated. For the purposes of the preceding paragraphs, where several allowances would be due at the same time the highest one only shall be paid.

Article 5

Subject to application of Article 4 of Regulation (Euratom) No 1371/72¹ determining the special

allowances for certain services of a special nature, the allowances paid pursuant to this Regulation shall not exceed 1 500 points per month for each official.

Article 6

This Regulation shall apply by analogy to temporary, auxiliary and establishment staff.

Article 7

In April each year the Commission shall submit to the Council a report on:

- the number of officials and servants in each category, who have received the special allowances referred to in this Regulation, analysed according to the various installations of the Research Centre and on the number of hours worked under the various conditions set out in the table in Article 3,
- the total expenditure relating to these allowances.

Article 8

Regulation No 4/63/Euratom² shall be repealed on the day on which this Regulation enters into force.

¹ OJ No L 149, 1.7.1972, p. 4.

² OJ No L 112, 24.7.1963, p. 2005/63.

Article 9
This Regulation shall enter into force on the first day of the month following its publication in the *Official Journal of the European Communities*.

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

Done at Brussels, 18 August 1972.

For the Council
The President
T. WESTERTERP

REGULATION (Euratom, ECSC, EEC) No 2530/72 OF THE COUNCIL

of 4 December 1972

introducing special and temporary measures applicable to the recruitment of officials of the European Communities in consequence of the accession of new Member States, and for the termination of service of officials of those Communities

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing a Single Council and a Single Commission for the European Communities, and in particular Article 24 thereof;

Having regard to Council Regulation (Euratom, ECSC, EEC) No 259/68¹ of 29 February 1968 laying down the Staff Regulations of Officials and the Conditions of Employment of other Servants of the European Communities, and instituting special measures temporarily applicable to Officials of the Commission, as last amended by Regulation (EEC, Euratom, ECSC) No 1473/72², and in particular Article 2 thereof, and Articles 4, 27 and 29 of the Staff Regulations of the European Communities;

Having regard to the proposal from the Commission made after consulting the Staff Regulations Committee;

Having regard to the Opinion of the European Parliament;

Having regard to the Opinion of the Court of Justice; Whereas, in consequence of the accession of new Member States to the Communities, special measures concerning the Staff Regulations of the European Communities should be adopted on a temporary basis; whereas, as regards the personnel of the Commission, the application of those measures should be confined to officials paid out of credits under Title 1 of the section of the Budget relating to that institution;

HAS ADOPTED THIS REGULATION:

CHAPTER I

SPECIAL AND TEMPORARY MEASURES APPLICABLE TO THE RECRUITMENT OF OFFICIALS OF THE EUROPEAN COMMUNITIES IN CONSEQUENCE OF THE ACCESSION OF NEW MEMBER STATES

Article 1

1. Notwithstanding Articles 27 (3), 28 (d) and 29 of the Staff Regulations of Officials of the European Communities, provision may be made until 31 December 1973 for vacant posts to be filled by nationals of the new Member States up to the number of budgeted posts reserved for this purpose in the list of posts or made available by the application of measures for the termination of service provided for in this Regulation.

However, provision may be made during the same period and under the same conditions laid down in the preceding paragraph for vacant posts in Grades A 1 and A 2 to be filled by nationals of the original Member States. Except in the case of posts in grades A 1 and A 2,

adequate publicity shall be made of vacant posts both inside the Community institutions and outside.

2. Appointments to grades A 4, A 5, L/A 4, L/A 5, L/A 6, B 1, B 2, B 3 and C 1 shall be made after a competition organized in accordance with the provisions of Annex III of the Staff Members, or after the opinion of the Selection Committee(s). Article 3 of Annex III shall apply. The Selection Committee(s) shall present to the appointing authority the list of candidates whom they consider suitable.

Appointments to grades A 6, A 7, L/A 7, L/A 8, B 4, B 5 and C 2 - C 5 shall be made after a competition organized in accordance with the conditions laid down in Annex III to the Staff Regulations.

CHAPTER II

SPECIAL AND TEMPORARY MEASURES FOR THE TERMINATION OF SERVICE OF OFFICIALS OF THE EUROPEAN COMMUNITIES

Article 2

1. Until 30 June 1973, the Institutions of the European Communities are authorized, in the interests of the service and in order to meet requirements resulting from the accession to the European Communities of new Member States, to adopt for their officials in grades A 1 to A 5 inclusive measures terminating the service of officials, as provided for in Article 47 of the Staff Regulations, under the conditions provided for hereinafter.

The same conditions shall apply when the institution exercises in the interests of the service the option provided for in the second paragraph of Article 1 (1).

2. Where an institution intends to take the measures provided for in paragraph 1 in respect of officials of grades other than A 1 and A 2, it shall, without prejudice to paragraph 3, draw up a list of the officials to be affected by such measures in each grade, after consulting the Joint Committee, taking into account the official's ability, efficiency, conduct in the service, family circumstances and seniority.

An official whose name appears on such a list may opt for termination of service as provided for in paragraph 1 or for non-active status. If the latter, Article 41 (3), (4) and (5) of the Staff Regulations shall apply.

An official who proposes to opt for non-active status shall declare his choice within two months from the date on which he was informed that his name appeared on the list provided for in the first subparagraph; in default, he shall forgo the right to opt.

3. If the interests of the service permit, the institution shall take into account the requests of officials that their service be terminated under paragraph 1.

¹ OJ No 56, 4.3.1968, p. 1.

² OJ No L 160, 16.7.1972, p. 1

However, requests made by officials over 60 years for the termination of their service shall be granted automatically.

4. The measures provided for in paragraph 1 and 2 are in no way disciplinary.

5. Until 30 June 1973, but without prejudice to paragraph 2, the institution shall take no decision placing an official on non-active status or retiring an official in the interests of the service.

Article 3

1. An official affected by the measures provided for in Article 2 (1) shall be entitled:

- (a) for a period of a year, to a monthly allowance equal to his last remuneration, and
- (b) for a period fixed in accordance with the table in paragraph 2, to a monthly allowance equal to:

Age	%	Age	%	Age	%	Age	%	Age	%
20	18	30	33	40	48	50	63	60	78
21	19.5	31	34.5	41	49.5	51	64.5	61	79.5
22	21	32	36	42	51	52	66	62	81
23	22.5	33	37.5	43	52.5	53	67.5	63	82.5
24	24	34	39	44	54	54	69		
25	25.5	35	40.5	45	55.5	55	70.5		
26	27	36	42	46	57	56	72		
27	28.5	37	43.5	47	58.5	57	73.5		
28	30	38	45	48	60	58	75		
29	31.5	39	46.5	49	61.5	59	76.5		

3. The allowance provided for in paragraph 1 shall be weighted, in accordance with the second paragraph of Article 82 (1) of the Staff Regulations, for the Community country where the recipient provides proof of residence.

If the recipient of that allowance resides outside the Community countries the weighting to be applied to the allowance shall be that valid for Belgium.

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

The allowance paid in a currency other than Belgian francs shall be calculated on the basis of the par values specified in the second paragraph of Article 63 of the Staff Regulations. (1)

4. The income accruing to the official concerned from any new employment during this period shall be deducted from the allowance provided for in paragraph 1, in so far as that income plus that allowance exceeds the total remuneration last received by the official in the performance of his duties. That remuneration shall be weighted as provided for in paragraph 3.

The official concerned shall provide any written proof which may be required and shall notify the

— 80 % of his basic salary for the 30 following months;

— 70 % of his basic salary thereafter.

Entitlement to that allowance shall cease not later than the day on which the official reaches the age of 65. Where the official is entitled to the maximum pension before the age of 65, he may continue to receive the allowance until the end of the month in which he attained the age of 65. The basic salary to be taken into account when fixing the allowances provided for under this paragraph is that applicable on the first day of the month for which the allowance is payable.

2. In order to determine on the basis of the official's age the period during which he shall receive the allowance provided for in paragraph 1 (b), the coefficient fixed in the following table shall be applied to the length of his service, including continuous service as a member of the temporary or auxiliary staff.

institution of any factor which may affect his right to payment.

5. All family allowances shall remain payable where the official receives the allowance provided for in paragraph 1. Article 67 (2) of the Staff Regulations shall apply.

6. During the period for which he is entitled to receive that allowance, the official shall be entitled, in respect of himself and persons covered by his insurance, to benefits under the sickness insurance scheme laid down in Article 72 of the Staff Regulations, provided he pays the contribution calculated on the basis of the basic salary attaching to his grade and step and is not covered against sickness by another scheme. At the end of the period during which the official is entitled to the allowance, his contribution shall be calculated on the basis of the last monthly allowance he receives.

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

7. During the period for which he is entitled to receive the allowance the official shall continue to acquire further rights to retirement pension based on the salary attaching to his grade and step, provided that

¹ Regulation (Euratom, ECSC, EEC) No 3085/78 OJ No L 369, 29.12.1978, p. 6.

he pays the contributions provided for in the Staff Regulations during that period and provided that the total pension does not exceed the maximum amount laid down in Article 77, second subparagraph of the Staff Regulations. For the purposes of Article 5 of Annex VIII to the Staff Regulations and Article 108 of the general Regulations of the ECSC, such period shall be considered to be a period of service.

An official falling within the provisions of Article 1 (2) shall receive a retirement pension amounting to 35 % of his basic salary, if, under the provisions of the Staff Regulations and this Regulation, his pension is more than 30 % but less than 35 %; where his pension under the provisions of the Staff Regulations and this Regulation is more than 20 % but less than 30 %, it shall be increased by 15 %.

If the official is reinstated in an institution of the European Communities and thus acquires further pension rights he shall cease during this further period of service to benefit from the provisions provided for in the first subparagraph above. However, for that part of the period referred to in the first subparagraph which is not yet completed at the time of reinstatement, the official may request that both his contribution to the pension scheme and his pension rights be calculated on the basic salary attaching to the grade and step reached in his previous post.

For the purposes of Article 77 of the Staff Regulations an official receiving the allowance provided for in paragraph 1 shall be treated as an official removed from his post in the interests of the service.

An official who, at the time of termination of service, has served a minimum of 10 years and who is no longer entitled to the allowance provided for in Article 3 may, on attaining the age of 55, claim immediate payment of his retirement pension, without any reduction thereof being made under Article 9 of Annex VIII to the Staff Regulations.

In fixing the amount of the survivor's pension, to which the widow of an official who has died during such period is entitled, the provisions of the second subparagraph of Article 79 of the Staff Regulations shall apply.

8. If, in application of these provisions, the official is entitled to receive a pension before the age of 60, he shall be entitled, for each dependent child within the meaning of Article 2 of Annex VII to the Staff Regulations, to the dependent child allowance.

9. In order to receive the resettlement allowance the official shall not be required to satisfy the condition of length of service referred to in the first subparagraph of Article 6 (1) of Annex VII to the Staff Regulations.

10. For the purposes of Article 107 of the Staff Regulations and of Article 102 (2) of the Staff Regulations of Officials of the European Coal and Steel Community, an official affected by measures provided for in Article 4 (1) shall be treated as an official to whom the provisions of Articles 41 and 50 of the Staff Regulations have been applied.

Article 4

1. An official affected by the measures provided for in Article 2 (1) who has not completed 15 years' service may renounce irrevocably his pension rights. In this case he shall receive a payment fixed under the conditions laid down in Article 12 of Annex VIII to the Staff Regulations. The provisions of Article 5 (7) and (8) and Article 7 of this Regulation shall not apply to him.

For the purposes of Article 12 (c) of Annex VIII to the Staff Regulations, the actual length of service shall include the period in which the official is entitled to the grant provided for in Article 5 and the extended period allowed him, where appropriate, in accordance with Article 5 (10).

2. An official who proposes to opt for application of the provisions provided for in paragraph 1 must declare his choice within six months from the date of notification of the measure referred to in Article 4 (1); in default, he shall forgo the right to opt.

Any sums which may have been paid by way of pension prior to the application of the provisions of this Article shall be deducted from the payment provided for in paragraph 1.

Article 5

1. The officials referred to in the last subparagraph of Article 2 of Regulation (EEC, Euratom, ECSC) No 259/68 of the Council and in Article 102 (5) of the Staff Regulations, with the exception of those who before 1 January 1962 held Grade A 1 or A 2 posts under the Staff Regulations of the European Coal and Steel Community, to whom the measures provided for in Article 4 (1) are applied, may request that their remuneration be determined in accordance with the provisions of Article 34 of the Staff Regulations of the European Coal and Steel Community and Article 50 of the Rules and Regulations of the European Coal and Steel Community.

2. Officials who before 1 January 1962 held Grade A 1 or A 2 posts under the Staff Regulations of the European Coal and Steel Community, to whom the measures provided for in Article 4 (1) are applied, may request that their remuneration be determined in accordance with the provisions of Article 42 of the Staff Regulations of the European Coal and Steel Community.

3. However, the provisions of Articles 3 (3), (5), (6) and the fifth subparagraph of (7) and (8) of this Regulation shall continue to apply to the officials referred to in this article.

CHAPTER III

GENERAL AND FINAL PROVISIONS

Article 6

The provisions of this Regulation shall, as regards the personnel of the Commission of the European

Communities, apply only to officials paid out of credits entered under Title I of the section of the Budget of the European Communities relating to that institution.

Article 7

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

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

Done at Brussels, 4 December 1972.

For the Council
The President
N. SCHMELZER

REGULATION (ECSC, EEC, EURATOM) No 1543/73 OF THE COUNCIL

of 4 June 1973

**introducing special measures temporarily applicable to officials of the European Communities
paid from research and investment funds**

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing a Single Council and a Single Commission of the European Communities, and in particular Article 24 thereof;

Having regard to the Proposal from the Commission, submitted after consulting the Staff Regulations Committee;

Having regard to the Opinion of the European Parliament;

Having regard to the Proposal from the Commission submitted after consulting the Staff Regulations Committee;

Having regard to the Opinion of the European Parliament;

Having regard to the Opinion of the Court of Justice; Whereas in Regulation (Euratom, ECSC, EEC) No 2530/72¹, the Council adopted special temporary measures concerning the Staff Regulations of officials of the European Communities, affecting only such officials as are paid out of credits under Title I of the Section of the Budget relating to the Commission; whereas certain special measures temporarily applicable to officials paid from research and investment funds should also be adopted;

Whereas special provision must be made to enable officials affected by such measures to overcome the serious financial difficulties resulting from loss of employment and to transfer to other duties as smoothly as possible;

HAS ADOPTED THIS REGULATION:

CHAPTER I

SPECIAL AND TEMPORARY MEASURES APPLICABLE TO THE RECRUITMENT OF OFFICIALS OF THE EUROPEAN COMMUNITIES IN CONSEQUENCE OF THE ACCESSION OF NEW MEMBER STATES

Article 1

1. Notwithstanding the second and third subparagraphs of Article 27, Article 28 (*d*) and Article 29 of the Staff Regulations of Officials of the European Communities, provision may be made until 30 June 1974 for vacant posts in grades A 1 and A 2 paid from research and investment funds to be filled by nationals of the new Member States up to the number of budgeted posts reserved for this purpose in the list of posts or made available by the application of measures

for the termination of service provided for in this Regulation.

During the same period, notwithstanding the third subparagraph of Article 27 of the Staff Regulations of Officials of the European Communities, provision may be made for vacant posts in grades other than A 1 and A 2 paid from research and investment funds to be filled by nationals of the new Member States up to the number of budgeted posts reserved for this purpose in the list of posts or made available by the application of measures for the termination of service provided for in this Regulation.

2. However, provision may be made, during the same period and under the same conditions laid down in paragraph 1, for vacant posts in Grades A 1 to A 2 to be filled by nationals of the original Member States.

CHAPTER II

SPECIAL AND TEMPORARY MEASURES FOR THE TERMINATION OF SERVICE OF OFFICIALS OF THE EUROPEAN COMMUNITIES

Article 2

1. In order to deal with exceptional problems arising from the adoption of research programmes involving a reduction in the number of posts provided in the plan of staff paid from European Atomic Energy Community research and investment funds, and problems arising from the accession of new Member States to the European Communities, the Commission is hereby authorized until 31 December 1973 and within the limit of the number of posts affected, to take measures to terminate the service, within the meaning of Article 47 of the Staff Regulations, of those of its officials who are paid from research and investment funds, under the conditions laid down below.

In exceptional cases, when the needs of the service so require, this provision may be applied up to 30 June 1974.

The same conditions shall apply when, in the interests of the service, the Commission exercises the option provided for in Article 1 (2).

2. The Commission shall determine which posts are to be affected by the measures provided for in paragraph 1.

The Commission shall draw up a list of officials according to grade, affected by these measures after consulting the Joint Committee, which shall accord a hearing to the official when he so requests. It shall take into account the interests of the service and take into consideration the official's age, ability, efficiency, conduct in the service, family circumstances and seniority.

¹ OJ No L 272, 5.12.1972, p. 1.

Notwithstanding Article 4 (2 and 3), and Articles 29 and 45 (2) of the Staff Regulations, an official whom the Commission intends to include in the abovementioned list and who has not asked for his employment to be terminated may, at his own request, be appointed to a vacant post of a corresponding grade that is not paid for from research and investment funds, provided always that he possesses the necessary qualifications for such a post. Following such appointment, the special provisions relating to scientific or technical officials of the Communities shall no longer apply to the official concerned.

The Commission shall, where the interest of the service so permits, accord priority treatment to applications from officials who request termination of service under paragraph 1. When such an application is rejected, the rejection must indicate the reasons and be communicated in writing to the person concerned.

However, requests made by officials of 60 years of age or more for the termination of their service shall be granted automatically by the Commission.

3. An official other than those in Grade A 1 or A 2, whose name appears on the list provided for in paragraph 2 must opt either for the application of Article 3 or Article 4 within two months from the date on which he was informed that his name had been entered on the list. The appointing authority shall apply Article 3 where an official has not communicated his choice within this time limit.

4. An official other than those in Grade A 1 or A 2, whose name appears on the list provided for in paragraph 2 may opt either for termination of service as laid down in paragraph 1 or for non-active status. If the latter, Article 41 (3), (4) and (5) of the Staff Regulations shall apply. An official who proposes to opt for non-active status shall declare his choice within two months from the date on which he was informed that his name had been entered on the list; in default, he shall forgo the right to opt.

5. The measures provided for in paragraph 1 are in no way disciplinary.

6. Up to 30 June 1974, and without prejudice to paragraph 4, the Commission shall not take any decision in respect of officials to whom this Regulation applies, to place on non-active status or to retire such official in the interests of the service under the conditions laid down in Articles 41 and 50 respectively of the Staff Regulations.

Article 3

1. An official whose service is terminated pursuant to Article 2 (1) shall be entitled:

- (a) for a period of one year, to a monthly allowance equal to his last remuneration,
- (b) for a period fixed in accordance with the table in paragraph 2, to a monthly allowance equal to:
 - 80% of his basic salary, for the 30 following months;
 - 70% of his basic salary thereafter.

Entitlement to that allowance shall cease not later than the day on which the official reaches the age of 65. Where the official is entitled to the maximum pension before the age of 65, he may continue to receive the allowance until the end of the month in which he attained the age of 65. The basic salary to be taken into account when fixing the allowances provided for under this paragraph is that applicable on the first day of the month for which the allowance is payable.

2. In order to determine on the basis of the official's age the period during which he shall receive the allowance provided for in paragraph 1 (b), the coefficient fixed in the following table shall be applied to the length of his service, including continuous service as a member of the temporary or auxiliary staff; this period is rounded off, where appropriate, to the earlier month.

Age	%	Age	%	Age	%	Age	%	Age	%
20	18	30	33	40	48	50	63	60	78
21	19.5	31	34.5	41	49.5	51	64.5	61	79.5
22	21	32	36	42	51	52	66	62	81
23	22.5	33	37.5	43	52.5	53	67.5	63	82.5
24	24	34	39	44	54	54	69		
25	25.5	35	40.5	45	55.5	55	70.5		
26	27	36	42	46	57	56	72		
27	28.5	37	43.5	47	58.5	57	73.5		
28	30	38	45	48	60	58	75		
29	31.5	39	46.5	49	61.5	59	76.5		

3. The allowance provided for in paragraph 1 shall be weighted, in accordance with the second subparagraph of Article 82 (1) of the Staff Regulations, for the Community country where the recipient provides proof of residence.

If the recipient of that allowance resides outside the Community countries the weighting to be applied to the

allowance shall be that valid for Belgium.

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

Allowances paid in a currency other than Belgian francs shall be calculated at the exchange rate specified

in the second subparagraph of Article 63 of the Staff Regulations⁽¹⁾.

4. The income accruing to the official concerned from any new employment during the period specified in paragraph 1 (b) above shall be deducted from the allowance provided for during that period, in so far as that income plus that allowance exceeds the total remuneration last received by the official calculated on the basis of the salary scale in force on the first day of the month for which the allowance is payable. That remuneration shall be weighted as provided for in paragraph 3.

The official concerned shall provide any written proof which may be required and shall notify the Commission of any factor which may alter his right to payment.

5. All family allowances shall remain payable where the official receives the allowance provided for in paragraph 1. Article 67 (2) of the Staff Regulations shall apply.

6. The official shall be entitled, in respect of himself and persons covered by his insurance, to social security benefits under the scheme laid down in Article 72 of the Staff Regulations, provided he pays the contribution calculated on the basis of the basic salary attaching to his grade and step or that proportion of it specified in paragraph 1 and he is not covered against the same risks by another public scheme. At the end of the period during which the official is entitled to the allowance, his contribution shall be calculated on the basis of the last monthly allowance he receives.

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

7. During the period for which he is entitled to receive the allowance the official shall continue to acquire further rights to retirement pension based on the salary attaching to his grade and step, provided that he pays the contributions provided for in the Staff Regulations during that period and provided that the total pension does not exceed the maximum amount laid down in the second subparagraph of Article 77 of the Staff Regulations. For the purposes of Article 5 of Annex VIII to the Staff Regulations and Article 108 of the former general Regulations of the ECSC such period shall be considered to be a period of service.

An official falling within the provisions of Article 2 (1) shall receive a retirement pension amounting to 35 % of his basic salary, if, under the provisions of the Staff Regulations and this Regulation, his pension is more than 30 % but less than 35 %; where his pension under the provisions of the Staff Regulations and this Regulation is more than 20 % but less than 30 %, it shall be increased by 15 %.

If the official is reinstated in an institution of the European Communities and thus acquires further pension rights, he shall cease during this further period of service to benefit from the provisions provided for in

the first subparagraph above. However, for that part of the period referred to in the first subparagraph which is not yet completed at the time of reinstatement, the official may request that both his contribution to the pension scheme and his pension rights be calculated on the basis of the basic salary attaching to the grade and step reached in his previous post.

For the purposes of Article 77 of the Staff Regulations an official receiving the allowance provided for in paragraph 1 shall be treated as an official removed from his post in the interests of the service.

An official who, at the time of termination of service, has served a minimum of 10 years and who is no longer entitled to the allowance provided for in paragraph 1 may, on attaining the age of 55, claim immediate payment of his retirement pension, without any reduction thereof being made under Article 9 of Annex VIII of the Staff Regulations.

In fixing the amount of the survivor's pension, to which the widow of an official who has died during such period is entitled, the provisions of the second subparagraph of Article 79 to the Staff Regulations shall apply *mutatis mutandis*.

8. If, in application of these provisions, the official is entitled to receive a pension before the age of 60, he shall be entitled to the family allowances provided for in Article 67 of the Staff Regulations.

9. In order to receive the resettlement allowance the official shall not be required to satisfy the condition of length of service laid down in the first subparagraph of Article 6 (1) of Annex VII to the Staff Regulations.

10. For the purposes of Article 107 of the Staff Regulations and of Article 102 (2) of the Staff Regulations of Officials of the European Coal and Steel Community, an official affected by measures provided for in Article 2 (1) shall be treated as an official to whom the provisions of Articles 41 and 50 of the Staff Regulations have been applied.

Article 4

An official below the age of 55 on the day of his termination of service, and entitled to the allowance provided for in Article 3 (1) (b) during a period of at least 18 months, who can prove regular attendance at re-adaptation or retraining lectures or courses approved by the Commission may request that the allowance paid him under the first indent of Article 3 (1) (b) shall be equal to 100 % of his basic salary while he is attending such lectures or courses during a period not exceeding the first 12 months of the period referred to in Article 3 (1) (b).

However, where an amount paid in this way exceeds the amount resulting from the application of the first indent of Article 3 (1) (b), the excess shall be recovered either by means of a proportional reduction in the rate of the allowance, or by means of a refund from the official concerned.

Article 5

1. An official affected by the measures provided for in Article 2 (1) who has not completed 15 years' service may renounce irrevocably his pension rights. In this

⁽¹⁾ Regulation (Euratom, ECSC, EEC) No 3085/78 OJ No L 369, 29.12.1978, p. 6.

case he shall receive a grant fixed under the conditions laid down in Article 12 of Annex VIII to the Staff Regulations. The provisions of Article 3 (7) and (8) and Article 6 of this Regulation shall not apply to him.

For the purposes of Article 12 (c) of Annex VIII to the Staff Regulations, the actual length of service shall include the period in which the official is entitled to the grant provided for in Articles 3 and 4 and, where appropriate, the extended period allowed him in accordance with Article 3 (10).

2. An official who proposes to opt for application of the provisions provided for in paragraph 1 must declare his choice within six months from the date of notification of the measure referred to in Article 2 (1); in default, he shall forgo the right to opt.

Any sums which may have been paid by way of pension to the application of the provisions of this Article shall be deducted from the grant provided for in paragraph 1.

Article 6

1. The officials referred to in the last subparagraph of Article 2 of Regulation (EEC, Euratom, ECSC) No 259/68¹ and in Article 102 (5) of the Staff Regulations, with the exception of those who before 1 January 1962 held Grade A 1 or A 2 posts under the Staff Regulations of the European Coal and Steel Community, to whom the measures provided for in Article 2 (1) are supplied,

may request that their remuneration be determined in accordance with the provisions of Article 34 of the Staff Regulations of the European Coal and Steel Community and Article 50 of the Rules and Regulations of the European Coal and Steel Community.

2. Officials who before 1 January 1962 held Grade A 1 or A 2 posts under the Staff Regulations of the European Coal and Steel Community, to whom the termination of service arrangements provided for in Article 2 (1) are applied, may request that their remuneration be determined in accordance with the provisions of Article 42 of the Staff Regulations of the European Coal and Steel Community.

3. However, paragraphs 3, 5 and 6, the 5th subparagraph of paragraph 7 and paragraph 8 of Article 2 shall continue to apply to the officials referred to in this Article.

CHAPTER III FINAL PROVISION

Article 7

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

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

Done at Luxembourg, 4 June 1973.

For the Council
The President
R. VAN ELSLANDE

¹ OJ No L 56, 4.3.1968, p. 1.

COUNCIL REGULATION (ECSC, EEC, Euratom) No 300/76

of 9 February 1976

determining the categories of officials entitled to allowances for shiftwork, and the rates and conditions thereof

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to Council Regulation (EEC, Euratom, ECSC) No 259/68 laying down the Staff Regulations of officials and conditions of employment of other servants of the European Communities¹, as last amended by Regulation (Euratom, ECSC, EEC) No 3085/78², and in particular the second paragraph of Article 56a of the Staff Regulations,

Having regard to the proposal from the Commission submitted after consulting the Staff Regulations Committee;

Whereas it is for the Council, acting on a proposal from the Commission submitted after consulting the Staff Regulations Committee, to determine the categories of officials entitled to allowances for shiftwork, and the rates and conditions thereof;

HAS ADOPTED THIS REGULATION:

*Article 1*³⁴⁵⁶

1. An official paid from research and investment appropriations and employed in an establishment of the Joint Research Centre or in indirect action, or paid from operating appropriations and employed in a computer centre, a security department or a telex service, who is engaged in shiftwork within the meaning of Article 56a of the Staff Regulations, shall be entitled to an allowance of:

- BFR 5802 — where the department operates on a two-shift basis, excluding Saturdays, Sundays and public holidays;
- BFR 9574 — where the department operates on a round-the-clock basis, excluding Saturdays, Sundays and public holidays;
- BFR 13055 — where the department operates on a continuous basis.

The allowance shall be adjusted by the weighting applicable to the official's salary.

2. Where shiftwork does not continue throughout the month, one thirtieth of the said allowance shall be

paid for each day on which shifts are worked. However, no allowance shall be paid if the number of days of shiftwork is fewer than three per month.

3. An official who can show that for a period not exceeding one month he was prevented from doing shiftwork on grounds of illness, accident, shutdown, leave for attendance at training courses or annual leave, shall retain his entitlement to the allowance. If the period during which he is prevented from doing shiftwork extends to more than one month, his entitlement to the allowance shall be suspended at the end of that month until he resumes work.

Article 2

An official who is entitled to payment of the allowance provided for in Article 1 may receive the allowances for particularly arduous work provided for in Article 100 of the Staff Regulations only up to a maximum of 600 points, to be determined in accordance with Regulation (Euratom) No 1799/72⁷.

Article 3

This Regulation shall apply *mutatis mutandis* to temporary, auxiliary and establishment staff.

Article 4

Articles 1 and 4, second paragraph, of Council Regulation (Euratom) No 1371/72 of 27 June 1972 determining the rates and the conditions of the special allowances which may be granted to officials or servants who are paid from appropriations in the Research and Investment budget and employed in an establishment of the Joint Research Centre or on indirect action for services of a special nature⁸, are repealed.

Article 5

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

It shall apply from 1 February 1976.

This Regulation shall be binding in its entirety and directly applicable in all Member States.
Done at Brussels, 9 February 1976.

For the Council

The President

G. THORN

¹ OJ No L 56, 4.3.1968, p. 1.

² OJ No L 369, 29.12.1978, p. 6.

³ Amended by regulation No 3084/78 (OJ No L 369, 29.12.1978, p. 1).

⁴ Amended by regulation No 2764/79 (OJ No L 315, 11.12.1979, p. 1).

⁵ Amended by regulation No 161/80 (OJ No L 20, 26.1.1980, p. 10).

⁶ Amended by regulation No 397/81 (OJ No L 46, 19.2.1981, p. 1).

⁷ OJ No L 192, 22.8.1972, p. 1.

⁸ OJ No L 149, 1.7.1972, p. 4.

COUNCIL REGULATION (EEC, Euratom, ECSC) No 495/77

of 8 March 1977

determining the categories of officials entitled to, and the conditions for and rates of, allowances for regular stand-by duty

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Staff Regulations of officials and the conditions of employment of other servants of the European Communities laid down in Regulation (EEC, Euratom, ECSC) No 259/68¹, as last amended by Regulation (ECSC, EEC, Euratom) No 3178/76², and in particular the second paragraph of Article 56b of the Staff Regulations;

Having regard to the proposal from the Commission; Whereas it is for the Council, acting on a proposal from the Commission, to determine the categories of officials entitled to and the conditions for and rates of, allowances which may be granted to officials who are regularly required to carry out stand-by duty at the place of employment or at home outside normal working hours;

HAS ADOPTED THIS REGULATION:

Article 1

1. Officials paid from appropriations in the research and investment budget and employed in an establishment of the Joint Research Centre or on indirect action, or paid from appropriations in the operating budget and employed to run or supervise technical installations or to work in the medical service, shall be entitled to an allowance when they are regularly required to carry out stand-by duty in accordance with Article 56b of the Staff Regulations.

The allowance shall be determined as follows:

- (a) the allowance shall be expressed in points. A point shall be equal to 0.032 % of the basic salary of an official in Grade D 4, step 1. The allowance shall be adjusted by the weighting applicable to the official's remuneration;
- (b) the number of points per hour of actual stand-by duty shall be:
 - for stand-by duty at the place of employment: 11 for working days and 22 for Saturdays, Sundays and public holidays;
 - for stand-by duty at home: 2.15 for working days and 43 for Saturdays, Sundays and public holidays.

2. No allowance shall be granted for stand-by duty at home if the actual period of duty does not amount to at least 14 hours.

3. An official who can show that for a period not exceeding one month he was prevented from doing stand-by duty at the place of employment as a result of illness or accident, or because he was on annual leave, shall retain his entitlement to the allowance. If he is prevented from doing stand-by duty for more than one month owing to sickness or accident, his entitlement to the allowance shall be suspended at the end of the first month until he resumes work.

For the period referred to in the previous subparagraph, the official shall be entitled to an allowance of 42 points for each day of absence due to sickness or accident for which he has a medical certificate, or for each day of annual leave.

Article 2

This Regulation shall apply by analogy to temporary, auxiliary and establishment staff.

Article 3

In April each year, the Commission shall submit to the Council a report on the number of officials and servants in each category who have received the allowance referred to in this Regulation.

Article 4

Council Regulation (Euratom) No 1371/72 of 27 June 1972 determining the rates and conditions of the special allowances which may be granted to officials or servants who are paid from appropriations in the research and investment budget and employed in an establishment of the Joint Research Centre or on indirect action, for certain services of a special nature³, is hereby repealed.

Article 5

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

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

Done in Brussels, 8 March 1977.

For the Council
The President
D. OWEN

¹ OJ No L 56, 4.3.1968, p. 1.

² OJ No L 359, 30.12.1976, p. 9.

³ OJ No L 149, 1.7.1972, p. 4.

IV

**Rules drawn up by agreement between
the Institutions of the European Communities
and applicable to Officials and other Servants
of the European Communities**



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LIST OF STATUTORY PUBLIC HOLIDAYS OF OFFICIALS OF THE EUROPEAN COMMUNITIES

THE INSTITUTION¹,

Having regard to Regulation No 11 (Euratom), No 31 (EEC) of the Councils laying down the Staff Regulations of officials and the conditions of employment of other servants of the European Atomic Energy Community and the European Economic Community², and the Committee of Presidents of the European Coal and Steel Community laying down the Staff Regulations of officials and the conditions of employment of other servants of the Community and in particular Article 61 of these Staff Regulations;

Having regard to the opinion of the Provisional Staff Regulations Committee;

Having regard to the consensus of the institutions of the European Communities;

HAS ADOPTED THIS REGULATION:

Article 1

1. The following shall be public holidays:
- | | |
|------------------------------------|-----------|
| New Year's Day | 1 January |
| Easter Monday | |
| Labour Day | 1 May |
| The anniversary of the declaration | |

made by President Robert Schuman
in 1950

9 May

Ascension

Whit Monday

Assumption

15 August

All Saints' Day

1 November

All Souls' Day

2 November

Christmas Day

25 December

and the national holidays of the countries in which officials are employed.

2. The following may be public holidays:

Good Friday

Easter Saturday

Christmas Eve

24 December

Boxing Day

26 December

The afternoon of New Year's Eve

31 December

3. By special decision the Institution may derogate from the rules laid down in paragraphs 1 and 2.

Article 2

These provisions shall take effect on 1 October 1966.

¹ Each institution of the Communities has adopted for itself the following rules.

² OJ No 45, 14.6.1962, p. 1385/62.

PROCEDURE FOR APPOINTING MEMBERS OF THE STAFF REGULATIONS COMMITTEE

THE INSTITUTION¹,

Having regard to the Staff Regulations of Officials of the European Communities, and in particular Article 10 thereof;

Having regard to the common accord of the institutions of the European Communities;

HAS DECIDED:

Article 1

1. The Staff Regulations Committee, provided for in Article 10 of the Staff Regulations and hereinafter called the Committee, shall consist of eighteen members namely,

- one member nominated by the European Parliament
- one member nominated by the Council
- one member nominated by the Commission
- one member nominated by the Court of Justice
- one member nominated by the Economic and Social Committee
- one member nominated by the Court of Auditors.
- one member nominated by the Staff Committee of the European Parliament
- one member nominated by the Staff Committee of the Council
- four members nominated by the Staff Committee of the Commission
- one member nominated by the Staff Committee of the Court of Justice

- one member nominated by the Staff Committee of the Court of Auditors.
- one member nominated by the Staff Committee of the Economic and Social Committee.

2. Every full member may be represented at a meeting of the Committee by a deputy member. The deputies shall be nominated under the same conditions as the full members.

3. The Committee members may be represented by experts having an advisory capacity.

Article 2

The meeting of the Committee shall be valid if more than half of the full members are present or represented by their deputies.

The Committee shall act by a majority of ten votes. Minutes of the meetings of the Committee shall be communicated to the appropriate bodies. Each member may request his opinion to be entered in the Minutes.

If the meeting of the Committee duly convened is not valid, a second meeting shall be called. This must be done within the normal time except in a case of obvious urgency. If the quorum is not reached at this new meeting, this fact shall be entered in the Minutes, which the Chairman of the Committee shall bring to the notice of the appropriate bodies.

Article 3

The Committee shall adopt its rules of procedure.

¹ Each institution of the Communities has adopted for itself the following rules.

RULES LAYING DOWN CONDITIONS FOR THE REIMBURSEMENT OF TRAVEL EXPENSES IN RESPECT OF MISSIONS CARRIED OUT UNDER PARTICULARLY TIRING CONDITIONS

THE INSTITUTION¹,

Having regard to Council Regulation (EEC, Euratom, ECSC) No 259/68 of 29 February 1968 laying down Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Communities and instituting special measures temporarily applicable to Officials of the Commission² as last amended by Regulation (ECSC, EEC, Euratom) No 558/73³, and the third subparagraph of Article 12 (2) of Annex VII to the Staff Regulations;

Having regard to the Opinion of the Staff Regulations Committee;

Having regard to the common agreement of the Institutions of the European Communities, recorded by the President of the Court of Justice of the European Communities on 16 July 1974;

Whereas in accordance with the third subparagraph of Article 12 (2) of Annex VII to the Staff Regulations, rules laying down conditions for the reimbursement of travel expenses in respect of missions carried out under particularly tiring conditions should be laid down;

HAS ADOPTED THE FOLLOWING RULES:

Article 1

Officials may, subject to the conditions defined below, be authorized by the appointing authority to travel luxury class or first-class by air when travelling on mission under particularly tiring conditions.

Article 2

Flights of at least 9 hours' duration, including intermediate stops, the actual flying time being at least 7 hours, shall be considered to be journeys made under particularly tiring conditions.

The duration of the flight and of the flying time shall be calculated on the basis of official timetables, from

the hour of departure until that of arrival of the aircraft making the flight.

The following, which do not satisfy the requirements set out in the first and second paragraphs, may also be considered as travel under particularly tiring conditions:

- a) travel by an official suffering from a physical handicap giving rise to particular difficulties in the case of air travel, attested by the institution's medical officer;
- b) travel to a destination outside Europe where the official has to visit several places or to undertake a series of missions of a repetitive nature, the total flying time being at least 12 hours in any one period of 72 hours;
- c) travel outside Europe where the official is entrusted by his institution with entertainment obligations;
- d) in exceptional circumstances, and by explicit decision of the appointing authority, travel to a destination within Europe involving entertainment obligations or carried out under particularly arduous conditions.

Article 3

The application for authorization to travel luxury class or first class must, save in exceptional circumstances, be made by the official before travel documents are made out.

The appointing authority shall decide whether to reimburse the cost of luxury class or first-class travel on production of tickets.

Reimbursement of the cost of luxury class or first class travel may be authorized by way of exception where, for reasons beyond the official's control, it has not been possible to obtain a flight ticket in the class immediately below luxury class or first class.

Article 4⁴

This Regulation shall enter into force on 1 August 1974.

¹ Each institution of the Communities has adopted for itself the following rules.

² OJ No L 56, 4.3.1968, p. 1.

³ OJ No L 55, 28.2.1973, p. 1.

⁴ See the agreement between the institutions of the European Communities of 27 June 1980.

RULES ON SICKNESS INSURANCE FOR OFFICIALS OF THE EUROPEAN COMMUNITIES

THE INSTITUTION¹,

Having regard to the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Communities as laid down in Regulation (EEC, Euratom, ECSC) No 259/68² and last amended by Regulation (EEC, Euratom, ECSC) No 3085/78³ and in particular Article 72 of the said Staff Regulations and Article 28 of the said Conditions of Employment;

Having regard to the Council Regulation No 422/67/EEC, 5/67/Euratom⁴ of 25 July 1967 determining the emoluments of the President and Members of the Commission and of the President, Judges, Advocates-General and Registrar of the Court of Justice, as last amended by Regulation (ECSC, EEC, Euratom) No 1546/73⁵;

Having regard to Council Regulation (Euratom, ECSC, EEC) No 2530/72⁶ of 4 December 1972 introducing special and temporary measures applicable to the recruitment of officials of the European Communities in consequence of the accession of new Member States, and for the termination of service of officials of those Communities;

Having regard to Council Regulation (ECSC, EEC, Euratom) No 1543/73⁷ of 4 June 1973 introducing special measures temporarily applicable to officials of the European Communities paid from research and investment funds;

Having regard to the Opinion of the Staff Regulations Committee;

Having regard to the Opinion of the Management Committee for Sickness Insurance;

Having regard to the agreement reached between the institutions of the European Communities⁸;

Whereas it is essential, in the light of experience, to revise certain provisions of the Rules on Sickness Insurance for Officials of the European Communities and to adjust the maximum reimbursement of medical expenses to take account of changes in such expenses;

HAS ADOPTED THESE RULES⁹:

CHAPTER I

GENERAL PROVISIONS

Article 1

Object

A Sickness Insurance Scheme common to the institutions of the European Communities is hereby set up. Within the limits and under the conditions set forth in these Rules and the Annexes thereto the Scheme will guarantee to persons covered by it the reimbursement of expenses incurred as a result of illness, accident or confinement and the payment of an allowance towards funeral expenses.

The Scheme shall apply to its members and persons covered by their insurance.

Article 2

Members

The following shall be members:

1. officials of the Communities, subject to Article 4(1) to (4) these Rules;
2. persons who fulfil the conditions set out in Article 72 (1a), (2) and (2a) of the Staff Regulations;
3. subject to Article 4 (5) of these Rules, former officials whose service has been terminated pursuant to Article 4 (1) of Regulation (EEC, Euratom, ECSC) No 259/68 during the period of entitlement to the allowance provided for in Articles 5 and 7 of that Regulation;
4. former officials whose service has been terminated pursuant to Article 2 (1) of Regulation (Euratom, ECSC, EEC) No 2530/72, subject to Article 4 (6) of these Rules;
5. former officials whose service has been terminated pursuant to Article 2 (1) of Regulation (ECSC, EEC, Euratom) No 1543/73, subject to Article 4 (7) of these Rules;
6. temporary staff of the Communities, subject to Article 4 (8) and Article 7 of these Rules;
7. former temporary staff entitled to an invalidity pension, persons entitled to a survivor's pension following the death of a member of the temporary staff, and former temporary staff referred to in the third paragraph of Article 28 of the Conditions of Employment of Other Servants of the Communities;
8. the President, Vice-Presidents and Members of the Commission of the European Communities, the President, Judges, Advocates-General and Registrar of the Court of Justice of the European Communities and the President and Members of the Court of Auditors of the European Communities;
9. former Presidents, Vice-Presidents, and Members of the High Authority of the European Coal and Steel Community, of the Commissions of the European Economic Community and the European Atomic Energy Community and the

¹ The institutions of the European Community have passed the regulation at the following dates:

— Parliament: on 17 October 1974

— Council: on 18 November 1974

— Commission: on 26 September 1974

— Court of Justice: on 19 September 1974

— Economic and Social Committee: on 10 October 1974

² OJ L 56 of 4.3.1968, p. 1.

³ OJ L 369 of 29.12.1978, p. 6.

⁴ OJ L 187 of 8.8.1967, p. 1.

⁵ OJ L 155 of 11.6.1973, p. 8.

⁶ OJ L 272 of 5.12.1972, p. 1.

⁷ OJ L 155 of 11.6.1973, p. 1.

⁸ General agreement of the institutions of the Community was confirmed by the President of the Court of Justice on 31 October 1974.

⁹ Last amended by general agreement of the institutions of the Community, confirmed by the President of the Court of Justice on 11 January 1980.

- sion of the European Communities, and former Presidents, Judges, Advocates-General and Registrars of the Court of Justice of the European Coal and Steel Community and of the European Communities entitled to the transitional allowance provided for in the Regulation determining their emoluments, subject to Article 4 (9) of these Rules;
10. former Presidents, Vice-Presidents and Members of the High Authority of the European Coal and Steel Community, of the Commissions of the European Economic Community and the European Communities, and former Presidents, Judges, Advocates-General and Registrars of the Court of Justice of the European Coal and Steel Community and of the European Communities entitled to a retirement or invalidity pension, subject to Article 4 (10) of these Rules;
 11. persons entitled to a survivor's pension following the death of one of the persons referred to under 8, 9 and 10.

Article 3

Persons covered by members' insurance

The persons covered by a member's insurance shall be:

1. the spouse, unless he or she is a member of the Scheme, provided that:
 - he or she is not gainfully employed; or
 - if he or she is gainfully employed, he or she is covered by a public scheme of sickness insurance and his or her annual income from such employment does not exceed BFR 500 000 before tax;
2. dependent children within the meaning of Article 2 (2) of Annex VII to the Staff Regulations;
3. persons treated as dependent children of the member pursuant to Article 2 (4) of Annex VII to the Staff Regulations, provided that such persons cannot obtain cover under any other public scheme of sickness insurance.

Article 4

Members and insured persons — special conditions

1. An official on unpaid secondment under Article 39 (e) of the Staff Regulations shall be a member until he is required to resign, provided he makes a monthly payment equal to three times his contribution calculated by reference to the basic salary specified in Article 39 (d) of the Staff Regulations.
2. An official having non-active status under Article 41 of the Staff Regulations shall be a member until he is required to resign, provided he pays his contribution calculated by reference to the basic salary or proportion thereof specified in Annex IV to the Staff Regulations, and cannot obtain cover against the same risks under any other public scheme of sickness insurance.
3. An official on leave for military service under Article 42 of the Staff Regulations shall not be a member; however, persons covered by his insurance shall remain insured under the Scheme as provided below:

(a) in the case referred to in the second paragraph of Article 42, without the official having to pay contributions;

(b) in the case referred to in the third paragraph of Article 42, provided that the official pays his contribution calculated by reference to the basic salary carried by his step and grade.

4. The contribution of an official who forfeits his remuneration under Article 60 or Article 88 of the Staff Regulations shall be calculated by reference to the basic salary carried by his step and grade.

5. A former official as referred to in Article 2 point 3 shall be a member provided he pays his contribution calculated by reference to the basic salary carried by his step and grade, and cannot obtain cover against the same risks under any other public scheme of sickness insurance.

6. A former official as referred to in Article 2 point 4 shall be a member provided he pays his contribution, calculated by reference to the basic salary or proportion thereof specified in Article 3 (1) of Council Regulation (Euratom, ECSC, EEC) No 2530/72, and cannot obtain cover against the same risks under any other public scheme of sickness insurance. After entitlement to the allowance has ceased, his contribution shall be calculated by reference to the last monthly allowance received.

7. A former official as referred to in Article 2 point 5 shall be a member provided he pays his contribution, calculated by reference to the basic salary or proportion thereof specified in Article 3 (1) of Regulation (ECSC, EEC, Euratom) No 1543/73, and cannot obtain cover against the same risks under any other public scheme of sickness insurance. After entitlement to the allowance has ceased, the contribution shall be calculated by reference to the last allowance received.

8. A member of the temporary staff who has been called to serve in the armed forces but whose employment has not been terminated in accordance with Article 48 of the Conditions of Employment of Other Servants of the Communities shall not be a member; however, persons covered by his insurance shall remain insured under the Scheme provided the staff member pays his contribution, calculated by reference to the basic salary carried by his step and grade.

9. Former Presidents, Vice-Presidents and Members of the High Authority of the European Coal and Steel Community, of the Commissions of the European Economic Community and the European Atomic Energy Community and of the European Communities, and former Presidents, Judges, Advocates-General and Registrars of the Court of Justice of the European Coal and Steel Community and of the European Communities, shall be members while they are entitled to the transitional allowance provided for in the Regulation determining their emoluments, provided they pay their contribution, calculated by reference to the basic allowance, and cannot obtain cover against the same risks under any other public scheme of sickness insurance.

10. Former Presidents, Vice-Presidents and Members of the High Authority of the European Coal and Steel Community, of the Commissions of the European Economic Community and the European Atomic Energy Community and of the European Communities, and former Presidents, Judges, Advocates General and Registrars of the Court of Justice of the European Coal and Steel Community and of the European Communities, who are entitled to a retirement or invalidity pension shall be members, provided they pay their contribution, calculated by reference to their basic pension, and cannot obtain cover against the same risks under any other public scheme of sickness insurance.

Article 5

Compulsory membership of another sickness insurance scheme

Where an official or member of the temporary staff is employed in a country in which he is required by law to join a compulsory scheme of sickness insurance, the contributions due under that scheme shall be paid in full from the budget of the institution to which the person concerned belongs. In this event, Article 6 shall apply.

Article 6

Application of Article 72 (4) of the Staff Regulations

1. Where a member or a person covered by his insurance may claim reimbursement of expenses incurred under any other compulsory sickness insurance, the member shall:

- (a) notify the office responsible for settling claims;
- (b) in the first instance apply, or have the person concerned apply, for reimbursement under the other scheme;
- (c) attach to any application for reimbursement made under this Scheme a statement, together with supporting documents, of reimbursements which the member or the person covered by his insurance has obtained under the other scheme.

2. Where the total which a member or a person covered by his insurance would receive by way of reimbursement exceeds the sum of the reimbursements provided for under this Scheme, the difference shall be deducted from the amount to be reimbursed under this Scheme, with the exception of reimbursements obtained under a private supplementary sickness insurance scheme covering that part of the expenditure which is not reimbursable by this Scheme.

Article 7

Non-reimbursement of certain expenses

1. Where, as a result of the medical examination on recruitment, it is decided, in accordance with the second paragraph of Article 28 of the Conditions of Employment of other Servants, that a member of the temporary staff shall not be entitled to reimbursement of certain expenses, the result of the medical examination shall be forwarded to the medical officer of the office responsible for settling claims; he shall inform the office of any treatment in respect of which expenses incurred shall not be reimbursable.

2. Upon expiry of a period of two years from the date on which the member of the temporary staff was engaged, the authority empowered to conclude contracts of employment on behalf of the institution to which the person concerned belongs may raise the restriction imposed if it is the opinion of the medical officer of the institution that the sickness or invalidity has not reappeared or given rise to unusual sequelae in the course of the said period.

Article 8

Special reimbursements

1. When the expenses incurred are for treatment of the member or of a person covered by his insurance in a country where the cost of medical treatment is particularly high and the portion of expenses not reimbursed by the scheme places a heavy financial burden on the member, special reimbursement may be granted by decision of the appointing authority of the institution to which the member belongs on the basis of the opinion of the medical officer of the office responsible for settling claims who shall assess the cost of medical treatment.

2. When the non-reimbursed portion of the expenses covered by the scales annexed to these Rules which are incurred by a member in respect of himself and in respect of persons covered by his insurance exceeds during any twelve-month period half the average basic monthly salary or pension or, in the case of the members referred to in Article 2 points 3, 4, 5 and 9, half the average allowance received during the said period, the special reimbursement provided for in Article 72 (3) of the Staff Regulations shall be determined as follows:

The non-reimbursed portion of the actual expenses which is in excess of half the average basic monthly salary, pension or allowance shall be reimbursed at the following rates:

- 90 % in the case of a member by whose insurance no other person is covered;
- 100 % in other cases.

The office responsible for settling claims shall deliver an opinion on the application for special reimbursement on the basis of general criteria adopted by the Manager Committee after consulting the Medical Council for determining whether the expenses incurred are excessive. The appointing authority shall take its decision in the light of the Opinion of the office responsible for settling claims.

Article 9

Free choice of practitioner and hospital or clinic

1. Persons covered by this Scheme shall be free to choose their practitioners and hospitals or clinics.

2. The institutions shall, wherever possible, take steps to negotiate with the representatives of the medical profession and/or the competent authorities, associations and establishments agreements specifying the rates for both medical treatment and hospitalization applicable to persons covered by this Scheme, account being taken of local conditions and, where appropriate, the scales already in force.

*Article 10***Allowance towards funeral expenses**

The following persons shall be entitled to an allowance towards funeral expenses, as provided for in Annex I:

- (a) in the event of the death of a person covered by his insurance or of a still birth: the member;
- (b) in the event of the death of a member: the spouse, the children or, where there are no such persons, any other person who proves that he has borne the funeral expenses.

*Article 11***Procedures**

1. Application for prior authorization.

Where, pursuant to these Rules, reimbursement of expenses is subject to prior authorization, the decision shall be taken by the appointing authority or by the office responsible for settling claims designated by the appointing authority in accordance with the following procedure:

- (a) The application for prior authorization, together with a prescription and/or an estimate made out by the attending practitioner, shall be submitted by the member to the office responsible for settling claims, which shall refer the matter to its medical officer if need be. In the latter case, the medical officer shall transmit his Opinion to the office responsible for settling claims within two weeks.
- (b) The office responsible for settling claims shall take a decision on the application if it has been appointed to do so or shall transmit its decision and, where applicable, that of the medical officer to the appointing authority for a decision. The member shall be informed of the decision forthwith.

2. Application for reimbursement.

Application shall be made to the office responsible for settling claims on standard forms accompanied by supporting documents.

*Article 12***Subrogation of rights**

Where an accident or illness is caused by a third party, the rights of action of the person concerned or of those entitled under him against the third party shall, within the limits of their obligations under these Rules, vest in the Communities.

*Article 13***Loss of entitlement**

1. Where the member has not applied for reimbursement of expenses incurred by him or by a person covered by his insurance during the calendar year following that in which treatment was administered, he shall cease to be entitled to reimbursement save where *force majeure* is duly established.
2. Application for the special reimbursement referred to in Article 8 (2) shall be made within twenty-four months of the date on which the expenses last incurred in respect of treatment within the twelve-month period in question were reimbursed.

*Article 14***Recovery of undue payment**

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

*Article 15***Fraud**

Notwithstanding Article 14, a member who fraudulently obtains or attempts to obtain benefits for himself or for a person covered by his insurance shall automatically cease to be entitled to such benefits and shall be liable to disciplinary action.

*Article 16***Appeals**

1. Any person to whom these Rules apply shall be entitled to resort to the appeal procedure provided for in Articles 90 and 91 of the Staff Regulations.

2. Before taking a decision regarding a complaint submitted under Article 90 (2) of the Staff Regulations, the appointing authority shall consult the Management Committee.

The Management Committee may instruct its chairman to make further investigations. Where the point at issue is of a medical nature, the Management Committee may seek expert medical advice before giving its Opinion. The cost of the expert opinion shall be borne by the Scheme.

The Management Committee shall give its Opinion within two months of the request being received. The Opinion shall be transmitted simultaneously to the appointing authority and to the person concerned.

Should the Management Committee fail to deliver an Opinion within the period prescribed above, the appointing authority may take its decision.

CHAPTER II

ORGANIZATION OF THE SCHEME*Article 17***Organs**

The Scheme shall operate through a Management Committee, a Central Office, offices responsible for settling claims and a Medical Council.

*Article 18***Management Committee**

1. The Management Committee shall be composed of the following sixteen full members:
 - four representatives of the Commission of the European Communities, appointed by the appointing authority;
 - one representative of each of the other institutions, appointed in each case by the relevant appointing authority;
 - four representatives of the staff of the Commission, appointed by its Central Staff Committee;

— one representative of the staff of each of the other institutions, appointed in each case by the relevant Staff Committee.

2. Sixteen alternate members shall be appointed in the same manner as provided for in paragraph 1.

3. The term of office of the full and alternate members shall be two years. It shall be renewable.

4. Each member, or in his absence an alternate member, shall be entitled to vote.

5. The Management Committee shall adopt its rules of procedure by a two-third majority of the members who are entitled to vote.

The rules of procedure shall include provisions concerning:

- the election of the chairman;
- the organization, convening and frequency of the meetings;
- the appointment, if need be, of a Committee to prepare its meetings.

6. The Management Committee shall:

- (a) ensure that these Rules are applied consistently and put to the institutions any relevant suggestion or recommendation;
- (b) examine the financial position of this Scheme and, following such examination, transmit to the institutions any communication or proposal deemed necessary;
- (c) make a detailed annual report on the financial position of this Scheme and forward it to the institutions and their Staff Committee before 1 July;
- (d) where necessary, propose or recommend to the institutions any provisions required for applying these Rules and any measure required for the satisfactory operation of this Scheme, and make proposals as to the amount of the fund required for day-to-day transactions by the offices responsible for settling claims;
- (e) deliver Opinions as provided for in these Rules;
- (f) deliver its Opinion, where appropriate, on any matter arising directly or indirectly from the application of the provisions of the Staff Regulations concerning sickness insurance;
- (g) deliver its Opinion on the level of contributions and benefits, in particular where there is an appreciable change in the cost of medical treatment.

Article 19

Central Office

1. The Central Office shall be attached to the Commission.

It shall:

- (a) coordinate and monitor the work of the offices responsible for settling claims;
- (b) ensure that the rules concerning the payment of benefits are consistently applied;
- (c) provide secretarial services for the Management Committee;

- (d) carry out any statistical survey or analysis required for the satisfactory operation of this Scheme so as to give the Management Committee an accurate view of the extent, distribution and trend of the risks insured against and enable it to deliver Opinions as provided for in Article 18 (6) (g).

Article 20

Offices responsible for settling claims

1. Offices responsible for settling claims shall be opened or closed down by the Commission wherever it considers this to be necessary, taking into account in particular the places where officials are employed.

An office responsible for settling claims may be opened or closed down in any other institution only with the consent of that institution and after the Management Committee has been consulted.

2. A medical officer shall be attached to each office responsible for settling claims and shall perform the tasks specified in these Rules.

The function of medical officer to offices responsible for settling claims is incompatible with that of medical officer of an institution.

3. Each office responsible for settling claims shall:

- (a) accept and process applications for reimbursement of expenses submitted by members registered with it and make the relevant payments;
- (b) as provided for, in these Rules and where matters of a medical nature connected with the payment of benefits are raised by the Management Committee or by the Central Office, consult its medical officer, who may, if need be, consult the medical officer of the institution concerned;
- (c) examine applications for prior authorization and take the necessary action;
- (d) deliver opinions as provided for in these Rules;
- (e) provide secretarial services for its medical officer.

Article 21

Registration

1. Persons covered by this Scheme shall be registered with the Central Office and with one of the offices responsible for settling claims.

2. Persons covered by this Scheme who reside in a country in which no office responsible for settling claims has been opened shall be registered with an office designated by the Central Office.

Persons covered by these Scheme who reside in a country in which no office responsible for settling claims had been opened shall be registered with an office designated by the Central Office.

Article 22

Medical Council

The Management Committee shall be assisted by a Medical Council composed of a medical officer from each institution and the medical officer from each office responsible for settling claims.

The Medical Council may be consulted by the Management Committee concerning any matter of a

*Article 21***Registration**

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*Article 22***Medical Council**

The Management Committee shall be assisted by a Medical Council composed of a medical officer from each institution and the medical officer from each office responsible for settling claims.

The Medical Council may be consulted by the Management Committee concerning any matter of a medical nature which arises in connection with this Scheme. It shall meet at the request of the Management Committee and shall deliver its Opinion within such time as may be specified.

CHAPTER III
FINANCIAL PROVISIONS

*Article 23***Contributions**

1. The institutions shall each month, not later than eight days after the payment of remunerations and pensions, or allowances in the case of members referred to in Article 2, points 3, 4, 5 and 9, pay to the Commission their own contributions of members.

2. The contribution of institutions and members shall be 3 % and 1.5 % respectively of the basic salaries set out in Article 66 of the staff regulations or of the basic pensions or allowances referred to in paragraph 1.

*Article 24***Authorization and checking**

Payments to be made by the offices responsible for settling claims shall be authorized and checked by the Commission in accordance with the provisions of the Financial Regulation applicable to the general budget of the European Communities.

*Article 25***Special account**

The Commission shall record in a special non-budgetary account entitled 'Sickness Insurance Scheme of the European Communities':

- contributions paid, showing the total received for each institution in subsidiary accounts,
- total payments made showing in the said accounts the amounts paid in respect of each type of

treatment, in conformity with an accounting schedule prepared by the Commission after consulting the Management Committee.

*Article 26***Quarterly figures**

1. Not later than thirty days after the end of each quarter the Commission shall compile in respect of each institution statistics showing running totals of income and expenditure for the quarter and for the preceding financial year or years compiled from information supplied by the Management Committee.

2. The quarterly figures, showing the accounting position for each of the offices responsible for settling claims, shall be transmitted by the Commission to the Management Committee and to the other institutions not later than six weeks after the end of each quarter.

*Article 27***Financial balance**

The cost of benefits provided under this Scheme must be balanced by contributions from institutions and members over a three-year period.

*Article 28***Deficit**

1. Where the accounting position shows, in respect of all the institutions taken together, a deficit which leaves the Scheme out of balance financially, it shall be covered out of the surpluses referred to in Article 29.

2. Should the surpluses be insufficient to cover the deficit, the Management Committee shall immediately refer the matter to the institutions, which shall, after consulting the Staff Regulations Committee, determine what measures are to be taken to balance the accounts.

*Article 29***Surpluses**

1. Where the accounting position of the offices responsible for settling claims shows a surplus, the Commission may enter the surplus in a special non-budgetary account entitled 'Surpluses of the Sickness Insurance Scheme of the European Communities'.

The surpluses shall be available to cover any increase in the risks covered.

2. After consulting the Management Committee, the Commission shall invest the surpluses on the best terms available, subject to the cash requirements of the offices responsible for settling claims.

Every six months the Commission shall inform the other institutions and the Management Committee of the total amounts invested and the terms of the investments.

Interest received on the investments shall be credited to the special account referred to in Article 25.

3. Where the surpluses arising over a period of three years reach 20 % of the arithmetic mean of the running total of expenditure during that period, the institutions

shall, after consulting the Management Committee and the Staff Regulations Committee, consider whether the institutions' and members' contributions should be reduced.

4. The total surpluses of the offices responsible for settling claims shall be entered on the liabilities side of the Commission's financial statement under the heading 'Sickness Insurance Scheme of the European Communities'.

CHAPTER IV
FINAL PROVISIONS

Article 30

Amendment

1. These Rules may be amended in accordance with Article 72 (1) of the Staff Regulations upon a proposal from an institution or a Staff Committee.

2. The Management Committee shall deliver an Opinion on any proposal to amend the Rules.

Article 31

The Rules on Sickness Insurance for Officials of the European Communities which entered into force on 1 January 1967, and were last amended with effect from 1 September 1973 are hereby repealed.

Article 32

These rules shall enter into force on the first day of the month following that in which the agreement between the institutions provided for in Article 72 (1) of the Staff Regulations is recorded by the President of the Court of Justice of the European Communities.

They shall have effect from 1 January 1974, except for Annex 1 Section IV (1) which shall have effect from 1 March 1973.

ANNEX 1

RULES GOVERNING THE REIMBURSEMENT OF MEDICAL EXPENSES

Medical expenses shall be reimbursed subject to the limits and conditions hereinafter specified.

I. SURGERY VISITS AND HOME CALLS

Fees for surgery visits and home calls shall be reimbursed at the rate of 80 %, subject to a maximum limit of:

1. General practitioners

Visit to the doctor's consulting room	BFR 442
Call at the patient's home:	BFR 460
Calls at night, on Sundays and on public holidays, emergency calls, as defined by local custom:	BFR 784

2. Specialists

Visit to the doctor's consulting room:	BFR 696
Call at the patient's home:	BFR 768
Calls at night, on Sundays and on public holidays, emergency calls, as defined by local custom:	BFR 1 240

3. Physiological examination carried out as part of medical treatment

BFR 2400

Where doctors are authorized to make charges, in addition to their fees, for the distance they have to travel to patient's homes, or where a person covered by this Scheme is obliged to call in a doctor living outside his place of employment or residence or the place where he is staying, the travelling expenses shall be reimbursed up to 80 % of the expenses incurred, the limit being 20 km for the return journey.

II. SURGICAL OPERATIONS

These expenses shall be reimbursed at the rate of 80 %, the maximum reimbursement for each operation being:

Category AA	BFR 8775
Category AB	BFR 17550
Category B	BFR 20040
Category C	BFR 36290
Category D	BFR 75780

Annex 2 contains a classified list of surgical operations.

Surgical expenses shall include surgical fees only; 80 % of the expenses incurred for anaesthesia, the use of the operating theatre or plaster room, dressings and other expenses in respect of any general care pertaining to all surgical operations listed shall be reimbursed up to the limit specified for each item; the expenses for anaesthesia are, however, included in the maximum reimbursement for Categories AA and AB.

III. HOSPITALIZATION

The costs of a stay in hospital shall, in the case of a surgical operation or medical treatment, be reimbursed at the rate of 80 %, subject to a maximum limit of BFR 2750 per day.

The costs of a stay shall comprise the costs of board and service, plus taxes.

The surgical operation expenses, as specified in Section II, the expenses incurred for the use of the operating theatre, plaster room, dressings and other expenses in respect of any general care pertaining to the surgical operation, medical fees for visits and calls, laboratory analyses and tests, X-rays, medicines and other diagnostic or therapeutic services shall be reimbursed separately, in conformity with the provisions for the reimbursement of each of these categories of expenses. If at a hospital centre the all-in charge for a day in hospital comprises the cost of the stay as defined in the second paragraph and all or part of the expenses listed above, reimbursement shall be at the rate of 80 %.

By way of exception and after consultation with the medical officer of the office responsible for settling claims, where, in view of his age and the nature of his illness, a person covered by the scheme is accompanied in hospital on the practitioner's prescription by a member of his family, the cost of the latter's stay may be reimbursed at a flat rate of BFR 800 per day.

IV. SPECIAL CASES

1. In cases of tuberculosis, poliomyelitis, cancer, mental illness and other illnesses recognized by the appointing authority as of comparable seriousness, the expenses incurred shall be reimbursed at the rate of 100 %.

However, reimbursements in any one of such cases for services referred to in point VI, paragraph 2, point X and point XI, paragraph 1 (a) and (b), may not exceed an amount equal to twice the maximum amount provided for therein.

Applications for such recognition shall be made to the office responsible for settling claims; they shall be accompanied by a report from the practitioner treating the person concerned.

The appointing authority, or the office responsible for settling claims if the requisite powers have been delegated to it by the said authority, shall take its decision after consulting the Medical Officer of that office, whose opinion shall be based on general criteria drawn up by the Medical Council.

2. In the case of a very serious surgical operation or hospitalization for the treatment of protracted illness, the expenses incurred shall be reimbursed at the rate of 80 %, after the medical officer of the office responsible for settling claims has been consulted.

V. PHARMACEUTICAL PRODUCTS

The cost of pharmaceutical products prescribed by the practitioner shall be reimbursed at the rate of 80%. Where products are prescribed on a 'repeat' basis and obtained within six months of the date of issue of the prescription reimbursement shall again be at the rate of 80%.

Mineral waters, tonic wines and beverages, infant foods, hair care products, cosmetics, special diet foods, hygiene products, irrigators, thermometers and similar products and instruments shall not be considered as pharmaceutical products.

However, if the pathological condition of an infant or child requires special dietetic measures involving the member in additional expense, such expense shall be reimbursed as laid down in the first paragraph provided that it relates to the purchase of special diet foods which in this instance can be regarded as a medicinal preparation essential to the survival of the infant or child.

VI. DENTAL TREATMENT, DENTAL PROSTHESES AND ORTHODONTIC TREATMENT

1. The cost of dental treatment (extractions, fillings, maxillary or gum treatment and, generally, all medical treatment properly speaking) shall be reimbursed at the rate of 80%.

2. The cost of dental prostheses shall be reimbursed as specified in the scale shown in Annex 3.

3. The cost of orthodontic treatment, where prior authorization has been granted on the basis of an estimate presented by the practitioner and, where necessary, the medical officer of the office responsible for settling claims has been consulted, shall be reimbursed at the rate of 80%, subject to a maximum limit of BFR 47325 per dependent child. No reimbursement shall be made, save in exceptional circumstances, if the child is more than sixteen years of age at the commencement of the treatment.

Exceptionally, a second reimbursement may be granted after prior authorization by the office responsible for settling claims on the basis of an estimate from the practitioner.

VII. RADIOLOGY, ANALYSES, LABORATORY TESTS AND OTHER FORMS OF DIAGNOSIS

Expenses under this head shall be reimbursed at the rate of 80%.

VIII. CONFINEMENTS

In the case of normal confinements, the fees for the doctor and midwife and for anaesthesia, shall be reimbursed at the rate of 80%, subject to a maximum limit of BFR 14040.

The fees of a labour room and a physiotherapist and all other expenses relating to services directly connected with the confinement shall be reimbursed separately at the rate of 80%.

In the case of a twin birth, the maximum reimbursement shall be increased by 50%. In the case of a difficult confinement requiring special obstetrical treatment or surgical operation or prolonged stay in

hospital for postpartum ailments, the costs referred to above shall be reimbursed, after the medical officer of the office responsible for settling claims has been consulted, where necessary, at up to 80% in accordance with the scales for surgical operations, hospital medical treatment and special treatment.

For all confinements, the cost of the stay in a hospital establishment shall be reimbursed as provided for in Section III, subject to a maximum limit of BFR 2850 per day; except where complications arise, the cost of a stay of more than ten days in a hospital establishment shall not be reimbursed.

For home confinements, this Scheme shall reimburse the nursing fees for ten days; where complications arise the period for which reimbursement is made shall be extended.

The phrase 'difficult confinement requiring special obstetrical treatment' covers all confinements which are not in the medical sense normal confinements.

IX. PHYSIOTHERAPY, KINESITHERAPY AND SIMILAR TREATMENTS: MEDICAL APPLIANCES

1. The cost of treatments listed below which are prescribed by the medical practitioner shall be reimbursed at the rate of 80%: radio and radium therapy, treatment by X-rays and ultra-violet rays, infra-red rays, ultrasonics, electrotherapy, hydrotherapy, physiotherapy, medical massage, chiropractic, medical gymnastics, mechanotherapy, mud-bath, medical chiropody, logopedics, psychotherapy, acupuncture and similar treatment.

Treatment by ultra-violet rays, infra-red rays, ultrasonics, electrotherapy, hydrotherapy, physiotherapy, medical massage, medical gymnastics, excluding pre- and postnatal gymnastics, gymnastics, mechanotherapy, mud-bath, medical chiropody, logopedics, psychotherapy and similar treatment shall, however, be subject to prior authorization granted after the medical officer of the office responsible for settling claims has been consulted.

Treatment by chiropractic and acupuncture shall also be subject to prior authorization unless carried out by a doctor.

2. The cost of appliances for medical treatment shall be reimbursed at the rate of 80% after prior authorization.

X. TREATMENT BY MEDICAL AUXILIARIES AND NURSING

1. The fees for treatment by medical auxiliaries shall be reimbursed at the rate of 80% on condition that it is prescribed by the practitioner and provided by a person legally authorized to exercise the profession.

2. (a) Expenditure on post-operative or other indispensable nursing attendance, in addition to the normal hospital service, likewise for a nurse at home engaged on the practitioner's prescription, shall be reimbursed at the rate of 80% upon prior authorization after the medical officer of the office responsible for settling claims has been consulted, up to a maximum of BFR 1728 for each day or night or BFR 3456 for each

twentyfour-hour period of nursing service, on condition that the person concerned is legally authorized to exercise the profession.

- (b) No reimbursement shall be made for board and lodging for a nurse.

XI. CURES

1. The subsistence expenses relating to a cure at a health resort prescribed by the practitioner, which is recognized as strictly necessary by the medical officer of the office responsible for settling claims, for which prior authorization has been granted and which is carried out under medical supervision, shall be reimbursed at the rate of 80 %, subject to the limits set out below:

- (a) Convalescence, for a maximum period of twenty-one days per annum: reimbursement of BFR 650 per day; in the case of a relapse or a new illness the authorization may be renewed.
- (b) Cure at a watering-place: for a maximum period of twenty-one days per annum: reimbursement of BFR 450 per day; under no circumstances can the lodging expenses pertaining to such a cure be regarded as hospitalization fees.
- (c) Cure for delicate children: maximum reimbursement of BFR 650 per day; save in exceptional cases, reimbursement shall apply up to the age of sixteen years and for a maximum period of six weeks per annum.

Except in the case of cures under (a), applications for prior authorization must be submitted to the office responsible for settling claims at least six weeks before the anticipated date of the commencement of the cure.

Applications must be accompanied by the medical prescription and a detailed medical report to the medical officer of the office responsible for settling claims showing the necessity for the cure.

Applications for reimbursement of the costs of residence, treatment and medical supervision incurred on a cure must be supported by a medical report, giving details of the treatments followed and the results observed, drawn up at the end of the cure for the medical officer of the office responsible for settling claims.

2. The cost of treatment and medical supervision incurred on cures shall be reimbursed at the rate of 80 %, subject to the maximum limits specified for each item.

XII. PROSTHESES ON MEDICAL PRESCRIPTION

A — Spectacle lenses

1. The cost of corrective lenses obtained on a medical prescription shall be reimbursed at the rate of 80 %. The cost of one pair of non-corrective tint A (12 % coloration) lenses, excluding lenses solely for protection against the sun, shall also be reimbursed at the rate of 80 %.

2. In the case of renewal, the reimbursement referred to in (1) shall not be granted unless twelve months have elapsed since the last time lenses were obtained, except where a variation in the conditions of sight is medically attested.

B — Spectacle frames

1. The cost of one frame per pair of corrective lenses and one frame for non-corrective tint A (12 % coloration) lenses shall be reimbursed at the rate of 80 % up to a maximum of BFR 1335 per frame.

2. In the event of renewal, the reimbursement referred to in (1) shall not be made unless twenty-four months (twelve months in the case of children up to sixteen years of age) have elapsed since the last time a frame was obtained.

3. The cost of repairing frames shall be reimbursed on the same conditions as apply to the renewal of frames; the amount reimbursed for repairs shall be deducted from the maximum reimbursement applicable if a new frame is obtained during the same period.

C — Contact lenses

1. The cost of contact lenses shall be reimbursed at the rate of 80 % where they are prescribed by an ophthalmologist.

2. In the case of renewal, reimbursement at the rate of 80 % shall not be granted unless thirty-six months have elapsed since the last time a pair of contact lenses were obtained, except where a variation in the conditions of sight is medically attested.

D — Artificial eyes

The cost of artificial eyes shall be reimbursed at the rate of 80 %.

E — Hearing aids

1. The cost of a hearing aid prescribed by an otho-rhino-laryngologist, and the cost of repairing such an aid, shall be reimbursed at the rate of 80 %, subject to a maximum limit of BFR 20592.

2. The cost of renewing a hearing aid where prescribed by a doctor owing to a variation in the audiometric conditions shall be reimbursed at the rate of 80 %, subject to a maximum limit of BFR 20592, provided that prior authorization has been granted after an estimate has been submitted and the medical officer of the office responsible for settling claims has been consulted, where necessary.

3. The cost of batteries for hearing aids shall be reimbursed at the rate of 80 %.

F — Orthopaedic appliances, bandages and other prostheses

The cost of acquiring or hiring articles listed below which have been prescribed by a doctor, and the cost of repairing articles listed under (3) and (4), shall be reimbursed at the rate of 80 %:

1. Orthopaedic footwear and soles (two pairs every twelve months), subject to a maximum amount reimbursable of BFR 5000 per pair of shoes.
2. Elastic bandages;
 - elastic stockings for varicose veins (three pairs every twelve months)

— others:

e.g. maternity belts, knee bandages, ankle supports, lumbar girdles.

3. Artificial limbs and segments thereof.
4. Crutches, walking sticks, wheel chairs and similar auxiliary appliances, provided that an estimate has been submitted.

However, prior authorization, granted after the Medical Officer of the office responsible for settling claims has been consulted, shall be required for the acquisition of orthopaedic shoes and of the articles specified at 4 above; the application for prior authorization for orthopaedic shoes must be accompanied by an estimate.

XIII. TRANSPORT COSTS AND TRAVELLING EXPENSES

1. The cost of transporting the patient may be reimbursed at the rate of 80 % of the actual cost, after the medical officer of the office responsible for settling claims has been consulted, where necessary, provided such transport was undertaken as a matter of urgency or absolute necessity.
2. Travelling expenses incurred in respect of treatment outside the place of employment or residence shall be reimbursed only in exceptional circumstances upon prior authorization granted after the medical officer of the office responsible for settling claims has been consulted.

XIV. FUNERAL EXPENSES

The allowance for funeral expenses provided for in Article 10 of the Rules shall be BFR 60000.

XV. MISCELLANEOUS

1. Expenses relating to services which are mentioned in the Annexes to these Rules may be reimbursed at the rate of 80 % after the medical officer of the office responsible for settling claims has been consulted. Maximum limits may, however, be set in each case after the Management Committee has been consulted.

2. Expenses relating to treatments considered by the office responsible for settling claims, after its medical officer has been consulted, where necessary, to be non-functional, superfluous or unnecessary shall not be reimbursed.

3. Fees for visits to leading specialists considered to be necessary by the medical officer of the office responsible for settling claims shall be reimbursed at the limit set for visits to specialists.

The fee for the first emergency home call made by a leading specialist shall be reimbursed at the rate of 80 %.

Upon prior authorization granted after the medical officer of the office responsible for settling claims has been consulted fees for subsequent calls shall be reimbursed at the rate of 80 % subject to a maximum limit three times the limit set for home calls by specialists.

ANNEX 2

LIST OF SURGICAL OPERATIONS

(by category)

A. CATEGORY AA

(maximum reimbursement: BFR 6500)

AA. 1 — Surgery

1. Incision of a superficial abscess, furuncle (boil) or subcutaneous paronychia (whitlow)
2. Incision of several abscesses or furuncles
3. Incision with drainage of an osseous paronychia or the surrounding tissues
4. Incision of a deep abscess
5. Incision of an abscess in the pouch of Douglas
6. Incision of a purulent inflammation of soft parts or excision (removal) of a carbuncle
7. Removal of a palpable superficial foreign body lying under the skin or under a mucous membrane
8. Excision of a large tumour situated in or under the skin or a mucous membrane or biopsy of such a superficially situated tumour (e.g. in lips, skin, mucous membrane)
9. Excision of a large tumour (e.g. ganglion, neuroma, lymph gland, aponeurotic tumour) without opening a cavity
10. Treatment by means of injections to correct varicose veins or haemorrhoids
11. Surgical operation on a joint of the fingers, carpus (wrist), toes or tarsus (ankles)
12. Osteotomy of a small bone or trephine biopsy of a bone
13. Taking of a bone graft
14. Setting of a fracture of the nose
15. Setting of a fracture of a face bone
16. Setting of a fracture of the clavicle (collar bone)
17. Setting of a fracture of the scapula (shoulder-blade) or sternum (breast bone)
18. Setting of a fracture of the upper arm
19. Setting of a fracture of the forearm
20. Setting of a simple fracture of the pelvis
21. Setting of a fracture of a finger, toe, metacarpus, metatarsus, carpus (wrist) or tarsus (ankle)
22. Setting of a fracture of the patella (knee-cap)
23. Setting of a fracture of the lower leg (tibia and/or fibula)
24. Removal of the material for pinning and/or ringing a bone
25. Setting of a dislocation of the lower jaw
26. Setting of a dislocation of the clavicle (collar bone) or the patella (knee-cap)
27. Setting of a dislocation of the elbow or the knee
28. Setting of the dislocation of the thumb
29. Setting of the dislocation of a finger or toe
30. Amputation of a finger or toe through the joint
31. Partial or total amputation of a finger or a toe
32. Amputation of a metacarpal or a metatarsal
33. Tracheotomy
34. Operation for a tumour of the breast
35. Correction or attempted correction of a strangulated hernia
36. Operation for an anal or rectal fissure
37. Operation for a rectal fistula
38. Correction of a rectal prolapse
39. Operation for a rectal prolapse
40. Operation for haemorrhoids
41. Removal via the anus of a foreign body from the rectum
42. Operation for phimosis
43. Dilation of the urethra

44. Operation for a urethral polyp
45. Bloodless extraction of a foreign body from the urethra
46. Puncture of the bladder

AA. 2 — Ophthalmology

1. Removal of a foreign body from the conjunctiva, the cornea or the sclera
2. Removal of a tumour from an eyelid, the conjunctiva or the sclera
3. Enucleation of a chalazion
4. Opening of a lachrymal canal
5. Treatment for stenosis of a lachrymal canal
6. Operation for inflammation of the lachrymal sac
7. Removal of a lachrymal sac
8. Operation on a lachrymal gland
9. Operation for a strictured or enlarged palpebral fissure
10. Operation for an ectropion or an entropion

AA. 3 — Otorhinolaryngology (Ear, nose and throat operations)

1. Removal of a foreign body
2. Simple removal of easily operated polyps or other nasal tumours
3. Submucous resection of the nasal septum
4. Opening of a maxillary sinus
5. Adenoidectomy
6. Bloodless extraction of a foreign body from the larynx
7. Bloodless removal of a polyp or other tumour from the larynx
8. Laryngeal biopsy
9. Operation on the external auditory canal
10. Extraction of a foreign body from the external auditory canal or from the middle ear
11. Removal of a polyp or other tumour from the external auditory canal or from the middle ear

AA. 4 — Gynaecology

1. Correction of a retroverted uterus
2. Removal of a polyp from the cervix uteri
3. Biopsy of the cervix uteri
4. Operation for a partial perineal rupture
5. Surgical operation on the external female genital organs (e.g. removal of a vaginal cyst or a Bartholin's gland)

CATEGORY AB

(maximum reimbursement : BFR 13000)

AB. 1 — Surgery

1. Sanguineous removal of an embedded foreign body from the soft parts or from a bone
2. Tongue biopsy in deep tissues (adipose tissue, fascia and muscle) or in organs without opening a cavity
3. Simple skin grafting or simple flap grafting
4. Setting of a dislocation of a hand or foot
5. Operation for a simple harelip
6. Wedge-shaped excision at the tongue
7. Operation for a salivary fistula or operative removal of a salivary calculus
8. Operation for rectal polyps
9. Operation for a coccygeal fistula
10. Resection of the coccyx
11. Incision of a perinephretic abscess
12. Operation for a urethral fistula
13. Simple bloodless surgical operation on the bladder (e.g. to remove a foreign body or a small tumour)

AB. 2 — Ophtalmology

1. Plastic surgery on an eyelid partially adhering to the eyeball
2. Operation for a pterygium
3. Suture of a lesion of the cornea or the sclera
4. Iridotomy
5. Treatment for a prolapse of the iris or the ciliary body
6. Aspiration of a vitreous body

AB. 3 — Otorhinolaryngology (ear, nose and throat operations)

1. Tonsillectomy
2. Plastic surgery by a flap method to close a retroauricular fistula or a fistula of the maxillary sinus

AB. 4 — Gynaecology

1. Curettage of the uterus
2. Uterotubal insufflation and/or injection of contrast media for hysterosalpingography
3. Plastic surgery of the cervix uteri
4. Amputation of the cervix uteri

B. CATEGORY B

(maximum reimbursement : BFR 16700)

B. 1 — Surgery

1. Difficult skin graft or difficult graft by a flap method
2. Bone graft
3. Operation for an aneurysm
4. Arterial embolectomy
5. Sanguineous removal of varicose veins
6. Lumbar sympathectomy
7. Thoracic sympathectomy
8. Radical surgery for Dupuytren's contracture
9. Operation for a slipped disc
10. Resection of a maxillary joint or a joint of the hand or foot
11. Arthroplasty of a maxillary joint or a joint of the hand or foot
12. Surgical operation on a maxillary joint
13. Removal of a foreign body from a shoulder, elbow or knee joint
14. Meniscectomy
15. Operation for normal dislocation of the shoulder or knee
16. Osteotomy of a small bone with implantation of a tendon
17. Setting of vertebral fracture
18. Operative setting of a fractured clavicle (collar bone)
19. Setting of a fractured femur
20. Setting and ringing of a fractured patella (knee cap)
21. Operative setting of a fracture of the upper arm, forearm or the lower leg (tibia and/or fibula)
22. Operative setting of a wrist or ankle fracture
23. Operation for pseudarthrosis
24. Operation for the resetting of a wrongly knit fracture
25. Setting of a hip dislocation
26. Setting of a vertebral dislocation
27. Amputation of the upper arm through the joint
28. Amputation of the thigh through the joint
29. Amputation through the joint of the forearm of the lower leg (tibia and/or fibula)
30. Amputation of the hand or foot through the joint
31. Simple amputation at the upper arm
32. Simple amputation at the thigh
33. Simple amputation at the forearm of the lower leg (tibia and/or fibula)

34. Setting of a fracture of both bones of the forearm
35. Simple amputation through a metacarpal or metatarsal
36. Opening of the cranium with puncture of the brain
37. Reconstruction of the nose
38. Operation on a complicated harelip
39. Partial resection of the tongue
40. Laryngotomy
41. Partial resection of the larynx
42. Mastectomy
43. Exploratory laparotomy
44. Appendectomy
45. Opening of an abscess in the abdominal cavity
46. Opening of a subphrenic abscess
47. Operation for an inguinal or femoral hernia
48. Operation for a simple umbilical hernia or a linea alba hernia
49. Eventration operation
50. Opening of a stenosis of the rectum
51. Operation for a prolapse of the rectum by opening of the abdominal cavity
52. Operation for incompetence of the anal sphincter by means of myoplasty
53. Prostatectomy
54. Electroresection of the prostate or neck of the bladder
55. Exploratory lobotomy
56. Decapsulation of a kidney
57. Nephrostomy
58. Renal drainage
59. Nephropexy
60. Suprapubic opening of the bladder
61. Operation for an injury to the bladder
62. Opening of the ischiorectal fossa
63. Sanguineous extraction of a foreign body from the urethra
64. Perineal urethrostomy
65. Suture of the urethra
66. Plastic surgery on the urethra
67. Lithotripsy and evacuation of a vesical calculus under visual control — per treatment
68. Endovesical removal of a large tumour of the bladder - per treatment
69. Partial cystectomy
70. Extraction of a urethral calculus by lasso catheter
71. Operations listed in category A, if they are combined or complicated

B. 2 — Ophthalmology

1. Removal of a foreign body from the eye socket
2. Removal of a tumour from the eye socket
3. Removal of a tumour from the cornea
4. Toti's lachrymal sac operation
5. Operation for the correction of ptosis (drooping of the upper eyelid)
6. Plastic surgery on a partially conserved eyelid
7. Plastic surgery on an eyelid completely adhering to the eyeball
8. Suture of a corneal lesion
9. Operation on the muscles of the eyeball to correct a squint
10. Plastic surgery on the cornea
11. Operation for a corneal abnormality
12. Operation for disease or injury of the crystalline lens
13. Cyclodialysis, iridectomy or fenestration
14. Operation to prevent detachment of the retina
15. Enucleation of the eyeball
16. Excision of the optic nerve
17. Operations listed in category A, if they are combined or complicated

B. 3 — Otorhinolaryngology (Ear, nose and throat operations)

1. Endonasal resection of an osseous choanal obstruction
2. Endonasal trephination or excavation of nasal sinus
3. Radical operation on a maxillary or frontal sinus
4. Removal of a nasopharyngeal fibroma
5. West's endonasal operation on a lachrymal sac
6. Bronchoscopy or œsophagoscopy with extraction of a foreign body from the trachea or its ramifications, or from the œsophagus
7. Operation on the auditory ossicles of the middle ear
8. Trephining of the mastoid
9. Operation for a tumour of the middle ear
10. Tympanoplasty
11. Operations listed in category A, if they are combined or complicated

B. 4 — Gynaecology

1. Hysteropexy
2. Operation for complete rupture of the perineum
3. Colporrhaphy, with or without perineorrhaphy
4. Operation for genital prolapse
5. Vaginal removal of a uterine fibroma
6. Vaginal or abdominal myomectomy
7. Vaginal or abdominal total or subtotal hysterectomy without removal of the ovaries or Fallopian tubes
8. Removal of part of the adnexa
9. Operation for incontinence of urine in women
10. Caesarian
11. Difficult confinement (vacuum extractor or forceps)
12. Operations listed in category A, if they are combined or complicated

C. CATEGORY C

(maximum reimbursement : BFR 29 975)

C. 1 — Surgery

1. Operation for an arterial abnormality
2. Resection of a shoulder, elbow, knee or hip joint
3. Arthroplasty of a shoulder, elbow or knee joint
4. Arthroplasty of the acetabulum
5. Surgical operation on a hip joint
6. Repair of the knee ligaments
7. Resection of the sacrum
8. Operation for a fracture of the neck of the femur
9. Amputation of the shoulder girdle through the joint
10. Operation for fractured skull and its complications
11. Unilateral or total resection of a jawbone
12. Plastic surgery on the soft palate
13. Complete resection of the tongue
14. Removal of a salivary gland
15. Plastic surgery on the larynx with displacement of the vocal cords
16. Total laryngectomy
17. Partial or total thyroidectomy
18. Mastectomy with excavation of the axillary glands
19. Opening of the pericardium without heart operation
20. Gastrectomy
21. Surgical operation on the gall-bladder or the bile ducts
22. Surgical operation on the liver

23. Surgical operation on an organ of the abdominal cavity, by laparotomy (e.g. gastroenterostomy, intestinal anastomosis, removal of part of the intestines, enterectomy, removal of the tail of the pancreas, splenectomy)
24. Operation for a strangulated hernia with removal of a part of the intestines
25. Operation for a large or complicated umbilical or linea alba hernia
26. Eventration operation with plastic surgery or removal of a part of the intestines
27. Removal via the anus of the rectum, with or without removal of the sacrum
28. Surgical operation on the ureter
29. Operation for a diaphragmatic hernia
30. Removal of the prostate and the seminal vesicles
31. Opening of the pelvis of the kidney and removal of calculi
32. Nephrectomy
33. Resection of a pole of a kidney or section of the isthmus of a 'horseshoe' kidney
34. Plastic surgery on the pelvis of a kidney
35. Partial resection of the bladder with transplantation of a ureter
36. Plastic surgery for incontinence of urine
37. Operations listed in category B, if they are combined or complicated

C. 2 — Ophthalmology

1. Plastic surgery for a completely destroyed eyelid
2. Corneal graft
3. Cataract operation
4. Operation for displacement of the crystalline lens
5. Operation for detachment of the retina
6. Coagulation or photocoagulation of a tumour of the retina or the choroid
7. Operations listed in category B, if they are combined or complicated

C. 3 — Otorhinolaryngology (Ear, nose and throat operations)

1. Radical operation on several sinuses on the same side
2. Trephining of the sella turcica
3. Petromastoid excavation
4. Fenestration
5. Operations listed in category B, if they are combined or complicated

C. 4 — Gynaecology

1. Sanguineous correction of a retroverted uterus
2. Total hysterectomy with removal of uterine adnexa
3. Removal of the uterine adnexa
4. Operations listed in category B, if they are combined or complicated

D. CATEGORY D

(maximum reimbursement : BFR 50975)

D. 1 — Surgery

1. Total prosthesis of the hip
2. Opening of the skull with surgical operation on the central nervous system
3. Removal of a tumour of the spinal canal
4. Surgical operation on the spinal cord
5. Unilateral resection of the jawbone and excavation of the lymphatic ducts
6. Opening of the pericardium with surgical operation on the heart
7. Pericardectomy
8. Implantation of an artificial cardiac pacemaker
9. Surgical operation on the great vessels of the thorax
10. Removal of a mediastinal tumour
11. Endothoracic operation on the œsophagus
12. Resection of the cardia
13. Resection of the head of the pancreas or removal of the pancreas
14. Gastrectomy and partial removal of an adjacent organ

15. Portocaval shunt or similar operation
16. Abdominoperineal removal of the rectum
17. Operations listed in category C, if they are combined or complicated

D. 2 — Ophtalomology

1. Operations listed in category C, if they are combined or complicated

D. 3 — Otorhinolaryngology (Ear, nose and throat operations)

1. Petromastoid excavation and opening of the neurocranium
2. Operations listed in category C, if they are combined or complicated

D. 4 — Gynaecology

1. Operation for a vesicovaginal or rectovaginal fistula
2. Plastic surgery for total absence of the vagina
3. Operations listed in category C, if they are combined or complicated

RULES ON THE INSURANCE OF OFFICIALS OF THE EUROPEAN COMMUNITIES AGAINST THE RISK OF ACCIDENT AND OF OCCUPATIONAL DISEASE

THE INSTITUTION¹,

Having regard to the Staff Regulations of Officials of the European Communities and the Conditions of Employment of Other Servants of the Communities as laid down in Regulation (EEC, Euratom, ECSC) No 259/68² and last amended by Regulation³ (ECSC, EEC, Euratom) No 3176/76 and in particular Article 73 of these Staff Regulations and Article 28 of these Conditions of Employment;

Having regard to the Opinion of the Staff Regulations Committee;

Having regard to the agreement reached between the Institutions of the European Communities⁴;

Whereas it is for the Institutions of the European Communities by agreement to draw up rules for insurance against the risk of accident and occupational disease applicable to officials of those Communities,

HAS ADOPTED THESE RULES:

CHAPTER I GENERAL PROVISIONS

Article 1

These rules lay down, pursuant to Article 73 of the Staff Regulations of the Officials of the European Communities, the conditions under which officials are insured throughout the world against the risk of accident and of occupational disease.

Article 2

1. An accident means any occurrence or external factor of a sudden, violent or abnormal nature adversely affecting an official's bodily or mental health.

2. The following shall *inter alia* be considered accidents:

- drowning, poisoning;
- infections, sicknesses and wounds and any other consequences of the bites of animals or of the stings of insects;
- burns;
- subjection to cold, freezing, insolation and any other consequences of heat or cold arising from an accident;

- distortions, tears or lacerations and ruptures of muscles or tendons caused by exertion;
- the unexplained disappearance of an official, if on expiry of a period of one year and following an enquiry into the circumstances of the disappearance, the official is presumed dead unless there are grounds for presuming that the death was not due to an accident.

Article 3

1. The diseases contained in the 'European List of Occupational Diseases' annexed to the Commission Recommendation of 23 July 1962⁵ and to any supplements thereto shall be considered occupational diseases to the extent to which the official has been exposed to the risk of contracting them in the performance of his duties with the European Communities.

2. Any disease or aggravation of a pre-existing disease not included in the List referred to in paragraph 1 shall also be considered an occupational disease if it is sufficiently established that such disease or aggravation arose in the course of or in connection with the performance by the official of his duties with the Communities.

Article 4

1. Accidents shall not be covered by Article 73 of the Staff Regulations if they are due to the following causes:

- (a) subject to paragraph 2, wilful involvement in a brawl;
- (b) — manifestly reckless acts;
 - participation by means of motorized equipment in sporting contests, races and officials trials;
 - practice of sports regarded as dangerous, such as boxing, karate, parachuting, speleology, underwater fishing and exploration with breathing equipment including containers for the supply of air or oxygen;
- (c) climbing cliffs or pinnacles of rock or mountain peaks otherwise than on beaten tracks, except in an emergency, and subject to paragraph 2;
- (d) pleasure sailing more than five nautical miles from the coast;
- (e) intoxication or the use of drugs not prescribed by a doctor, except in case of error;
- (f) the deliberate handling of military arms or ammunition, except in an emergency.

2. Accidents listed in paragraph 1 (a) and (c) shall be covered if they occurred in the course of or in connection with the performance by the official of his

¹ The institutions of the European Community have passed the regulations at the following dates:

— Parliament : on 27 January 1977

— Council : on 22 November 1976

— Commission : on 18 April 1975

— Court of Justice : on 9 July 1975

— Economic and Social Committee : on 5 October 1976

² OJ No L 56, 4.3.1968, p. 1.

³ OJ No L 359, 30.12.1976, p. 9.

⁴ General agreement of the institutions of the Community was confirmed by the President of the Court of Justice on 22.12.1976.

⁵ OJ No 80, 31.12.1962, p. 2188/62.

duties or on his way to and from work, unless they are the inexcusable fault of the official.

Article 5

Insurance against the risks referred to in Article 73 of the Staff Regulations shall be suspended for any period for which:

- an official is granted leave on personal grounds pursuant to Article 40 of the Staff Regulations;
- the remuneration which a member of the temporary staff receives in respect of his employment is suspended pursuant to the Conditions of employment of that staff member.

Article 6

If an official sustains an accident or contracts a disease during a period for which he has been assigned non-active status or is on leave for military service pursuant to Articles 41 and 42 respectively of the Staff Regulations, benefits of the same kind paid from other sources shall be deducted from those payable under these Rules.

Article 7

1. The benefits referred to in Article 73 of the Staff Regulations shall not be payable if the accident or disease was caused intentionally by the official.

No benefit shall be payable to a person entitled under the official where that person has intentionally caused the death of the official.

2. The following shall, however, be regarded as accidents within the meaning of these rules:

- bodily or mental injuries sustained in an emergency or in self-defence or when saving human life or salvaging property;
- the consequences of assaults on or attempts on the life of the official, even in the course of strikes or disturbances unless it is proved that the official participated of his own free will in the violent action in which he was injured, except in self-defence;
- suicide or attempted suicide committed whilst the balance of the official's mind is disturbed or unintentional mutilation or wounds sustained in the course of or in connection with the performance by the official of his duties, on his way to and from work, or in the aftermath of or as a result of an accident or occupational disease already covered by Article 73 of the Staff Regulations.

Article 8

The benefits and allowances, and also the reimbursement of medical expenses provided for in these Rules shall be paid to an official or to those entitled under him only on condition that they subrogate the Communities to their rights and proceedings against any responsible third party up to the amount of such benefits, allowances and reimbursement.

That subrogation shall not take effect if the third party concerned is the official's spouse, another member of his family or another person living as a member of his family, or his servant or agent, or if the third party is an official or other servant of the

Communities, except in the event of an error wilfully committed by that third party.

The official or those entitled under him must provide the institution to which the official belongs with any information or evidence available to them, in order to enable the institution, where appropriate, to take action against the third party, and give the institution all assistance necessary to this end. In order to seek an amicable settlement of their claims or to compound with the third party, the official or those entitled under him must obtain the consent of the institution to which the official belongs.

Article 9

Where the official or those entitled under him initiate proceedings against the third party and the institution to which the official belongs also takes action against that third party, or where they reach an amicable settlement or compound with the third party, the official or those entitled under him shall have a prior claim to the sums thus declared payable to the third party to the extent of that portion of the sums actually paid by the latter which must be added to the benefits paid by the Communities under Article 73 of the Staff Regulations in order to make good the damage suffered by the official or by those entitled under him as assessed by the court before which the matter was brought or as agreed under the amicable settlement.

Where the third party is only party liable, the percentage for which he is found liable shall determine that portion of the benefits payable under the Staff Regulations which defines the extent of the subrogation.

CHAPTER II BENEFITS

Article 10

1. An official who sustains an accident or contracts an occupational disease shall be entitled to reimbursement of all expenses necessary in order to restore as completely as possible his bodily or mental health and in order to pay for all care and treatment required as a result of the injuries sustained and their symptoms and also, where appropriate, of the expenses incurred in the functional and occupational rehabilitation of the victim.

However, where the appointing authority of the institution to which the official belongs considers certain expenses excessive or unnecessary it may, on the advice of the doctor appointed by it, lower them to an amount considered reasonable or, where appropriate, refuse to reimburse them.

The expenses referred to in the preceding subparagraphs shall be reimbursed to the official under these Rules by the appointing authority of the institution to which the official belongs after the sickness insurance scheme provided for by Article 72 of the Staff Regulations has defrayed the part falling to that scheme under the conditions laid down therein.

2. The appointing authority of the institution to which the official belongs may, at his request and after consulting the doctor appointed by the appointing authority, reimburse travel expenses where it appears

necessary for the official to be treated, spend his period of convalescence, or take a cure in his country of origin.

In exceptional cases, where the official's state of health so requires, the appointing authority of the institution may, after consulting the doctor appointed by it, reimburse travel expenses in order to enable the official to receive the treatment necessitated by his state of health in a country other than his country of origin.

Such travel expenses shall be reimbursed in accordance with Article 12 of Annex VII to the Staff Regulations.

Article 11

1. Where an official dies as a result of an accident or an occupational disease, the institution to which the official belongs shall pay the lump sum provided for in Article 73 (2) (a) of the Staff Regulations to those entitled under him as therein designated.

Where the official is found to be alive after all or part of this lump sum has been paid to those entitled in the case referred to in Article 2 (2) (f), all sums paid shall be reimbursed by those entitled under him. Special arrangements may be made to effect such reimbursement.

2. Where, following payment of the lump sum provided for in Article 12, the official dies as result of the same accident or the same occupational disease, the lump sum referred to in this Article shall be payable only insofar as it exceeds the lump sum paid pursuant to Article 12.

Article 12

1. Where an official sustains total permanent invalidity as a result of an accident or an occupational disease, he shall be paid the lump sum provided for in Article 73 (2) (b) of the Staff Regulations.

2. Where an official sustains partial permanent invalidity as a result of an accident or an occupational disease, he shall be paid a lump sum calculated on the basis of the rates laid down in the invalidity scale contained into the Annex hereto.

Article 13

Where the official or those entitled under him so request, an annuity shall be substituted for the payments provided for in Articles 11 and 12.

That request must be made within three months following notification of the decision provided for in Article 19.

Conversion to an annuity, whether payable immediately or subsequently, shall be made on the basis of the pension tables provided for in Article 8 of Annex VIII to the Staff Regulations.

Article 14

After consulting the medical officers referred to in Article 19 or the Medical Committee referred to in Article 23 the official shall be granted an allowance in respect of any injury or permanent disfigurement which, although not affecting his capacity for work, constitutes a physical defect and has an adverse effect on his social relations.

This allowance shall be determined by analogy with the rates laid down in the invalidity scale referred to in Article 12. Where disfigurement results from an anatomical functional lesion the above-mentioned rates shall be increased accordingly.

Article 15

Where, as a result of an accident or an occupational disease, the official is incapacitated to such an extent that he cannot do without the permanent assistance of another person, the appointing authority of the institution may, after consulting the doctor appointed by it or the Medical Committee referred to in Article 23, grant him a monthly flat-rate allowance equal to the justified expenditure and not exceeding 150 % of the minimum subsistence figure referred to in Article 6 of Annex VIII to the Staff Regulations taking account of the weighting applicable to his remuneration or, as the case may be, his pension. The flat-rate allowance shall be paid only after the reimbursements payable for nursing expenses under Article 72 of the Staff Regulations have been exhausted and shall be paid as a supplement to such reimbursements. The decision to grant such an allowance shall be subject to review at intervals of not more than three years, to be determined by the institution.

CHAPTER III PROCEDURE

Article 16

1. An official who sustains an accident, or those entitled under him, must report the accident to the administration of the institution to which the official belongs.

Where the accident results in death or wherever it is impossible for the official or those entitled under him to report the accident, this may be done by any member of his family or any other person with knowledge of the facts.

The report of the accident must state particulars on the date and time, the causes and the circumstances of the accident and also the names of witnesses and of any third party which may be liable. A medical certificate must be annexed, specifying the nature of the injuries and the probable consequences of the accident.

2. Except in cases of *force majeure* or for any other lawful reason, the report shall be submitted not later than 10 working days following the date on which the accident occurred.

The administration may hold an enquiry.

Article 17

1. An official who requests application of these rules on grounds of an occupational disease must submit a statement to the administration of the institution to which he belongs within a reasonable period following the onset of the disease or the date on which it was diagnosed for the first time. The statement may be submitted by the official or, where the symptoms of the disease allegedly caused by his occupation become apparent after the termination of his service, the former official; where an official dies as a result of a disease

allegedly caused by his occupation, it may also be submitted by those entitled under him.

The statement must specify the nature of the disease and must be accompanied by medical certificates or any other supporting documents.

2. The Administration shall hold an enquiry in order to obtain all the particulars necessary to determine the nature of the disease, whether it has resulted from the official's occupation and also the circumstances in which it arose.

An enquiry may be held automatically in the case of an official who contracted a disease or sustained injuries by exposure, in the performance of his duties, to noxious substances or to exceptional factors causing disease.

After seeing the report drawn up following the enquiry, the doctor(s) appointed by the institutions shall state his or their findings as provided for in Article 19.

Article 18

The Administration may obtain any expert medical opinion necessary for the implementation of these Rules.

Article 19

Decisions recognizing the accidental cause of an occurrence including a decision as to whether the occurrence is to be attributed to occupational or non-occupational risks, or decisions recognizing the occupational nature of a disease and assessing the degree of permanent invalidity shall be taken by the appointing authority in accordance with the procedure laid down in Article 21,

- on the basis of the findings of the doctor(s) appointed by the institutions; and
- where the official so requests, after consulting the Medical Committee referred to in Article 23.

Article 20

The decision defining the degree of invalidity shall be taken after the official's injuries have consolidated. To this end, the official concerned must submit a medical report stating that he has recovered or that his condition has stabilized and also setting out the nature of his injuries.

Where it is impossible to define the degree of invalidity after medical treatment is terminated, the findings of the doctor(s) referred to in Article 19 or, where appropriate, the report of the Medical Committee referred to in Article 23 must specify a deadline for reviewing the official's case.

Where the degree of invalidity is considered to amount to at least 20 % the appointing authority shall grant a provisional allowance corresponding to the undisputed proportion of the permanent invalidity rate. That allowance shall be set off against the final benefit.

Article 21

Before taking a decision pursuant to Article 19, the appointing authority shall notify the official or those entitled under him of the draft decision and of the

findings of the doctor(s) appointed by the institution. The official or those entitled under him may request that the full medical report be communicated to a doctor chosen by them.

Within a period of 60 days the official or those entitled under him may request that the Medical Committee provided for in Article 23 deliver its opinion.

Where, on expiry of this period, no request has been made for consultation of the Medical Committee, the appointing authority shall take a decision in accordance with the draft previously supplied.

Article 22

The official may at any time submit a statement concerning the aggravation of his injuries or invalidity, accompanied by a report from his regular doctor.

Where such aggravation is confirmed by the doctor appointed by the appointing authority, the latter shall decide on the matter in accordance with the procedure laid down in Articles 19 and 21.

Article 23

1. The Medical Committee shall consist of three doctors:

- one appointed by the appointing authority;
- one appointed by the official concerned or those entitled under him;
- one appointed by agreement between the first two doctors.

Where agreement cannot be reached on the appointment of the third doctor within a period of two months following appointment of the second doctor, the President of the Court of Justice of the European Communities shall appoint the third doctor at the request of either party.

On completing its proceedings, the Medical Committee shall set out its opinion in a report to be communicated to the appointing authority and to the official or those entitled under him.

2. Expenses incurred in connection with the proceedings of the Medical Committee shall be borne by the institution to which the official belongs.

Where the doctor appointed by the official is resident elsewhere than at the place where the official is employed, the official shall bear the cost of the additional fees entailed, with the exception of first-class rail fare or economy-class air fare, which shall be refunded by the institution. This provision shall not apply in the case of an accident which occurred in the course of or in connection with the performance by the official of his duties or in the case of an occupational disease.

Where the opinion of the Medical Committee is in accordance with the draft decision of the appointing authority notified to the official or to those entitled under him pursuant to Article 21, the latter shall pay the fee and incidental expenses of the doctor chosen by them and half of the fee and incidental expenses of the third doctor, whilst the remainder shall be paid by the institution, unless the accident in question occurred in the course of or in connection with the performance by the official of his duties or on his way to or from work or in the case of an occupational disease.

However, in exceptional cases and by a decision taken by the appointing authority after consulting the doctor appointed by it, all the expenditure referred to in the preceding paragraphs may be borne by the institution.

Article 24

1. In cases other than those referred to in Rule 19, where a decision must be taken after consulting the doctor appointed by the appointing authority, the latter shall, before taking such a decision, notify the official or those entitled under him of the draft decision and also of the doctor's findings. Within a period of 30 days the official or those entitled under him may request consultation of another doctor, to be chosen by agreement between the doctor appointed by the appointing authority and the doctor appointed by the official or those entitled under him. If, on the expiry of that period, no request for such consultation has been made, the appointing authority shall take a decision in accordance with the draft previously notified.

The opinion of the doctor referred to in the preceding subparagraph shall be communicated to the appointing authority and also to the official or those entitled under him.

2. The expenses incurred in consulting the doctor chosen by agreement shall be borne by the institution to which the official belongs.

However, where the opinion of that doctor is in accordance with the draft decision of the appointing authority, the official or those entitled under him shall pay the fee and incidental expenses involved in such consultation.

Article 25

Recognition of total or partial permanent invalidity pursuant to Article 73 of the Staff Regulations and to these Rules shall in no way prejudice application of Article 78 of the Staff Regulations and vice versa.

CHAPTER IV

SETTLEMENT OF CLAIMS AND PAYMENT OF BENEFITS

Article 26

Any claims accruing under these Rules to an official who sustained an accident or contracted an occupational disease or to those entitled under him shall be settled by the institution to which the official belonged at the time when he sustained the accident or contracted

the occupational disease. A breakdown of such settlement shall be sent to the official or to those entitled under him and also to the Commission of the European Communities, which is responsible for paying the benefits provided for in these Rules.

Article 27

1. The allowances referred to in Articles 11 and 12 and the annuity provided for in Article 13 shall be payable at the option of the persons concerned in the currency of either their country of origin, their country of residence or of the country where the institution to which the official belonged has its seat.

Where neither the country of origin nor the country of residence is a country of the Communities, the benefits shall be paid in the currency of the country where the above-mentioned institution has its seat.

2. Where the allowance is paid in a currency other than Belgian francs it shall be calculated on the basis of the exchange rates prevailing on the day of the decision.

CHAPTER V

APPEALS

Article 28

Decisions taken under these Rules may be subject of a complaint under Article 90 of the Staff Regulations by the official or those entitled under him to the appointing authority of the institution to which the official belongs and of an appeal by the same persons to the Court of Justice of the European Communities under the conditions laid down in the Treaties establishing the Communities and in Article 91 of the Staff Regulations.

CHAPTER VI

FINAL PROVISIONS

Article 29

The Staff Regulations Committee shall consider the application of these rules at regular intervals.

Article 30

These Rules shall enter into force on the first day of the month following that in which the agreement between the institutions provided for in Article 73(1) of the Staff Regulations of Officials is recorded by the President of the Court of Justice.

ANNEX

**SCALE OF THE RATES OF PERMANENT PARTIAL INVALIDITY
REFERRED TO IN ARTICLE 12 (2) OF THE RULES ON THE
INSURANCE OF OFFICIALS OF THE EUROPEAN COMMUNITIES
AGAINST THE RISK OF ACCIDENT AND OF
OCCUPATIONAL DISEASE**

Percentage of the lump sum provided for total permanent invalidity:		
Incurable insanity		100 %
Total organic paralysis		100 %
Total blindness		100 %
Amputation or total and definitive loss of use of:		
— two arms or two hands;		
— two legs or two feet;		
— one arm or one hand and one leg or one foot		100 %
Total loss of an eye including ablation		30 %
Total loss of an eye not including ablation		25 %
Loss of the substance of the cranium in its entire thickness:		
(a) area of at least 6 sq cm		40 %
(b) area of between 3 and 6 sq cm		20 %
(c) area of less than 3 sq cm		10 %
Total and incurable deafness in both ears		40 %
Total and incurable deafness in one ear		15 %
Ablation of the mandible:		
(a) total		70 %
(b) partial (ramus of the mandible and all or half of the body of the mandible)		40 %
Loss of upper and lower teeth and their alveoli, resulting in loss of support for a prosthesis		
		10 to 30 %
In the event of a prosthesis resulting in functional improvement		
		1 to 10 %
	<i>Right</i>	<i>Left</i>
Loss of arm or hand	75 %	60 %
Total paralysis of arm	65 %	55 %
Total paralysis of the axillary nerve	20 %	15 %
Total paralysis of the median nerve	45 %	35 %
Total paralysis of the ulnar nerve	30 %	25 %
Total paralysis of the nerve of the hand	20 %	15 %
Total paralysis of the radial nerve above the triceps	40 %	30 %
Total ankylosis of the scapulo-humeral joint		
(a) with immobilization of the scapula	65 %	55 %
(b) with mobility of the scapula	35 %	25 %
Unconsolidated fracture of the arm (with pseudarthrosis)	30 %	25 %
Total immobility of the elbow:		
(a) in an unfavorable position	40 %	35 %
(b) in a favourable position	25 %	20 %
Unconsolidated fracture of the forearm: (with pseudarthrosis)		
(a) of both bones	25 %	20 %
(b) of one bone	10 %	8 %
Total immobility of the wrist:		
(a) in an unfavourable position (flexion or forced extension or supination)	40 %	30 %
(b) in a favourable position (rectitude and pronation)	20 %	15 %
Amputation of the thumb:		
(a) total	20 %	18 %
(b) partial (ungual phalanx)	10 %	8 %
Ankylosis of the thumb:		

(a) total	15 %	12 %
(b) partial (ungual phalanx)	10 %	8 %
Amputation of the index finger:		
(a) total	16 %	14 %
(b) two phalanges	12 %	10 %
(c) one phalanx	6 %	5 %
Amputation of the middle finger	12 %	10 %
Amputation of the ring finger	10 %	8 %
Amputation of the little finger	8 %	6 %
Total paralysis of the leg	60 %	
Total paralysis of the internal popliteal sciatic nerve	30 %	
Total paralysis of the external popliteal sciatic nerve	30 %	
Total paralysis of both popliteal sciatic nerves	40 %	
Shortening of the leg:		
(a) by at least 5 cm	30 %	
(b) from 3 to 5 cm	20 %	
(c) from 1 to 3 cm	10 %	
Total ankylosis of the hip:		
(a) in an unfavourable position (flexion-adduction or abduction)	60 %	
(b) rectitude	40 %	
Amputation of the thigh:		
(a) upper half	60 %	
(b) lower half	50 %	
Unconsolidated fracture of the thigh or of both bones of the leg (with pseudarthrosis)	50 %	
Total ankylosis of the knee:		
(a) flexion (from 130 degrees)	50 %	
(b) rectitude or approximate rectitude	25 %	
Chronic hydarthrosis according to the degree of muscular atrophy	3 to 20 %	
Unconsolidated fracture of the kneecap with wide displacement of the fragments and involving considerable discomfort in extending the leg as against the thigh	40 %	
Amputation of the leg	50 %	
Tibio-tarsal ankylosis	15 %	
Amputation of the foot:		
(a) total (tibio-tarsal disarticulation)	50 %	
(b) below the astragalus	40 %	
(c) Chopart's amputation	35 %	
(d) Lisfranc's amputation	30 %	
Amputation of all toes	20 %	
Amputation of the big toe	10 %	
Amputation of a toe other than the big toe	5 %	
Ankylosis of the big toe	3.5 %	

In the case of a left handed person the rates relating to the right arm shall be applied to the left arm and vice versa.

Partial amputation or partial loss of function of the above-mentioned limbs or organs shall give rise to entitlement to a proportional allowance calculated on the basis of the percentage granted for complete amputation or complete loss of function.

In cases of permanent partial invalidity not provided for above the degree of invalidity shall be determined by analogy with the foregoing table.

Injuries to limbs or organs previously disabled shall only be compensated by the difference between the condition before and that after the accident.

The assessment of injuries to healthy limbs or organs damaged in the accident cannot be increased on the ground of the state of infirmity of other limbs or organs not affected by the accident.

The total allowance for invalidity on several counts arising out of the same accident shall be obtained through addition but such total shall not exceed either the total lump sum of the insurance for permanent or total invalidity or the partial sum insured for the total loss or the complete loss of use of the limb or organ injured.

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**GENERAL IMPLEMENTING PROVISIONS FOR GIVING
EFFECT TO ARTICLE 7(3)
OF ANNEX VII TO THE STAFF REGULATIONS**

**THE COMMISSION
OF THE EUROPEAN COMMUNITIES,**

Having regard to the Staff Regulations of Officials of the European Communities and the Conditions of Employment of Other Servants of those Communities laid down in Regulation (EEC, EURATOM, ECSC) No. 259/68¹, as last amended by Regulation (EEC, EURATOM, ECSC) No. 161/80², and in particular to Article 7(3) of Annex VII to the Staff Regulations,

Having regard to the Opinion of the Staff Regulations Committee,

After consulting the Staff Committee,

Whereas Article 7(3) of Annex VII to the Staff Regulations which concerns the determination of or changes in place of origin should be clarified,

**HAS ADOPTED THESE GENERAL
IMPLEMENTING PROVISIONS:**

Article 1

An official's place of origin as defined in Annex VII, Article 7(3) of the Staff Regulations shall be determined or changed by the appointing authority according to the criteria laid down in these general implementing provisions.

Article 2

1. An official's place of origin shall, when he takes up his appointment, be assumed to be the place where he was recruited. If the official so requests, within one year after he takes up his appointment, and on production of documentary evidence in support of his request, his place of origin shall be determined as his centre of interests if the latter is not his place of recruitment.

2. For the purposes of applying this Article:

— "place of recruitment" shall mean the place where the official was usually resident at the time of recruitment. Places of temporary residence, e.g. for the purpose of study, military service, training periods or holidays shall not be regarded as places of usual residence;

— "centre of interests" shall mean the place where an official retains:

(a) his main family ties which, barring duly substantiated exceptions, shall mean:

— mother and father or either parent; failing that grandparents, or one grandparent; failing that parents-in-law, or either parent-in-law; failing that brothers and sisters;

— children, or one or more of them;

(b) heritable interests in the form of immovable property already built;

(c) essential citizen's interests, both active and passive.

If all three requirements are not fulfilled by the same place, the centre of an official's interests shall be taken as the place where at least two of the above three requirements are met or failing that the place where the official retains his main family ties, confined in this instance to the official's father, mother or children.

3. If an official's centre of interest cannot be established by means of the criteria listed in paragraph 2, his place of origin shall be his place of recruitment.

4. If an official moves from one Community Institution to another, his place of origin shall continue to be that determined by the earlier Institution.

Article 3

If the official so requests, and on production of documentary evidence in support of his request, his place of origin may exceptionally be changed during his period of employment.

Such changes cannot be allowed unless the factors taken into account for determining the centre of an official's interests have ceased to exist and another centre of interests can be determined in accordance with the second indent of Article 2(2).

If the place of origin has been established as the place of recruitment, the same conditions shall apply with regard to an earlier centre of interests which was not taken into account when determining the place of origin.

Article 4

If an official's centre of interests moves to a place outside the territories of the Member States of the Communities or of the overseas countries and territories listed in Annex IV to the Treaty establishing the European Economic Community, his place of origin may, by special decision of the appointing authority, be changed for the purposes of applying Article 7(1)(b) and Articles 8 and 9(2) of Annex VII to the Staff Regulations so as to fix his place of origin at a point on the frontier of the territories of the Communities on the direct route to the centre of interests.

Article 5

Once an official reaches the age of 55 he may, in preparation for retirement, request that his place of origin be changed after submitting documentary evidence relating to heritable interests in the form of immovable property already built or under construction. Article 4 shall apply.

Article 6

Upon termination of service and in the light of his place of resettlement, an official's place of origin may

¹ OJ No L 56, 4.3.1968, p. 1.

² OJ No L 20, 26.1.1980, p. 5.

be changed at his request and by special decision of the appointing authority on production of appropriate documentary evidence. Article 4 shall apply.

Article 7

The above Articles shall apply, mutatis mutandis, to temporary staff and auxiliary staff in accordance with

Articles 22 and 67 of the Conditions of employment of other servants of the European Communities. They shall enter into force on the day following that on which they are adopted by the Commission and shall apply to all new requests to have the place of origin changed, submitted after such entry into force.