Printed by OIB

This compendium has been prepared within the Commission by the "Legal issues and questions relating to the Staff Regulations" Unit.

You may send any comments you may have regarding this publication by e-mail to ADMIN-QUICK-WAY@cec.eu.int.

For specific practical matters, please refer to the different units dealing with any given subject matter; as to general questions, these can be addressed by e-mail to ADMIN_xxxxxxx@xxx.xx.xxx.

Outside the institutions, you can find details of the persons who can be contacted as well as the relevant organisational entities in the Electronic Directory of the European Institutions: IDEA http://europa.eu.int/idea/index.htm.
Directorate-General Personnel and Administration is to be found at the following address: http://europa.eu.int/comm/dgs/personnel_administration/index_en.htm .

Within the institutions, please consult the following sites on the IntraComm:

- *The Quick Way (Staff Regulations): http://intracomm.cec.eu-admin.net/guide/systeme/systat/index_en.htm and*
- *"Personnel & Administration": http://www.cc.cec/pers_admin/index_fr.html .*

NOTE [1]

The Staff Regulations of officials and the conditions of employment of other servants of the European Communities[2] applicable from 5 March 1968, as laid down by Articles 2 and 3 of Council Regulation (EEC, Euratom, ECSC) No 259/68 of 29 February 1968 (*Official Journal of the European Communities* L 56, 4.3.1968 – Special Edition 1968, 1 December 1972), and the following Regulations amending that Regulation are consolidated in this text. The consolidated text has been produced for information only and is not legally binding.[3] The figures in brackets beside certain articles, correspond to the figures listed below and refer to the Regulations by which they were amended.

(1) Regulation (Euratom, ECSC, EEC) No 2278/69 (OJ L 289, 17.11.1969, p. 1)
(2) Regulation (ECSC, EEC, Euratom) No 95/70 (OJ L 15, 21.1.1970, p. 1)
(3) Regulation (ECSC, EEC, Euratom) No 96/70 (OJ L 15, 21.1.1970, p. 4)
(4) Regulation (EEC, Euratom, ECSC) No 16/71 (OJ L 5, 7.1.1971, p. 1)
(5) Regulation (EEC, Euratom, ECSC) No 2653/71 (OJ L 276, 16.12.1971, p. 1)
(6) Regulation (EEC, Euratom, ECSC) No 2654/71 (OJ L 276, 16.12.1971, p. 6)
(7) Regulation (Euratom, ECSC, EEC) No 1369/72 (OJ L 149, 1.7.1972, p. 1)
(8) Regulation (Euratom, ECSC, EEC) No 1473/72 (OJ L 160, 16.7.1972, p. 1)
(9) Regulation (Euratom, ECSC, EEC) No 2647/72 (OJ L 283, 20.12.1972, p. 1)
(10) Regulation (ECSC, EEC, Euratom) No 558/73 (OJ L 55, 28.2.1973, p. 1)
(11) Regulation (ECSC, EEC, Euratom) No 2188/73 (OJ L 223, 11.8.1973, p. 1)
(12) Regulation (EEC, Euratom, ECSC) No 2/74 (OJ L 2, 3.1.1974, p. 1)
(13) Regulation (EEC, Euratom, ECSC) No 3191/74 (OJ L 341, 20.12.1974, p. 1)
(14) Regulation (Euratom, ECSC, EEC) No 711/75 (OJ L 71, 20.3.1975, p. 1)
(15) Regulation (Euratom, ECSC, EEC) No 1009/75 (OJ L 98, 19.4.1975, p. 1)
(16) Regulation (Euratom, ECSC, EEC) No 1601/75 (OJ L 164, 27.6.1975, p. 1)
(17) Regulation (Euratom, ECSC, EEC) No 2577/75 (OJ L 263, 11.10.1975, p. 1)
(18) Regulation (ECSC, EEC, Euratom) No 2615/76 (OJ L 299, 29.10.1976, p. 1)
(19) Regulation (ECSC, EEC, Euratom) No 3177/76 (OJ L 359, 30.12.1976, p. 1)
(20) Regulation (ECSC, EEC, Euratom) No 3178/76 (OJ L 359, 30.12.1976, p. 9)
(21) Regulation (EEC, Euratom, ECSC) No 1376/77 (OJ L 157, 28.6.1977, p. 1)
(22) Regulation (EEC, Euratom, ECSC) No 2687/77 (OJ L 314, 8.12.1977, p. 1)
(23) Regulation (EEC, Euratom, ECSC) No 2859/77 (OJ L 330, 23.12.1977, p. 1)
(24) Regulation (Euratom, ECSC, EEC) No 912/78 (OJ L 119, 3.5.1978, p. 1)
(25) Regulation (Euratom, ECSC, EEC) No 914/78 (OJ L 119, 3.5.1978, p. 8)
(26) Regulation (Euratom, ECSC, EEC) No 2711/78 (OJ L 328, 23.11.1978, p. 1)
(27) Regulation (Euratom, ECSC, EEC) No 3084/78 (OJ L 369, 29.12.1978, p. 1)
(28) Regulation (Euratom, ECSC, EEC) No 3085/78 (OJ L 369, 29.12.1978, p. 6)
(29) Regulation (ECSC, EEC, Euratom) No 2955/79 (OJ L 336, 29.12.1979, p. 1)
(30) Regulation (EEC, Euratom, ECSC) No 160/80 (OJ L 20, 26.1.1980, p. 1)
(31) Regulation (EEC, Euratom, ECSC) No 161/80 (OJ L 20, 26.1.1980, p. 5)
(32) Regulation (Euratom, ECSC, EEC) No 187/81 (OJ L 21, 24.1.1981, p. 18) and
Regulation (Euratom, ECSC, EEC) No 397/81 (OJ L 46, 19.2.1981, p. 1)
(33) Regulation (Euratom, ECSC, EEC) No 2780/81 (OJ L 271, 26.9.1981, p. 1)
(34) Regulation (Euratom, ECSC, EEC) No 3821/81 (OJ L 386, 31.12.1981, p. 1)
(35) Regulation (ECSC, EEC, Euratom) No 371/82 (OJ L 47, 19.2.1982, p. 8)
(36) Regulation (ECSC, EEC, Euratom) No 372/82 (OJ L 47, 19.2.1982, p. 13)
(37) Regulation (ECSC, EEC, Euratom) No 3139/82 (OJ L 331, 26.11.1982, p. 1)
(38) Regulation (EEC, Euratom, ECSC) No 440/83 (OJ L 53, 26.2.1983, p. 1)
(39) Regulation (EEC, Euratom, ECSC) No 1819/83 (OJ L 180, 5.7.1983, p. 1)
(40) Regulation (EEC, Euratom, ECSC) No 2074/83 (OJ L 203, 27.7.1983, p. 1)
(41) Regulation (EEC, Euratom, ECSC) No 3647/83 (OJ L 361, 24.12.1983, p. 1)

---

[1] This compendium has been prepared by the Staff Regulations Unit of the Commission. Any comments on this publication may be sent by e-mail to ADMIN-QUICK-Wxx@xxx.xx.xxx.

[2] These Staff Regulations and conditions of employment replaced the Staff Regulations of officials and the conditions of employment of other servants of the European Economic Community and the European Atomic Energy Community laid down by Council Regulations No 31 (EEC) and No 11 (EAEC) of 18.12.1961 (OJ 45, 14.6.1962 - Special Edition 1959-62, November 1972) and the Staff Regulations of officials and the conditions of employment of other servants of the European Coal and Steel Community.

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

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

(42) Regulation (ECSC, EEC, Euratom) No 419/85 (OJ L 51, 21.2.1985, p. 1)
(43) Regulation (ECSC, EEC, Euratom) No 420/85 (OJ L 51, 21.2.1985, p. 6)
(44) Regulation (ECSC, EEC, Euratom) No 1578/85 (OJ L 154, 13.6.1985, p. 1)
(45) Regulation (ECSC, EEC, Euratom) No 1915/85 (OJ L 180, 12.7.1985, p. 3)
(46) Regulation (ECSC, EEC, Euratom) No 2799/85 (OJ L 265, 8.10.1985, p. 1)
(47) Regulation (ECSC, EEC, Euratom) No 3580/85 (OJ L 343, 20.12.1985, p. 1)
(48) Regulation (EEC, Euratom, ECSC) No 3855/86 (OJ L 359, 19.12.1986, p. 1)
(49) Regulation (EEC, Euratom, ECSC) No 3856/86 (OJ L 359, 19.12.1986, p. 5)
(50) Regulation (Euratom, ECSC, EEC) No 793/87 (OJ L 79, 21.3.1987, p. 1)
(51) Regulation (Euratom, ECSC, EEC) No 3019/87 (OJ L 286, 9.10.1987, p. 3)
(52) Regulation (Euratom, ECSC, EEC) No 3212/87 (OJ L 307, 29.10.1987, p. 1)
(53) Regulation (Euratom, ECSC, EEC) No 3784/87 (OJ L 356, 18.12.1987, p. 1)
(54) Regulation (ECSC, EEC, Euratom) No 2338/88 (OJ L 204, 29.7.1988, p. 1)
(55) Regulation (ECSC, EEC, Euratom) No 2339/88 (OJ L 204, 29.7.1988, p. 5)
(56) Regulation (ECSC, EEC, Euratom) No 3982/88 (OJ L 354, 22.12.1988, p. 1)
(57) Regulation (EEC, Euratom, ECSC) No 2187/89 (OJ L 209, 21.7.1989, p. 1)
(58) Regulation (EEC, Euratom, ECSC) No 3728/89 (OJ L 364, 14.12.1989, p. 1)
(59) Regulation (Euratom, ECSC, EEC) No 2258/90 (OJ L 204, 2.8.1990, p. 1)
(60) Regulation (Euratom, ECSC, EEC) No 3736/90 (OJ L 360, 22.12.1990, p. 1)
(61) Regulation (EEC) No 2232/91 (OJ L 204, 22.7.1991, p. 1)
(62) Regulation (ECSC, EEC, Euratom) No 3830/91 (OJ L 361, 31.12.1991, p. 1)
(63) Regulation (ECSC, EEC, Euratom) No 3831/91 (OJ L 361, 31.12.1991, p. 7)
(64) Regulation (ECSC, EEC, Euratom) No 3832/91 (OJ L 361, 31.12.1991, p. 9)
(65) Regulation (ECSC, EEC, Euratom) No 3833/91 (OJ L 361, 31.12.1991, p. 10)
(66) Regulation (ECSC, EEC, Euratom) No 3834/91 (OJ L 361, 31.12.1991, p. 13)
(67) Regulation (EEC, Euratom, ECSC) No 571/92 (OJ L 62, 7.3.1992, p. 1)
(68) Regulation (EEC, Euratom, ECSC) No 3761/92 (OJ L 383, 29.12.1992, p. 1)
(69) Regulation (EEC, Euratom, ECSC) No 3947/92 (OJ L 404, 31.12.1992, p. 1)
(70) Regulation (Euratom, ECSC, EEC) No 3608/93 (OJ L 328, 29.12.1993, p. 1)
(71) Regulation (ECSC, EC, Euratom) No 3161/94 (OJ L 335, 23.12.1994, p. 1)
as amended by Regulation (EC, Euratom, ECSC) No 1197/95 (OJ L 119, 30.5.1995, p. 1)
(72) Regulation (ECSC, EC, Euratom) No 2963/95 (OJ L 310, 22.12.1995, p. 1)
(73) Regulation (Euratom, ECSC, EC) No 1354/96 (OJ L 175, 13.7.1996, p. 1)
(74) Regulation (Euratom, ECSC, EC) No 2485/96 (OJ L 338, 28.12.1996, p. 1)
(75) Regulation (ECSC, EC, Euratom) No 2192/97 (OJ L 301, 5.11.1997, p. 5.)
(76) Regulation (ECSC, EC, Euratom) No 2591/97 (OJ L 351, 23.12.1997, p. 1)
(77) Regulation (EC, ECSC, Euratom) No 781/98 (OJ L 113, 15.04.1998, p. 4)
(78) Regulation (EC, ECSC, Euratom) No 2458/98 (OJ L 307, 17.11.1998, p. 1)
(79) Regulation (EC, ECSC, Euratom) No 2594/98 (OJ L 325, 3.12.1998, p. 1)
(80) Regulation (EC, ECSC, Euratom) No 2762/98 (OJ L 346, 22.12.1998, p. 1)
(81) Communication from the Commission to the other institutions concerning the conversion into euros of the amounts provided for in the Staff Regulations No 1999/C 60/09 (OJ C 60, 3.02.1999, p. 11)
(82) Regulation (EC, ECSC, Euratom) No 620/1999 (OJ L 78, 24.3.1999, p. 1)
(83) Regulation (EC, ECSC, Euratom) No 1238/1999 (OJ L 150, 17.6.1999, p. 1)
(84) Regulation (EC, ECSC, Euratom) No 2700/1999 (OJ L 327, 21.12.1999, p. 1)
(85) Regulation (EC, ECSC, Euratom) No 212/2000 (OJ L 24, 29.1.2000, p. 1)
(86) Regulation (EC, ECSC, Euratom) No 628/2000 (OJ L 76, 25.3.2000, p. 1)
(87) Regulation (EC, ECSC, Euratom) No 2804/2000 (OJ L 326, 22.12.2000, p. 3)
(88) Regulation (EC, ECSC, Euratom) No 2805/2000 (OJ L 326, 22.12.2000, p. 7)
(89) Regulation (EC, ECSC, Euratom) No 1986/2001 (OJ L 271, 12.10.2001, p.1)
(90) Regulation (EC, ECSC, Euratom) No 2581/2001 (OJ L 345, 29.12.2001, p.1)
(91) Regulation (EC, ECSC, Euratom) No 490/2002 (OJ L 77, 20.3.2002, p.1)
(92) Regulation (EC, Euratom) No 2265/2002 (OJ L 347, 20.12.2002, p.1)
(93) Regulation (EC, Euratom) No 2148/2003 (OJ L 323, 10.12.2003, p.1)
(94) Regulation (EC, Euratom) No 2181/2003 (OJ L 327, 16.12.2003, p.1)
(95) Regulation (EC, Euratom) No 2182/2003 (OJ L 327, 16.12.2003, p.3) [1]
(96) Regulation (EC, Euratom) No .../2004 (OJ L ...2004, p...) [2]

[1] This Regulation made the most recent adjustment to the remuneration of officials and other servants of the European Communities in accordance with Article 65 of the Staff Regulations.
[2] This Regulation was adopted by the Council on 22 March 2004. A reference to publication in the Official Journal can be found on the Internet: http://europa.eu.int/eur-lex/

I
Staff Regulations of Officials of the European Communities

		Article	*Page*
TITLE I	**GENERAL PROVISIONS**	1-10c	4
TITLE II	**RIGHTS AND OBLIGATIONS OF OFFICIALS**	11-26a	8
TITLE III	**CAREER OF OFFICIALS**		14
CHAPTER 1	RECRUITMENT	27-34	14
CHAPTER 2	ADMINISTRATIVE STATUS	35	16
	Section 1 Active employment	36	17
	Section 2 Secondment	37-39	17
	Section 3 Leave on personal grounds	40	18
	Section 4 Non-active status	41	19
	Section 5 Leave for military service	42	20
	Section 6 Parental or family leave	42a-42b	20
CHAPTER 3	REPORTS, ADVANCEMENT TO A HIGHER STEP AND PROMOTION	43-46	21
CHAPTER 4	TERMINATION OF SERVICE	47	22
	Section 1 Resignation	48	22
	Section 2 Compulsory resignation	49	23
	Section 3 Retirement in the interests of the service	50	23
	Section 4 Procedures for dealing with incompetence	51	23
	Section 5 Retirement	52-53	24
	Section 6 Honorary rank	54	24
TITLE IV	**WORKING CONDITIONS OF OFFICIALS**		25
CHAPTER 1	HOURS OF WORK	55-56c	25
CHAPTER 2	LEAVE	57-60	26
CHAPTER 3	PUBLIC HOLIDAYS	61	28
TITLE V	**EMOLUMENTS AND SOCIAL SECURITY BENEFITS OF OFFICIALS**		28
CHAPTER 1	REMUNERATION AND EXPENSES		28
	Section 1 Remuneration	62-70a	28
	Section 2 Expenses	71	31
CHAPTER 2	SOCIAL SECURITY BENEFITS	72-76a	31
CHAPTER 3	PENSIONS AND INVALIDITY ALLOWANCE	77-84	34
CHAPTER 4	RECOVERY OF UNDUE PAYMENT	85	37
CHAPTER 5	SUBROGATION IN FAVOUR OF THE COMMUNITIES	85a	37
TITLE VI	**DISCIPLINARY MEASURES**	86-89	38
TITLE VII	**APPEALS**	90-91a	39
TITLE VIII	**SPECIAL PROVISIONS APPLICABLE TO OFFICIALS IN THE SCIENTIFIC OR TECHNICAL SERVICES OF THE COMMUNITIES**	92-101	40
TITLE VIIIA	**SPECIAL AND EXCEPTIONAL PROVISIONS APPLICABLE TO OFFICIALS SERVING IN A THIRD COUNTRY**	101a	41
TITLE IX	**TRANSITIONAL AND FINAL PROVISIONS**		41
CHAPTER 1	TRANSITIONAL PROVISIONS	102-109	41
CHAPTER 2	FINAL PROVISIONS	110	41

ANNEX I **BASIC POSTS AND CORRESPONDING CAREER BRACKETS** 43

ANNEX II **COMPOSITION AND PROCEDURE OF THE BODIES PROVIDED FOR IN ARTICLE 9 OF THE STAFF REGULATIONS** **46**

Section 1 Staff Committee 1 46
Section 2 Joint Committee 2-3a 46
Section 3 Invalidity Committee 7-9 47
Section 4 Reports Committee 10-11 48
Section 5 Joint Advisory Committee for professional incompetence 12 48

ANNEX III **COMPETITIONS** 1-7 49

ANNEX IV **ALLOWANCE UNDER ARTICLES 41 AND 50 OF THE STAFF REGULATIONS** 51

ANNEX IVA **PART-TIME WORK** 1-5 52

ANNEX V **LEAVE** 53

Section 1 Annual leave 1-5 53
Section 2 Special leave 6 53
Section 3 Travelling time 7 54

ANNEX VI **COMPENSATORY LEAVE AND REMUNERATION FOR OVERTIME** 1-3 55

ANNEX VII **REMUNERATION AND REIMBURSEMENT OF EXPENSES** 56

Section 1 Family allowances 1-3 56
Section 2 Expatriation allowance 4 58
Section 3 Reimbursement of expenses
A. Installation allowance 5 59
B. Resettlement allowance 6 59
C. Travel expenses 7-8 60
D. Removal expenses 9 61
E. Daily subsistence allowance 10 62
F. Mission expenses 11-13a 62
G. Fixed reimbursement of expenses 14-15 64
Section 4 Payment of sums due 16-17 64

ANNEX VIII **PENSION SCHEME** 66

CHAPTER 1 GENERAL PROVISIONS 1 66
CHAPTER 2 RETIREMENT PENSION AND SEVERANCE GRANT 66

Section 1 Retirement pension 2-11 66
Section 2 Severance grant 12 69

CHAPTER 3 INVALIDITY ALLOWANCE 13-16 69
CHAPTER 4 SURVIVOR'S PENSION 17-29 70
CHAPTER 5 PROVISIONAL PENSIONS 30-33 73
CHAPTER 6 PENSION INCREASES IN RESPECT OF DEPENDENT CHILDREN 34-35 74
CHAPTER 7 Section 1 Funding of the pension scheme 36-39 74
Section 2 Calculation of pension 40-44 74
Section 3 Payment of benefits 45-47 75
CHAPTER 8 TRANSITIONAL PROVISIONS 48-51 76

ANNEX IX **DISCIPLINARY PROCEEDINGS** 77

Section 1 General provisions 1-4 77
Section 2 Disciplinary Board 5-8 77
Section 3 Disciplinary measures 9-10 78
Section 4 Disciplinary proceedings not involving the Disciplinary Board 11 79
Section 5 Disciplinary proceedings before the Disciplinary Board 12-22 79
Section 6 Suspension 23-24 81
Section 7 Parallel criminal prosecution 25 82
Section 8 Final provisions 26-30 82

ANNEX X	**SPECIAL AND EXCEPTIONAL PROVISIONS APPLICABLE TO OFFICIALS SERVING IN A THIRD COUNTRY**			83
CHAPTER 1	GENERAL PROVISIONS		1-3	83
CHAPTER 2	OBLIGATIONS		4-5	83
CHAPTER 3	WORKING CONDITIONS		6-9	83
CHAPTER 4	EMOLUMENTS AND SOCIAL SECURITY BENEFITS			84
	Section 1	Emoluments and family allowances	10-16	84
	Section 2	Rules relating to the reimbursement of expenses	17-23	86
	Section 3	Social security benefits	24-25	87
ANNEX XI	**RULES FOR IMPLEMENTING ARTICLES 64 AND 65 OF THE STAFF REGULATIONS**			89
CHAPTER 1	ANNUAL REVIEW OF REMUNERATION PROVIDED FOR IN ARTICLE 65(1) OF THE STAFF REGULATIONS			89
	Section 1	Factors determining annual adjustments	1-2	89
	Section 2	Arrangements for the annual adjustment of remuneration and pensions	3	90
CHAPTER 2	INTERMEDIATE ADJUSTMENTS OF REMUNERATION AND PENSIONS (ARTICLE 65(2) OF THE STAFF REGULATIONS)		4-7	91
CHAPTER 3	DATE ON WHICH A CORRECTION COEFFICIENT COMES INTO EFFECT (PLACES OF EMPLOYMENT WITH A HIGH COST-OF-LIVING INCREASE)		8	92
CHAPTER 4	CREATION AND WITHDRAWAL OF CORRECTION COEFFICIENTS (ARTICLE 64 OF THE STAFF REGULATIONS)		9	92
CHAPTER 5	EXCEPTION CLAUSE		10	93
CHAPTER 6	ROLE OF EUROSTAT AND RELATIONS WITH THE APPROPRIATE AUTHORITIES IN THE MEMBER STATES		11-14	93
CHAPTER 7	FINAL PROVISION AND REVIEW CLAUSE		15	93
ANNEX XII	**RULES FOR IMPLEMENTING ARTICLE 83A OF THE STAFF REGULATIONS**			94
CHAPTER 1	GENERAL PRINCIPLES		1-2	94
CHAPTER 2	ASSESSMENT OF THE ACTUARIAL BALANCE		3-8	94
CHAPTER 3	SYSTEM OF COMPUTATION		9-12	98
CHAPTER 4	IMPLEMENTATION		13	98
CHAPTER 5	REVISION CLAUSE		14	99
ANNEX XIII	**TRANSITIONAL MEASURES APPLICABLE TO OFFICIALS OF THE COMMUNITIES (ARTICLE 107A OF THE STAFF REGULATIONS)**			100
	Section 1		1-11	100
	Section 2		12-13	108
	Section 3		14-19	110
	Section 4		20-29	111
ANNEX XIII.1:	**TYPES OF POSTS DURING THE TRANSITIONAL PERIOD**			118

Title I: General provisions

Article 1 (21) (73) (96)

These Staff Regulations shall apply to officials of the Communities.

Article 1a (96)

1. 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.

2. This definition in paragraph 1 shall also apply to persons appointed by Community bodies to whom these Staff Regulations apply under the Community acts establishing them (hereinafter "agencies"). Any references to institutions in these Staff Regulations shall apply to agencies, save as otherwise provided in these Staff Regulations.

Article 1b (96)

Save as otherwise provided in these Staff Regulations,

(a) the European Economic and Social Committee,

(b) the Committee of the Regions,

(c) the European Ombudsman and

(d) the European Data Protection Supervisor

shall, for the purposes of these Staff Regulations, be treated as institutions of the Communities.

Article 1c (96)

Any reference in these Staff Regulations to a person of the male sex shall be deemed also to constitute a reference to a person of the female sex, and vice-versa, unless the context clearly indicates otherwise.

Article 1d (77) (96)

1. In the application of these Staff Regulations, any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age, or sexual orientation shall be prohibited.

For the purposes of these Staff Regulations, non-marital partnerships shall be treated as marriage provided that all the conditions listed in Article 1(2)(c) of Annex VII are fulfilled.

2. With a view to ensuring full equality in practice between men and women in working life, which shall be an essential element to be considered in the implementation of all aspects of these Staff Regulations, the principle of equal treatment shall not prevent the institutions of the European Communities from maintaining or adopting measures providing for specific advantages in order to make it easier for the underrepresented sex to pursue a vocational activity or to prevent or compensate for disadvantages in professional careers.

3. The institutions shall determine, by agreement, after consulting the Staff Regulations Committee, measures and actions to promote equal opportunities for men and women in the areas covered by these Staff Regulations, and shall adopt the appropriate provisions notably to redress such de facto inequalities as hamper opportunities for women in these areas.

4. For the purposes of paragraph 1, a person has a disability if he has a physical or mental impairment that is, or is likely to be, permanent. The impairment shall be determined according to the procedure set out in Article 33.

A person with a disability meets the conditions laid down in Article 28(e) if he can perform the essential functions of the job when reasonable accommodation is made.

“Reasonable accommodation”, in relation to the essential functions of the job, shall mean appropriate measures, where needed, to enable a person with a disability to have access to, participate in, or advance in employment, or to undergo training, unless such measures would impose a disproportionate burden on the employer.

5. Where persons covered by these Staff Regulations, who consider themselves wronged because the principle of equal treatment as set out above has not been applied to them, establish facts from which it may be presumed that there has been direct or indirect discrimination, the onus shall be on the institution to prove that there has been no breach of the principle of equal treatment. This provision shall not apply in disciplinary proceedings.

6. While respecting the principle of non-discrimination and the principle of proportionality, any limitation of their application must be justified on objective and reasonable grounds and must be aimed at legitimate objectives in the general interest in the framework of staff policy. Such objectives may in particular justify stipulating a mandatory retirement age and a minimum age for drawing a retirement pension.

Article 1e (96)

1. Officials in active employment shall have access to measures of a social nature adopted by the institutions and to services provided by the social welfare bodies referred to in Article 9. Former officials may have access to limited specific measures of a social nature.

2. Officials in active employment shall be accorded working conditions complying with appropriate health and safety standards at least equivalent to the minimum requirements applicable under measures adopted in these areas pursuant to the Treaties.

3. Measures of a social nature adopted in accordance with this Article shall be implemented by each institution in close co-operation with the Staff Committee, on the basis of multi-annual proposed actions. These proposed actions shall be transmitted each year to the budgetary authority in the framework of the budget procedure.

Article 2 (69) (73) (96)

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

2. However, one or more institutions may entrust to any one of them or to an inter-institutional body the exercise of some or all of the powers conferred on the Appointing Authority, other than decisions relating to appointments, promotions or transfers of officials.

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 (96)

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, appointment to a post in accordance with Article 45a or promotion, it shall be notified to the staff of the other institutions, and/or an internal competition shall be organised.

Article 5 (8) (96)

1. The posts covered by the Staff Regulations shall be classified, according to the nature and importance of the duties to which they relate, in an administrators' function group (hereinafter “AD”) and an assistants' function group (hereinafter “AST”).

2. Function group AD shall comprise twelve grades, corresponding to administrative, advisory, linguistic and scientific duties. Function group AST shall comprise eleven grades, corresponding to executive, technical and clerical duties.

3. Appointment shall require at least

(a) in function group AST:

(i) a level of post-secondary education attested by a diploma, or

(ii) a level of secondary education attested by a diploma giving access to post-secondary education, and appropriate professional experience of at least three years, or

(iii) where justified in the interests of the service, professional training or professional experience of an equivalent level.

(b) in function group AD for grades 5 and 6:

(i) a level of education which corresponds to completed university studies of at least three years attested by a diploma, or

(ii) where justified in the interest of the service, professional training of an equivalent level.

(c) in function group AD for grades 7 to 16:

(i) a level of education which corresponds to completed university studies attested by a diploma when the normal period of university education is four years or more, or

(ii) a level of education which corresponds to completed university studies attested by a diploma and appropriate professional experience of at least one year when the normal period of university education is at least three years, or

(iii) where justified in the interests of the service, professional training of an equivalent level.

4. A table showing types of posts is given in Annex I, point A. By reference to this table, each institution shall define the duties and powers attaching to each type of post after consulting the Staff Regulations Committee.

5. Identical conditions of recruitment and service career shall apply to all officials belonging to the same function group.

Article 6 (96)

1. The establishment plan appended to the section of the budget related to each institution shall indicate the number of posts in each grade and function group.

2. To ensure equivalence of the average career in the career structure before 1 May 2004 (hereinafter "old career structure") and as from 1 May 2004 (hereinafter "new career structure") and without prejudice to the principle of promotion based on merit as laid down in Article 45 of the Staff Regulations, this plan shall ensure that for each institution, the number of vacant positions at every grade of the establishment plan on 1 January of each year corresponds to the number of officials in the lower grade in active employment on 1 January of the preceding year, multiplied by the rates laid down in Annex I, point B, for that grade. These rates shall be applied on a five-year average basis as from 1 May 2004.

3. The Commission shall, on the basis of the methodology defined in paragraph 5, submit a report to the budgetary authority each year on the evolution of average careers in the two function groups in all institutions, which shall state whether the principle of equivalence has been respected and, if not, to what extent it has been breached. If it has not been respected, the budgetary authority may take such corrective safeguard measures as are appropriate to re-establish equivalence.

4. To ensure that this system remains consistent with the establishment plan, consistent with the equivalence between the old and the new career structure and consistent with budgetary discipline, the rates laid down in Annex I, point B, shall be reviewed at the end of a five-year period starting on 1 May 2004 on the basis of a report submitted by the Commission to the Council, and a proposal by the Commission.

The Council shall decide in accordance with Article 283 of the EC Treaty.

5. Equivalence shall be assessed as a result of promotion and seniority over a given reference period on the assumption that staff numbers remain unchanged between the average career before 1 May 2004 and the average career of officials recruited thereafter.

Article 7 (8) (96)

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 function group 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 grade in his function group which is higher than his substantive grade. 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 if he were appointed to the grade of his temporary posting.

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

Article 8

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

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

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

Article 9 (69) (96)

1. There shall be set up:

(a) within each institution:

- a Staff Committee, which may be organised 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;
- one or more Joint Advisory Committees on professional incompetence, as appropriate for the number of officials at the places of employment;
- a Reports Committee, if required

(b) for the Communities:

- an Invalidity Committee,

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

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

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

The staff of the institution shall be notified of the list of members of these bodies.

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 organisation 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; and

(b) on the selection of staff to be affected by any reduction in the establishment.

It may be instructed by the Appointing Authority to ensure that the periodic reports on staff members are made in a uniform manner within the institution.

6. The opinion of the Joint Advisory Committee on professional incompetence shall be sought for the application of Article 51.

Article 10 (96)

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. The agencies shall be jointly represented in accordance with rules to be fixed by agreement between them and the Commission.

The Committee shall be consulted by the Commission on all proposals to revise the Staff Regulations; it shall deliver its opinion within the time set by the Commission. In addition to the functions conferred upon the Committee by these Staff Regulations, it may put forward suggestions for revising the Staff Regulations. The Committee shall meet at the request of its Chairman, of an institution or of the staff committee of an institution.

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

Article 10a (8)

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

Article10b (96)

The trade unions and staff associations referred to in Article 24b shall act in the general interest of the staff, without prejudice to the statutory powers of the Staff Committees.

The Commission proposals referred to in Article 10 may be the subject of consultations by representative trade unions and staff associations.

Article 10c (96)

Each institution may conclude agreements concerning its staff with its representative trade unions and staff associations. Such agreements may not entail amendment of the Staff Regulations or any budgetary commitments, nor may they affect the working of the institution concerned. The representative trade unions and staff associations which are signatories shall operate in each institution subject to the statutory powers of the staff committee.

Title II: Rights and obligations of officials

Article 11 (96)

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, organisation or person outside his institution. He shall carry out the duties assigned to him objectively, impartially and in keeping with his duty of loyalty to the Communities.

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 11a (96)

1. An official shall not, in the performance of his duties and save as hereinafter provided, deal with a matter in which, directly or indirectly, he has any personal interest such as to impair his independence, and, in particular, family and financial interests.

2. Any official to whom it falls, in the performance of his duties, to deal with a matter referred to above shall immediately inform the Appointing Authority. The Appointing Authority shall take any appropriate measure, and may in particular relieve the official from responsibility in this matter.

3. An official 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.

Article 12 (96)

An official shall refrain from any action or behaviour which might reflect adversely upon his position.

Article 12a (96)

1. Officials shall refrain from any form of psychological or sexual harassment.

2. An official who has been the victim of psychological or sexual harassment shall not suffer any prejudicial effects on the part of the institution. An official who has given evidence on psychological or sexual harassment shall not suffer any prejudicial effects on the part of the institution, provided the official has acted honestly.

3. “Psychological harassment” means any improper conduct that takes place over a period, is repetitive or systematic and involves physical behaviour, spoken or written language, gestures or other acts that are intentional and that may undermine the personality, dignity or physical or psychological integrity of any person.

4. “Sexual harassment” means conduct relating to sex which is unwanted by the person to whom it is directed and which has the purpose or effect of offending that person or creating an intimidating, hostile, offensive or disturbing environment. Sexual harassment shall be treated as discrimination based on gender.

Article 12b (96)

1. Subject to Article 15, an official wishing to engage in an outside activity, whether paid or unpaid, or to carry out any assignment outside the Communities, shall first obtain the permission of the Appointing Authority. Permission shall be refused only if the activity or assignment in question is such as to interfere with the performance of the official's duties or is incompatible with the interests of the institution.

2. An official shall notify the Appointing Authority of any changes in a permitted outside activity or assignment, which occur after the official has sought the permission of the Appointing Authority under paragraph 1. Permission may be withdrawn if the activity or assignment no longer meets the conditions referred to in the last sentence of paragraph 1.

Article 13(96)

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 or be transferred to another post.

Article 14 (96)

Repealed

Article 15 (96)

1. An official who intends to stand for public office shall notify the Appointing Authority. The Appointing Authority shall decide, in the light of the interests of the service, whether the official concerned:

(a) should be required to apply for leave on personal grounds, or

(b) should be granted annual leave, or

(c) may be authorised to discharge his duties on a part-time basis, or

(d) may continue to discharge his duties as before.

2. An official elected or appointed to public office shall immediately inform the Appointing Authority. The Appointing Authority shall, having regard to the interests of the service, the importance of the office, the duties it entails and the remuneration and reimbursement of expenses incurred in carrying out those duties, take one of the decisions referred to in paragraph 1. If the official is required to take leave on personal grounds or is authorised to discharge his duties on a part-time basis, the period of such leave or part-time working shall correspond to the official's term of office.

Article 16 (96)

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.

Officials intending to engage in an occupational activity, whether gainful or not, within two years of leaving the service shall inform their institution thereof. If that activity is related to the work carried out by the official during the last three years of service and could lead to a conflict with the legitimate interests of the institution, the Appointing Authority may, having regard to the interests of the service, either forbid him from undertaking it or give its approval subject to any conditions it thinks fit. The institution shall, after consulting the Joint Committee, notify its decision within 30 working days of being so informed. If no such notification has been made by the end of that period, this shall be deemed to constitute implicit acceptance.

Article 17 (96)

1. An official shall refrain from any unauthorised disclosure of information received in the line of duty, unless that information has already been made public or is accessible to the public.

2. An official shall continue to be bound by this obligation after leaving the service.

Article 17a (96)

1. An official has the right to freedom of expression, with due respect to the principles of loyalty and impartiality.

2. Without prejudice to Articles 12 and 17, an official who intends to publish or cause to be published, whether alone or with others, any matter dealing with the work of the Communities shall inform the Appointing Authority in advance.

Where the Appointing Authority is able to demonstrate that the matter is liable seriously to prejudice the legitimate interests of the Communities, the Appointing Authority shall inform the official of its decision in writing within 30 working days of receipt of the information. If no such decision is notified within the specified period, the Appointing Authority shall be deemed to have had no objections.

Article 18 (96)

1. All rights in any writings or other work done by any official in the performance of his duties shall be the property of the Community to whose activities such writings or work relate. The Communities shall have the right to acquire compulsorily the copyright in such works.

2. 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 Communities. The institution may, at its own expense and on behalf of the Communities, apply for and obtain patents therefore in all countries. Any invention relating to the work of the Communities 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.

3. 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 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 (96)

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. The official shall notify the Appointing Authority of his address and inform it immediately of any change of address.

Article 21 (24) (96)

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.

Article 21a (96)

1. An official who receives orders which he considers to be irregular or likely to give rise to serious difficulties shall inform his immediate superior, who shall, if the information is given in writing, reply in writing. Subject to paragraph 2, if the immediate superior confirms the orders and the official believes that such confirmation does not constitute a reasonable response to the grounds of his concern, the official shall refer the question in writing to the hierarchical authority immediately above. If the latter confirms the orders in writing, the official shall carry them out unless they are manifestly illegal or constitute a breach of the relevant safety standards.

2. If the immediate superior considers that the orders must be executed promptly, the official shall carry them out unless they are manifestly illegal or constitute a breach of the relevant safety standards. At the request of the official, the immediate superior shall be obliged to give such orders in writing.

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 22a (96)

1. Any official who, in the course of or in connection with the performance of his duties, becomes aware of facts which gives rise to a presumption of the existence of possible illegal activity, including fraud or corruption, detrimental to the interests of the Communities, or of conduct relating to the discharge of professional duties which may constitute a serious failure to comply with the obligations of officials of the Communities shall

without delay inform either his immediate superior or his Director-General or, if he considers it useful, the Secretary-General, or the persons in equivalent positions, or the European Anti-Fraud Office (OLAF) direct.

Information mentioned in the first subparagraph shall be given in writing.

This paragraph shall also apply in the event of serious failure to comply with a similar obligation on the part of a Member of an institution or any other person in the service of or carrying out work for an institution.

2. Any official receiving the information referred to in paragraph 1 shall without delay transmit to OLAF any evidence of which he is aware from which the existence of the irregularities referred to in paragraph 1 may be presumed.

3. An official shall not suffer any prejudicial effects on the part of the institution as a result of having communicated the information referred to in paragraphs 1 and 2, provided that he acted reasonably and honestly.

4. Paragraphs 1 to 3 shall not apply to documents, deeds, reports, notes or information in any form whatsoever held for the purposes of, or created or disclosed to the official in the course of, proceedings in legal cases, whether pending or closed.

Article 22b (96)

1. An official who further discloses information as defined in Article 22a to the President of the Commission or of the Court of Auditors or of the Council or of the European Parliament, or to the European Ombudsman, shall not suffer any prejudicial effects on the part of the institution to which he belongs provided that both of the following conditions are met:

(a) the official honestly and reasonably believes that the information disclosed, and any allegation contained in it, are substantially true; and

(b) the official has previously disclosed the same information to OLAF or to his own institution and has allowed the OLAF or that institution the period of time set by the Office or the institution, given the complexity of the case, to take appropriate action. The official shall be duly informed of that period of time within 60 days.

2. The period referred to in paragraph 1 shall not apply where the official can demonstrate that it is unreasonable having regard to all the circumstances of the case.

3. Paragraphs 1 and 2 shall not apply to documents, deeds, reports, notes or information in any form whatsoever held for the purposes of, or created or disclosed to the official in the course of, proceedings in legal cases, whether pending or closed.

Article 23 (24)(96)

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 grade AD 12 to AD 16 and equivalent grades. Where the interests of the service so require, this laissez-passer may be issued, by special decision of the appointing authority, to officials in other grades whose place of employment lies outside the territory of the Member States.

Article 24 (8) (96)

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.

Article 24a (8) (96)

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

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

Article 24b (96)

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) (96)

Officials may submit requests concerning issues covered by these Staff Regulations 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 be published in the institution to which the official belongs. The publication shall be accessible to all staff for an appropriate period of time.

Article 26 (96)

The personal file of an official shall contain:

(a) all documents concerning his administrative status and all reports relating to his ability, efficiency and conduct;

(b) any comments by the official on such documents.

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

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

An official's personal file shall contain no reference to his political, trade union, philosophical or religious activities and views, or to his racial or ethnic origin or sexual orientation.

The precedent paragraph shall not however prohibit the insertion in the file of administrative acts and documents known to the official which are necessary for the application of these Staff Regulations.

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 and to take copies of them.

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

Article 26a (96)

Officials shall have the right to acquaint themselves with their medical files, in accordance with arrangements to be laid down by the institutions.

Title III: Career of officials

Chapter 1: Recruitment

Article 27 (77) (96)

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.

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 authorised by the appointing authority, and enjoys his full rights as a citizen;

(b) he has fulfilled any obligations imposed on him by the laws concerning military service;

(c) he produces the appropriate character references as to his suitability for the performance of his duties;

(d) he has, subject to Article 29(2), passed a competition based on either qualifications or tests, or both qualifications and tests, as provided for in Annex III;

(e) he is physically fit to perform his duties; and

(f) he produces evidence of a thorough knowledge of one of the languages of the Communities and of a satisfactory knowledge of another language of the Communities to the extent necessary for the performance of his duties.

Article 29 (96)

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

(a) whether the post can be filled by:

(i) transfer, or

(ii) appointment in accordance with Article 45a, or

(iii) promotion

within the institution;

(b) whether requests for transfer have been received from officials of the same grade in other institutions, and/or whether to hold a competition internal to the institution, which shall be open only to officials and temporary staff as defined in Article 2 of the Conditions of Employment of other servants of the 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 senior officials (Directors-General or their equivalent in grade AD 16 or AD 15 and Directors or their equivalent in grade AD 15 or AD 14) and, in exceptional cases, also for recruitment to posts which require special qualifications.

3. The institutions may organise internal competitions for each function group on the basis of qualifications and tests for the institution concerned which shall be at grade AST 6-level or higher and at grade AD 9-level or higher.

These competitions will be open only to members of the temporary staff of that institution engaged in accordance with Article 2(c) of the Conditions of Employment of other Servants of the European Communities. The institutions shall require as minimum qualifications for these competitions at least ten years of service as a temporary servant and having been recruited as a temporary servant on the basis of a selection procedure which

ensured the application of the same standards as for the selection of officials in conformity with Article 12(4) of the Conditions of Employment of other servants. By derogation from paragraph (1)(a) of this Article, the Appointing Authority of the institution that engaged the temporary servant shall, before filling a vacant post in that institution, consider transfers of officials within the institution in parallel with successful candidates from these internal competitions.

4. Once every five years the European Parliament shall organise an internal competition on the basis of qualifications and tests for each function group which shall be at grade AST 6-level or higher and at grade AD 9-level or higher, in accordance with the conditions set out in the second subparagraph of paragraph 3.

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 (96)

1. Candidates selected shall be appointed to the grade of the function group set out in the notice of the competition they have passed.

2. Without prejudice to Article 29(2), officials shall be recruited only at grades AST 1 to AST 4 or AD 5 to AD 8. The grade of the competition notice shall be determined by the institution in accordance with the following criteria:

(a) the objective of recruiting officials of the highest standard as defined in Article 27;

(b) the quality of the professional experience required.

To address specific needs of the institutions, labour market conditions prevailing in the Community may also be taken into account when recruiting officials.

3. Not withstanding paragraph (2), the institution may, where appropriate, authorise the organisation of a competition at grade AD 9, AD 10, AD 11 or, on an exceptional basis, at grade AD 12. The total number of candidates appointed to vacant posts at these grades shall not exceed 20% of the total number of appointments to the function group AD made per year in accordance with the second paragraph of Article 30.

Article 32 (8) (69) (96)

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

The Appointing Authority may allow additional seniority up to a maximum of 24 months to take account of his professional experience. General implementing provisions shall be adopted to give effect to this Article.

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

Article 33 (24)

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

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

Article 34 (8) (24) (69) (96)

1. Officials shall serve a nine-month probationary period before they can be established.

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

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

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

However, the appointing authority may, in exceptional circumstances, authorise continuation of the probationary period and assign the official to another department. In this case the new assignment must be for at least six months; it shall be subject to the limits set out in paragraph 4.

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

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

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

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

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

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

Chapter 2: Administrative status

Article 35 (96)

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;
(f) parental leave or family leave.

Section 1: Active employment

Article 36

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

Section 2: Secondment

Article 37 (8) (40) (69) (96)

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

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

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

(b) has at his own request:

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

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

Any official in active employment or on leave on personal grounds may apply for, or be offered, secondment in the interests of the service. Once the official is seconded, the leave on personal grounds shall be terminated.

Article 38 (8)

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

(a) the decision on secondment shall be taken by the appointing authority after hearing the official concerned;

(b) the duration of secondment shall be determined by the appointing authority;

(c) at the end of every six months, the official concerned may request that this secondment be terminated;

(d) an official on secondment pursuant to the first indent of Article 37(a) is entitled to receive a differential payment where the total remuneration carried by the post to which he is seconded is less than that carried by his grade and step in his parent institution; he shall likewise be entitled to reimbursement of all additional expenses entailed by his secondment;

(e) an official on secondment pursuant to the first indent of Article 37(a) shall continue to pay pension contributions based on the salary for active employment carried by his grade and step in his parent institution;

(f) an official on secondment shall retain his post, his right to advancement to a higher step and his eligibility for promotion;

(g) when his secondment ends an official shall at once be reinstated in the post formerly occupied by him.

Article 39 (8) (40) (96)

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

(a) the decision on secondment shall be taken by the appointing authority who shall determine its duration;

(b) within six months of taking up his new duties an official may request that his secondment be terminated; he shall then be reinstated at once in the post formerly occupied by him;

(c) at the end of this period of six months, another person may be appointed to his post;

(d) during the period of secondment, pension contributions and any pension rights shall be calculated by reference to the salary for active employment carried by his grade and step in his parent institution. However, an official on secondment under the second indent of Article 37(1)(b) who acquires pension rights in the body to which he is seconded shall cease to be affiliated to the pension scheme in his original institution for the duration of this secondment.

An official who becomes an invalid while on secondment within the meaning of Article 37(1)(b), second indent, and the dependants of an official who dies during the same period, shall be entitled under these Staff Regulations to the invalidity allowance or survivor's pension less any amounts paid to them on the same grounds and for the same period by the body to whom the official was seconded.

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

(e) during the period of secondment, the official shall retain his right to advancement to a higher step.

(f) when his secondment ends an official must be reinstated in the first post corresponding to his grade which falls vacant in his function group 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 function group, subject to the same proviso; if he declines a second time, he may be required to resign after the Joint Committee has been consulted. Until effectively reinstated he shall continue to be on secondment but unpaid.

Section 3: Leave on personal grounds

Article 40 (8) (24) (40) (96)

1. An established official may, in exceptional circumstances and at his own request, be granted unpaid leave on personal grounds.

2. Without prejudice to the provisions of Article 15, the duration of such leave shall not exceed one year. Leave may be extended for further periods.

Extensions may be for periods not exceeding one year. The total length of leave on personal grounds may not exceed 15 years in the course of the official's entire career.

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

(i) to bring up a child considered as a dependant of the official within the meaning of Article 2(2) of Annex VII and who suffers from a serious mental or physical handicap recognised by the medical officer of the institution and who requires constant care or supervision; or

(ii) to follow his spouse, the latter also being an official or other servant of the Communities required in the course of his duties to establish his habitual residence at such a distance from the place of employment of the applicant official that the establishment of their conjugal home in such a place would inconvenience the applicant official in the performance of his duties,

the leave may be extended without limits, provided that, at the time of each extension, the conditions which warranted the grant of the leave continue to be fulfilled.

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 is not engaged in a gainful activity may, not later than one month following that in which the 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. Cover in accordance with Article 73 shall be available only if cover has been obtained in accordance with Article 72. The contributions shall be calculated by reference to the official's last basic salary. Moreover, the official who proves that he cannot acquire pension rights for another pension scheme may apply to continue to acquire further pension rights for a maximum of one year, provided that he bears the cost of the contribution equal to three times the rate laid down in Article 83(2); the contributions shall be calculated by reference to the basic salary for the official's grade and step.

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

(a) it shall be granted at the request of the official concerned by the appointing authority;

(b) application for extension shall be made two months before the leave expires;

(c) another person may be appointed to the post occupied by the official;

(d) on the expiry of his leave an official must be reinstated in the first post corresponding to his grade which falls vacant in his function group, 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 function group, 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 or placed on secondment he shall remain on unpaid leave on personal grounds.

Section 4: Non-active status

Article 41 (8) (46) (78) (79) (96)

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 function group corresponding to his grade which may fall vacant or be created, provided that he has the necessary qualifications.

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

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

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

No correction coefficient shall be applicable to the allowance.

However, the allowance and the total remuneration last received, as referred to in the fourth subparagraph of this Article, shall be subject to the weighting referred to in the first subparagraph of Article 3(5) of Annex XI, at

the rate fixed for the Member State where the recipient proves he has his residence, provided that Member State was the recipient's last place of employment. In such cases, if the currency of the Member State is not the euro, this allowance is calculated on the basis of the exchange rates provided for in Article 63 of these Staff Regulations.

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

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

Section 5: Leave for military service

Article 42

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

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

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

Section 6: Parental or family leave

Article 42a (96)

An official shall be entitled to up to six months of parental leave without basic salary for every child, to be taken during the first twelve years after the birth or adoption of the child. The duration of the leave may be doubled for single parents recognised under general implementing provisions adopted by the institutions. The minimum leave taken at any one time shall not be less than one month.

During parental leave, the official's membership of the social security scheme shall continue; the acquisition of pension rights, dependent child allowance and education allowance shall be maintained. The official shall retain his post, and continue to be entitled to advancement to a higher step or promotion in grade. The leave may be taken as full-time or half-time leave. Where parental leave is taken in the form of half-time leave, the maximum period provided for in the first paragraph shall be doubled. During parental leave, the official shall be entitled to an allowance of EUR 798,77 per month or 50% of such sum if on half-time leave but may not engage in any other gainful employment. The full contribution to the social security scheme provided for in Articles 72 and 73 shall be borne by the institution and calculated on the basis of the basic salary of the official. However, in the case of half-time leave this provision shall apply only to the difference between the full basic salary and the proportionally reduced basic salary. For the part of the basic salary actually received, the official's contribution shall be calculated by using the same percentages as if he were in full-time employment.

The allowance shall be EUR 1 065,02 per month, or 50% of such sum if the official is on half-time leave, for the single parents referred to in the first paragraph and during the first three months of parental leave where such leave is taken by the father during maternity leave or by either parent immediately after maternity leave or during or immediately after adoption leave. The amounts mentioned in this Article shall be adapted in line with remuneration.

Article 42b (96)

In the case of medically certified serious illness or disability of an official's spouse, relative in the ascending line, relative in the descending line, brother or sister, the official shall be entitled to a period of family leave without basic salary. The total period of such leave shall not exceed nine months over the official's entire career.

The second paragraph of Article 42a shall apply.

Chapter 3: Reports, advancement to a higher step and promotion

Article 43 (96)

The ability, efficiency and conduct in the service of each official 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. Each institution shall lay down provisions conferring the right to lodge an appeal within the reporting procedure, which has to be exercised before lodging a complaint as referred to in Article 90(2).

As of grade 4, for officials in function group AST, the report may also contain an opinion as to whether, on the basis of performance, he has the potential to carry out an administrator's function.

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

Article 44 (96)

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

If an official is appointed head of unit, director or director-general in the same grade, and provided that he has performed his new duties satisfactorily during the first nine months, he shall retroactively benefit from advancement by one step in that grade at the time the appointment comes into effect. This advancement shall lead to an increase in his basic monthly salary corresponding to the percentage between the first and the second step in each grade. If the increase is less or if the official at that time is already in the last step of his grade, he shall receive an increase in basic salary ensuring the increase between the first and second step until his next promotion comes into effect.

Article 45 (69) (96)

1. Promotion shall be by decision of the Appointing Authority in the light of Article 6(2). It shall be effected by appointment of the official to the next higher grade in the function group to which he belongs. Promotion shall be exclusively by selection from among officials who have completed a minimum of two years in their grade after consideration of the comparative merits of the officials eligible for promotion. When considering comparative merits, the Appointing Authority shall in particular take account of the reports on the officials, the use of languages in the execution of their duties other than the language for which they have produced evidence of thorough knowledge in accordance with Article 28(f) and, where appropriate, the level of responsibilities exercised by them.

2. Officials shall be required to demonstrate before their first promotion after recruitment the ability to work in a third language among those referred to in Article 314 of the EC Treaty. The institutions shall adopt common rules by agreement between them for implementing this paragraph. These rules shall require access to training for officials in a third language and lay down the detailed arrangements for the assessment of officials' ability to work in a third language, in accordance with Article 7(2)(d) of Annex III.

Article 45a (96)

1. By way of derogation from Article 5 (3) (b) and (c), an official in function group AST may, from grade 5, be appointed to a post in function group AD, on condition that:

(a) he has been selected in accordance with the procedure laid down in paragraph 2 of this Article to take part in a compulsory training programme as set out in point (b) of this paragraph,

(b) he has completed a training programme defined by the Appointing Authority comprising a set of compulsory training modules, and

(c) he is on the list drawn up by the Appointing Authority of candidates who have passed an oral and written examination demonstrating that he has successfully taken part in the training programme mentioned under point (b) of this paragraph. The contents of this examination shall be determined in accordance with Article 7(2)(c) of Annex III.

2. The Appointing Authority shall draw up a draft list of AST officials selected to take part in the aforesaid training programme on the basis of their periodical reports referred to in Article 43 and their level of education and training and taking account of the needs of the services. This draft shall be submitted to a joint committee for its opinion.

This committee may hear officials who have applied to take part in the aforesaid training programme, and representatives of the Appointing Authority. It shall, by a majority vote, deliver a reasoned opinion on the draft list proposed by the Appointing Authority. The Appointing Authority shall adopt the list of officials who are entitled to take part in the aforesaid training programme.

3. Appointment to a post in function group AD shall not affect the grade and step occupied by the official at the moment of appointment.

4. The number of appointments to posts in function group AD as laid down in paragraphs (1) to (3) of this Article shall not exceed 20% of the total number of appointments made per year in accordance with the second paragraph of Article 30.

5. The institutions shall adopt general provisions for giving effect to this Article in accordance with Article 110.

Article 46 (8) (96)

An official appointed to a higher grade in accordance with Article 45 shall be placed in the initial step in that grade. However, officials in grades AD 9 to AD 13 carrying out the duties of head of unit who are appointed to a higher grade in accordance with Article 45 shall be placed in the second step of the new grade. The same arrangement shall apply to any official:

(a) who upon promotion is appointed director or director-general, or

(b) who is director or director-general and to whom the last sentence of the second paragraph of Article 44 applies.

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) (96)

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

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

Resignation shall take effect on the date specified by the Appointing Authority; that date shall not be more than three months after the date proposed by the official in his letter of resignation in the case of officials in function group AD, and not more than one month in the case of officials in function group AST.

Section 2: Compulsory resignation

Article 49 (8)(96)

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 39, 40 and 41(4) and (5) and in the second paragraph of Article 14 of Annex VIII.

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

Section 3: Retirement in the interests of the service

Article 50 (8) (46) (96)

A senior official as defined in Article 29(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 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 person concerned shall be required to provide on request written proof and to notify his or her institution of any factor that may affect entitlement to the benefit.

The allowance shall not be subject to a correction coefficient.

Article 45, third, fourth and fifth paragraphs, of Annex VIII shall apply by analogy.

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

Section 4: Procedures for dealing with incompetence

Article 51 (96)

1. Each institution shall define procedures to identify, deal with and remedy cases of incompetence in a timely and appropriate fashion. Once these procedures have been exhausted, an official who, on the basis of consecutive periodical reports referred to in Article 43, still proves incompetent in the performance of his duties may be dismissed, downgraded or classified in a lower function group at the same grade or a lower grade.

2. Any proposal to dismiss, downgrade or classify an official in a lower function group shall set out the reasons on which it is based and shall be communicated to the official concerned. The proposal from the Appointing Authority shall be referred to the Joint Advisory Committee referred to in Article 9(6).

3. The official shall have the right to obtain his complete personal file and to take copies of all documents relating to the procedure. He shall have at least fifteen days from the date of receipt of the proposal to prepare a defence. He may be assisted by a person of his choice. The official may submit written comments. He shall be heard by the Joint Advisory Committee. The official may also call witnesses.

4. The institution shall be represented before the Joint Advisory Committee by an official designated for that purpose by the Appointing Authority. That official shall have the same rights as the official concerned.

5. In the light of the proposal under paragraph 2 and any written and verbal statements from the official concerned or from witnesses, the Joint Advisory Committee shall deliver by a majority a reasoned opinion stating the measure which it considers appropriate in the light of the facts established at its request. It shall forward that opinion to the Appointing Authority and to the official concerned within two months of the date on which the matter is referred to it. The chairman shall not vote on decisions of the Joint Advisory Committee, except in procedural matters and where votes are tied.

The Appointing Authority shall take a decision within two months of receipt of the Joint Advisory Committee's opinion, after hearing the official. The decision shall be substantiated. It shall indicate the date on which it takes effect.

6. An official dismissed for incompetence shall, for the period defined in paragraph 7, be entitled to a monthly dismissal allowance equal to the basic monthly salary of an official in the first step of grade 1. The official shall also be entitled during the same period to the family allowances provided for in Article 67. The household allowance shall be calculated on the basis of the basic monthly salary of an official in grade 1 in accordance with Article 1 of Annex VII.

The allowance shall not be paid if the official resigns after the start of the procedure referred to in paragraphs 1, 2 and 3 or if he is entitled to the immediate payment of a full pension. If he is entitled to unemployment benefit under a national unemployment scheme, the amount of that benefit shall be deducted from the above allowance.

7. The period during which the payments referred to in paragraph 6 are to be made shall be:

(a) three months where the official has completed less than five years' service at the date on which the dismissal decision is taken;

(b) six months where the official has completed at least five years' service but less than ten;

(c) nine months where the official has completed at least 10 years' service but less than 20;

(d) 12 months where the official has completed over 20 years' service.

8. Officials who are downgraded or classified in a lower function group on grounds of incompetence may after a period of six years ask for all references to that measure to be deleted from their personal files.

9. Officials shall be entitled to reimbursement of reasonable expenses incurred on their initiative in the course of the proceedings, including fees payable to a defending adviser not belonging to the institution, where the proceedings provided for in this Article end without any decision being taken to dismiss, downgrade or classify the official in a lower function group.

Section 5: Retirement

Article 52 (46) (96)

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

(a) either automatically on the last day of the month in which he reaches the age of 65, or

(b) at his own request on the last day of the month in respect of which the request was submitted where he is at least 63 years of age or where he is between 55 and 63 years of age and satisfies the requirements for immediate payment of a pension in accordance with Article 9 of Annex VIII. The second sentence of the second paragraph of Article 48 shall apply by analogy.

However, on an exceptional basis, an official may at his own request and only in the case where the Appointing Authority considers it justified in the interest of the service, carry on working until the age of 67 in which case he shall be retired automatically on the last day of the month in which he reaches that age.

Article 53 (46)

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

Section 6: Honorary rank

Article 54

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

No pecuniary benefits shall attach to such honorary rank.

Title IV: Working conditions of officials

Chapter 1: Hours of work

Article 55 (7) (8) (16)

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

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

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

Article 55a (8) (96)

1. An official may request authorisation to work part time.

The Appointing Authority may grant such authorisation if this is compatible with the interests of the service.

2. The official shall be entitled to authorisation in the following cases:

(a) to care for a child under 9 years of age,

(b) to care for a child aged between 9 and 12, if the reduction in working time is no more than 20 % of normal working time,

(c) to care for a seriously ill or disabled spouse, relative in the ascending line, relative in the descending line, brother or sister,

(d) to take part in further training, or

(e) as of the age of 55 during the last five years before retirement.

Where part-time is requested in order to take part in further training, or as of the age of 55, the Appointing Authority may refuse authorisation or postpone its date of effect only in exceptional circumstances and for overriding service-related reasons.

Where such entitlement to authorisation is exercised to care for a seriously ill or disabled spouse, relative in the ascending line, relative in the descending line, brother or sister, or to take part in further training, the total of all such periods shall not exceed five years over the official's career.

3. The Appointing Authority shall reply to the official's request within 60 days.

4. The rules governing part-time work and the procedure for granting authorisation are laid down in Annex IVa.

Article 55b (96)

An official may request authorisation to work half-time in the form of job-sharing in a post identified by the Appointing Authority as appropriate for that purpose. The authorisation to work half-time by job-sharing shall not be limited in time. It may, however, be withdrawn by the Appointing Authority in the interests of the service giving the official six months' notice. Likewise, the Appointing Authority may, on application of the official concerned and giving at least six months' notice, withdraw the authorisation. In this case, the official may be transferred to a different post.

Article 59a and, except for the third sentence of paragraph 2, Article 3 of Annex IVa shall apply.

The Appointing Authority may lay down detailed rules for the application of this Article.

Article 56 (8) (96)

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 authorised 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 function group AD, and in function group AST 5 to 11 shall carry no right to compensation or remuneration.

As provided for in Annex VI, overtime worked by officials in grade AST 1 to AST 4 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.

Article 56c (96)

Special allowances may be granted to certain officials to compensate for particularly arduous working conditions.

The Council shall, on a proposal from the Commission presented after consulting the Staff Regulations Committee, determine the categories of beneficiaries, and the rates and conditions of such special allowances.

Chapter 2: Leave

Article 57

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

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

Article 58 (8) (24) (96)

Pregnant women shall, in addition to the leave provided for in Article 57, be entitled on production of a medical certificate to twenty weeks of leave. The leave shall start not earlier than six weeks before the expected date of confinement shown in the certificate and end not earlier than 14 weeks after the date of confinement. In the case of multiple or premature birth or the birth of a handicapped child, the duration shall be of 24 weeks. Premature birth for the purposes of this provision is a birth taking place before the end of the 34th week of pregnancy.

Article 59 (8) (96)

1. An official who provides evidence of being unable to carry out his duties by reason of illness or accident shall 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 current address. He shall produce a medical certificate if he is absent for more than three days. This certificate must be sent on the fifth day of absence at the latest, as evidenced by the date as postmarked. Failing

this, and unless failure to send the certificate is due to reasons beyond his control, the official's absence shall be considered as unauthorised.

The official may at any time be required to undergo a medical examination arranged by the institution. If the examination cannot take place for reasons attributable to the official, his absence shall be considered as unauthorised as from the date that the examination is due to take place.

If the finding made in the examination is that the official is able to carry out his duties, his absence shall, subject to the following sub-paragraph, be regarded as unjustified from the date of the examination.

If the official considers the conclusions of the medical examination arranged by the Appointing Authority to be unjustified on medical grounds, he or a doctor acting on his behalf may within two days submit to the institution a request that the matter be referred to an independent doctor for an opinion.

The institution shall immediately transmit the request to another doctor agreed upon by the official's doctor and the institution's medical officer. Failing such agreement within five days of the request, the institution shall select a person from a list of independent doctors to be established for this purpose each year by common consent of the Appointing Authority and the Staff Committee. The official may within two working days object to the institution's choice, whereupon the institution shall choose another person from the list, which choice shall be final.

The independent doctor's opinion given after consultation of the official's doctor and the institution's medical officer shall be binding. Where the independent doctor's opinion confirms the conclusion of the examination arranged by the institution, the absence shall be treated as unjustified from the date of that examination. Where the independent doctor's opinion does not confirm the conclusion of that examination, the absence shall be treated for all purposes as having been justified.

2. If, over a period of 12 months, an official is absent for up to three days because of sickness for a total of more than 12 days, he shall produce a medical certificate for any further absence because of sickness. His absence shall be considered to be unjustified as from the thirteenth day of absence on account of sickness without a medical certificate.

3. Without prejudice to the application of the rules on disciplinary proceedings, where appropriate, any absence considered to be unjustified under paragraphs 1 and 2 shall be deducted from the annual leave of the official concerned. In the event that the official has no outstanding leave entitlement, he shall lose the benefit of his remuneration for the corresponding period.

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

5. 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.

In cases of dispute, the procedure laid down in the fifth to seventh subparagraph of paragraph 1 shall apply.

6. 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 amount fixed for a period of no more than three years by the Appointing Authority after consulting the Staff Regulations Committee.

Article 59a (8) (96)

The annual leave of an official who is authorised to work part time shall, for as long as he is so authorised, be reduced proportionally.

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 unauthorised absence which is duly established shall be deducted from the annual leave of the official concerned. If he has used up his annual leave, he shall forfeit his remuneration for an equivalent period.

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

Chapter 3: Public holidays

Article 61

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

Title V: Emoluments and social security benefits of officials

Chapter 1: Remuneration and expenses

Section 1: Remuneration

Article 62

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

An official may not waive his entitlement to remuneration.

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

Article 63
(28)(31)(32)(36)(38)(41)(42)(43)(47)(49)(53)(56)(58)(60)(66)(68)(70)(71)(72)(74)(76)(78)(81)(84)(87)(89)(90)(92)(93)(95)

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

Remuneration paid in a currency other than the euro 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 2003.

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

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

Article 64 (78)

An official's remuneration expressed in euro 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 (94)

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 (1) in each of the countries of the Communities.

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

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

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

Article 65a (62)

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

Article 66
(1) (2) (4) (5) (9) (11) (12) (13) (19) (23) (27) (30) (31) (32) (35) (36) (37) (38) (41) (42) (43) (45) (47) (48) (49) (53) (54) (56) (57) (58) (59) (60) (65) (66) (68) (70) (71) (72) (74) (76) (78) (80) (81) (84)(87) (89)(90)(92)(93)(95)(96)

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

GRADES	**STEPS**				
1.05.2004	**1**	**2**	**3**	**4**	**5**
16	14822,86	15445,74	16094,79		
15	13100,93	13651,45	14225,11	14620,87	14822,86
14	11579,04	12065,60	12572,62	12922,41	13100,93
13	10233,93	10663,98	11112,09	11421,25	11579,04
12	9045,09	9425,17	9821,23	10094,47	10233,93
11	7994,35	8330,28	8680,33	8921,83	9045,09
10	7065,67	7362,57	7671,96	7885,41	7994,35
9	6244,87	6507,29	6780,73	6969,38	7065,67
8	5519,42	5751,35	5993,03	6159,77	6244,87
7	4878,24	5083,24	5296,84	5444,21	5519,42
6	4311,55	4492,73	4681,52	4811,77	4878,24
5	3810,69	3970,82	4137,68	4252,80	4311,55
4	3368,02	3509,54	3657,02	3758,76	3810,69
3	2976,76	3101,85	3232,19	3322,12	3368,02
2	2630,96	2741,52	2856,72	2936,20	2976,76
1	2325,33	2423,04	2524,86	2595,11	2630,96

(1) For 2003, the adjustment of remuneration shall take effect, by way of derogation from Article 3(1) of Annex XI to the Staff Regulations, on 1 January 2004. Regulation (EC, Euratom) No 2181/2003 (OJ L 327, 16.12.2003, p. 3).

Article 66a (34) (52) (63) (78) (88) (94) (96)

1. By way of derogation from Article 3(1) of Regulation (EEC, Euratom, ECSC) No 260/68 ([1]) of the Council of February 1968 laying down the conditions and procedure for applying the tax for the benefit of the European Communities, a temporary measure regarding remuneration paid by the Communities to staff in active employment, to be known as the "special levy", shall be applied from 1 May 2004 to 31 December 2012.

2. The rate of this special levy, which shall apply to the base defined in paragraph 3, shall be as follows:

from 1.5.2004 to 31.12.2004	2,50%
from 1.1.2005 to 31.12.2005	2,93%
from 1.1.2006 to 31.12.2006	3,36%
from 1.1.2007 to 31.12.2007	3,79%
from 1.1.2008 to 31.12.2008	4,21%
from 1.1.2009 to 31.12.2009	4,64%
from 1.1.2010 to 31.12.2010	5,07%
from 1.1.2011 to 31.12.2012	5,50%.

3. (a) The base for the special levy shall be the basic salary used to calculate remuneration, minus:

(i) social security and pension contributions and the tax, before special levy, payable by an official in the same grade and step without dependants within the meaning of Article 2 of Annex VII, and

(ii) an amount equal to the basic salary of an official in grade 1, step 1.

(b) The components used to determine the base for the special levy shall be expressed in euro and weighted at 100.

4. The special levy shall be deducted monthly at source; the proceeds shall be entered as revenue in the general budget of the European Union.

Article 67
(1) (2) (4) (5) (8) (9) (10) (11) (12) (13) (19) (23) (24) (27) (31) (32) (35) (36) (38) (40) (79)

1. Family allowances shall comprise:

(a) household allowance;

(b) dependent child allowance;

(c) education allowance.

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

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

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

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

---

(1) OJ L 56, 4.3.1968, p.8. Regulation as last amended by Regulation (EC, Euratom) No 1750/2002 (OJ L 264, 2.10.2002, p. 15).

Article 68 (8)

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

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

Article 68a (8) (96)

An official who is authorised to work part time shall be entitled to remuneration calculated as provided for in Annex IVa.

Article 69

(1) (2) (4)(5) (9) (10) (11) (12) (13) (19) (23) (27) (31) (32) (35) (36) (38) (41) (42) (43) (45) (47) (48) (49) (53) (54) (56) (57) (58) (59)(60) (65) (66) (68) (70) (71) (72) (74) (76) (78) (80) (81) (84)(87) (89)(90)(92)(93)(95)

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 EUR 442,78 per month.

Article 70 (8) (96)

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 or invalidity allowance, the above provisions shall apply in respect of the deceased's pension or allowance.

Article 70a (24) (96)

Repealed

Section 2: Expenses

Article 71

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

Chapter 2: Social security benefits

Article 72 (8) (10) (40) (96)

1. An official, his spouse, where such spouse is not eligible for benefits of the same nature and of the same level by virtue of any other legal provision or regulations, his children and other dependants within the meaning of Article 2 of Annex VII are insured against sickness up to 80% of the expenditure incurred subject to rules drawn up by agreement between the institutions of the Communities after consulting the Staff Regulations Committee. This rate shall be increased to 85% for the following services: consultations and visits, surgical operations, hospitalisation, pharmaceutical products, radiology, analyses, laboratory tests and prostheses on medical prescription with the exception of dental prostheses. It shall be increased to 100% in cases of tuberculosis, poliomyelitis, cancer, mental illness and other illnesses recognised by the appointing authority as of comparable seriousness, and for early detection screening and in cases of confinement. However, reimbursement at 100% shall not apply in the case of occupational disease or accident having given rise to the application of Article 73.

The unmarried partner of an official shall be treated as the spouse under the sickness insurance scheme, where the first three conditions in Article 1(2)(c) of Annex VII are met.

The institutions may, under the rules referred to in the first subparagraph, confer on one of their number the power to lay down the rules governing the reimbursement of expenses in accordance with the procedure laid down in Article 110.

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

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

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

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

2. An official who has remained in the service of the Communities until the age of 63 years or who is in receipt of an invalidity allowance shall be entitled to the benefits provided for in paragraph 1 after he has left the service. The amount of contribution shall be calculated by reference to the amount of pension or allowance.

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 63 years, or the death of a person entitled to an invalidity allowance. The amount of contribution shall be calculated by reference to the amount of the survivor's pension.

2a. The following shall likewise be entitled to the benefits provided for in paragraph 1, on condition that they are not in gainful employment:

(i) former officials entitled to retirement pensions who leave the service of the Communities before reaching the age of 63,

(ii) persons entitled to a survivor's pension as a result of the death of a former official who left the service of the Communities before reaching the age of 63.

The contribution referred to in paragraph 1 shall be calculated by reference to the former official's pension before application, where appropriate, of the reduction coefficient provided for in Article 9 of Annex VIII to the Staff Regulations.

However, persons entitled to an orphan's pension shall not receive the benefit provided for in paragraph 1 unless they apply for it. The contribution shall be calculated by reference to the orphan's pension.

2b. In the case of persons entitled to a retirement pension or a survivor's pension, the contribution referred to in paragraphs 2 and 2a may not be less than that calculated by reference to the basic salary corresponding to the first step in grade 1.

2c. Officials dismissed in accordance with Article 51 and not entitled to a retirement pension shall likewise be entitled to the benefits provided for in paragraph 1, on condition that they are not gainfully employed and that they bear half the contribution calculated by reference to their last basic salary

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

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

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

Article 73 (24) (46)

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

Such rules shall specify which risks are not covered.

2. The benefits payable shall be as follows:

(a) In the event of death:

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

– to the deceased official's spouse and children in accordance with the law of succession governing the official's estate; the amount payable to the spouse shall not, however, be less than 25% of the lump sum;

– where there are no persons of the category above, to the 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 12 months before the accident.

(c) In the event of partial permanent invalidity:

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

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

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

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

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

Article 74 (1) (8) (10) (24) (78) (81)

1. On the birth of a child to an official, the person who has actual care of the child shall receive a grant of EUR 198,31.

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

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

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

Article 75 (40)

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

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

Article 76 (96)

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 a disability or family circumstances.

Article 76a (96)

A surviving spouse who has a serious or protracted illness or who is disabled may receive financial aid increasing the pension from the institution for the duration of the illness or disability on the basis of an examination of the social and medical circumstances of the person concerned. Rules implementing this Article shall be fixed by common accord between the institutions, after consulting the Staff Regulations Committee.

Chapter 3: Pensions and invalidity allowance

Article 77 (8) (96)

An official who has completed at least 10 years' service shall be entitled to a retirement pension. He shall, however, be entitled to such pension irrespective of length of service if he is over 63 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. 1,90% of this final basic salary shall be payable to an official for each year of service reckoned in accordance with Article 3 of Annex VIII.

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 63 years.

Article 78 (8) (96)

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

Article 52 shall apply by analogy to recipients of an invalidity allowance. If the recipient of an invalidity allowance retires before the age of 65 without having reached the maximum pension entitlement, the general rules on retirement pensions shall be applied. The amount of the retirement pension shall be based on the salary for the grade and step occupied by the official when he became an invalid.

The invalidity allowance shall be equal to 70% of the official's last basic salary. However, it may not be less than the minimum subsistence figure.

The invalidity allowance shall be subject to contributions to the pension scheme, calculated on the basis of that allowance.

Where the invalidity arises from an accident in the course of or in connection with the performance of an official's duties, from an occupational disease, from a public-spirited act or from risking his life to save another human being, the invalidity allowance may not be less than 120% of the minimum subsistence figure. In such cases, moreover, contributions to the pension scheme shall be paid in full from the budget of the institution or body referred to in Article 1b.

Article 79 (8) (24) (46) (96)

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

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

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

Article 79a (46) (96)

Repealed

Article 80 (8) (40) (46) (96)

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

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

Where an official or person entitled to a retirement pension or invalidity allowance 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.

For persons treated as dependent children within the meaning of Article 2(4) of Annex VII, the orphan's pension may not exceed an amount equal to twice the dependent child allowance.

Where a child has been adopted, the death of the natural parent who has been replaced by the adoptive parent shall not give rise to payment of an orphan's pension.

Entitlement as provided for in the first, second and third paragraphs shall apply in the event of the death of a former official entitled to an allowance under Article 50 of the Staff Regulations, Article 5 of Regulation (EEC, Euratom, ECSC) No 259/68, Article 3 of Regulation (Euratom, ECSC, EEC) No 2530/72 or Article 3 of Regulation (ECSC, EEC, Euratom) No 1543/73 and in the event of the death of a former official who left the service before reaching the age of 63 and requested that his retirement pension be deferred until the first day of the calendar month following that in which he reached the age of 63.

Persons in receipt of an orphan's pension may not receive more than one such pension from the Community. Where a surviving child has entitlement to more than one Community pension, he shall receive the pension providing the higher or highest amount.

Article 81 (8) (10) (96)

A person entitled to a retirement pension or to an invalidity allowance, 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 or the allowance of the recipient. These allowances shall be paid to recipients of a survivor's pension only in respect of the children dependent on the deceased official or former official at the time of death.

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

Article 81a (46) (96)

1. Notwithstanding any other provisions, notably those concerning the minimum amounts payable to persons entitled to a survivor's pension, the total amount payable by way of survivor's pension plus family allowances less tax and other compulsory deductions to the widow and other entitled persons may not exceed the following:

(a) in the event of the death of an official having one of the administrative statuses set out in Article 35, the amount of the remuneration which the official would have received in the same grade and step if he had still been in the service, plus any family allowances received by him in that case and less tax and other compulsory deductions;

(b) for the period following the date on which the official referred to in (a) above would have reached the age of 65, the amount of the retirement pension to which he would have been entitled thereafter, had he been alive, based on the same grade and step at the time of death, plus any family allowances which he would have received, less tax and other compulsory deductions;

(c) in the event of the death of a former official entitled to a retirement pension or to an invalidity allowance, the amount of the pension to which he would have been entitled, had he been alive, subject to the allowances and deductions referred to in (b);

(d) in the event of the death of a former official who left the service before reaching the age of 63 and requested that his retirement pension be deferred until the first day of the calendar month following that in which he reached the age of 63, the amount of the retirement pension to which he would have been entitled at the age of 63 had he been alive, subject to the allowances and deductions referred to in (b);

(e) in the event of the death of an official or a former official entitled, on the day of his death, to an allowance under Article 41 or 50 of these Staff Regulations, Article 5 of Regulation (EEC, Euratom, ECSC) No 259/68, Article 3 of Regulation (Euratom, ECSC, EEC) No 2530/72, Article 3 of Regulation (ECSC, EEC, Euratom) No 1543/73, Article 2 of Regulation (ECSC, EEC, Euratom) No 2150/82 or Article 3 of Regulation (ECSC, EEC, Euratom) No 1679/85, the amount of the allowance to which he would have been entitled, had he been alive, subject to the allowances and deductions set out in (b);

(f) for the period following the date on which the former official referred to in (e) would have ceased to be entitled to the allowance, the amount of the retirement pension to which he would have been entitled on that date, had he been alive and satisfied the relevant age requirements for the grant of pension rights, subject to the allowances and deductions set out in (b).

2. For the purposes of paragraph 1, weightings shall be disregarded, which could affect the various amounts in question.

3. The maximum amount as defined in subparagraphs (a) to (f) above shall be apportioned among the persons entitled to a survivor's pension in proportion to their respective entitlements, paragraph 1 being disregarded for this purpose.

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

Article 82 (40)(78)(79)(96)

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.

No correction coefficient shall be applicable to pensions.

Pensions expressed in euro shall be paid in one of the currencies referred to in Article 45 of Annex VIII to the Staff Regulations.

2. Where the Council, in accordance with Article 65(1), decides to adapt remunerations, the same adaptation shall be applied to pensions.

3. The provisions of paragraphs 1 and 2 shall apply by analogy to recipients of an invalidity allowance.

Article 83 (8) (64) (94) (96)

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 9.25% of the official's basic salary, the weightings provided for in Article 64 not being taken into account. It shall be deducted monthly from the salaries of officials. The contribution shall be adjusted in accordance with the rules laid down in Annex XII.

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.

Article 83a (96)

1. The scheme shall be kept in balance in accordance with the detailed rules set out in Annex XII.

2. Agencies which do not receive a subsidy from the general budget of the European Union shall pay into that budget the entire amount of the contributions needed to finance the scheme.

3. On the occasion of the five-yearly actuarial assessment in accordance with Annex XII and in order to ensure the balance of the scheme, the Council shall decide on the rate of contribution and any change to the pensionable age.

4. Each year the Commission shall present to the Council an updated version of the actuarial assessment, in accordance with Article 1(2) of Annex XII. Where it is shown that there is a gap of at least 0,25 points between the rate of contribution currently applied and the rate required to maintain actuarial balance, the Council shall consider whether the rate should be adapted, in accordance with the arrangements laid down in Annex XII.

5. For the purposes of paragraphs 3 and 4 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 Article 205(2) of the EC Treaty. For the purposes of paragraph 3, the Commission's proposal shall be presented after consultation of the Staff Regulations Committee.

Article 84

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

Chapter 4: Recovery of undue payment

Article 85 (8) (96)

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.

The request for recovery must be made no later than five years from the date on which the sum was paid. Where the Appointing Authority is able to establish that the recipient deliberately misled the administration with a view to obtaining the sum concerned, the request for recovery shall not be invalidated even if this period has elapsed.

Chapter 5: Subrogation in favour of the communities

Article 85a (46) (96)

1. Where the death, accidental injury or sickness of a person covered by these Staff Regulations is caused by a third party, the Communities shall, in respect of the obligations incumbent upon them under the Staff

Regulations consequent upon the event causing such death, injury or sickness, stand subrogated to the rights, including rights of action, of the victim or of those entitled under him against the third party.

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

– continued payment of remuneration in accordance with Article 59 to the official during the period when he is temporarily unfit to work,

– payments effected in accordance with Article 70 following the death of an official or of a former official entitled to a pension,

– benefits paid under Articles 72 and 73 and their implementing rules, relating to insurance against sickness and accident,

– payment of the costs involved in transporting the body, as referred to in Article 75,

– supplementary family allowances paid in accordance with Article 67(3) and with Article 2(3) and (5) of Annex VII in respect of a dependent child suffering from serious illness, infirmity or handicap,

– invalidity allowances paid in the event of accident or sickness resulting in permanent invalidity preventing the official from performing his duties,

– survivor's pensions paid in the event of the death of an official or of a former official or the death of the spouse of an official or of a former official entitled to a pension, where the spouse is not an official nor a member of the temporary staff,

– orphan's pension paid regardless of age to the child of an official or former official where that child is prevented by serious illness, infirmity or handicap from earning a livelihood after the death of the person on whom he was dependent.

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

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

Title VI: Disciplinary measures

Article 86 (24) (96)

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. Where the Appointing Authority or OLAF becomes aware of evidence of failure within the meaning of paragraph 1, they may launch administrative investigations to verify whether such failure has occurred.

3. Disciplinary rules, procedures and measures and the rules and procedures covering administrative investigations are laid down in Annex IX.

Article 87 (96)

Repealed

Article 88 (96)

Repealed

Article 89 (96)

Repealed

Title VII: Appeals

Article 90 (8) (96)

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.

Article 90a (96)

Any person to whom these Staff Regulations apply may submit to the Director of OLAF a request within the meaning of Article 90(1), asking the Director to take a decision relating to him in connection with investigations by OLAF. Such person may also submit to the Director of OLAF a complaint within the meaning of Article 90(2) against an act adversely affecting him in connection with investigations by OLAF.

Article 90b (96)

Any person to whom these Staff Regulations apply may submit to the European Data Protection Supervisor a request or a complaint within the meaning of Article 90(1) and (2), within his sphere of competence.

Article 90c (96)

Requests and complaints relating to the areas to which Article 2(2) has been applied shall be lodged with the Appointing Authority entrusted with the exercise of powers

Article 91 (8)

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

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

– the appointing authority has previously had a complaint submitted to it pursuant to Article 90(2) within the period prescribed therein, and

– the complaint has been rejected by express decisions or by implied decision.

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

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

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

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

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

Article 91a (69) (96)

Any appeals relating to the areas in which Article 2(2) has been applied shall be made against the institution to which the Appointing Authority entrusted with the exercise of powers is answerable.

Title VIII: Special provisions applicable to officials in the scientific or technical services of the communities

Article 92 (96)

This Title lays down the special provisions applicable to officials of the Communities who occupy posts paid from appropriations in the research and investment budget and classified in accordance with Annex I, point A.

Article 93 (96)

Special allowances may be granted to certain 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 staff who shall receive them.

Article 94 (96)

By way of derogation from the second paragraph of Article 56a and the second paragraph of Article 56b, and only in exceptional cases because of the requirements of the service, safety regulations or national or international obligations, the Appointing Authority shall designate the officials covered by Article 92 who shall be entitled to benefit from the provisions of these Articles.

Article 95 (96)

Repealed

Article 96 (96)

Repealed

Article 97 (96)

Repealed

Article 98 (96)

Repealed

Article 99 (96)

Repealed

Article 100 (96)

Repealed

Article 101 (96)

Repealed

Title VIIIA (51): Special and exceptional provisions applicable to officials serving in a third country

Article 101a

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

Title IX: Transitional and final provisions

Chapter 1: Transitional provisions

Article 102 (96)

Repealed

Article 103 (96)

Repealed

Article 104 (96)

Repealed

Article 105 (96)

Repealed

Article 106 (96)

Repealed

Article 107 (96)

Repealed

Article 107a (96)

Transitional provisions are set out in Annex XIII.

Article 108 (96)

Repealed

Article 109 (96)

Repealed

Chapter 2: Final provisions

Article 110 (8) (96)

1. 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. Agencies shall adopt the appropriate implementing rules for giving effect to these Staff Regulations, after consultation of the relevant Staff Committee and in agreement with the Commission.

2. For the purposes of the adoption of rules by agreement between the institutions, agencies shall not be treated as institutions. However, the Commission shall consult the agencies before the adoption of these rules.

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

4. The administration departments of the institutions shall consult each other regularly concerning the application of these Staff Regulations. Agencies shall be jointly represented in these consultations in accordance with rules to be fixed by agreement between them.

Annex I: Basic posts and corresponding career brackets (8) (24) (69) (96)

A. Types of posts in each function group, as provided for in Article 5(3)

Function group AD		Function group AST	
Director-General	AD 16		
Director-General/ Director	AD 15		
Administrator working for example as: Director/ Head of unit/ Adviser/ linguistic expert; economic expert; legal expert; medical expert; veterinary expert; scientific expert; research expert; financial expert, audit expert	AD 14		
Administrator working for example as: Head of Unit/ Adviser/ linguistic expert; economic expert; legal expert; medical expert; veterinary expert; scientific expert; research expert; financial expert, audit expert	AD 13		
Administrator working for example as: Head of Unit/ principal translator, principal interpreter, principal economist; principal lawyer; principal medical officer; principal veterinary inspector; principal scientist; principal researcher; principal financial officer, principal audit officer	AD 12		
Administrator working for example as: Head of Unit/ principal translator, principal interpreter, principal economist; principal lawyer; principal medical officer; principal veterinary inspector; principal scientist; principal researcher; principal financial officer, principal audit officer	AD 11	AST 11	Assistant working for example as: Personal assistant (p.a.); clerical officer; technical officer; IT officer
Administrator working for example as: Head of Unit/ senior translator; senior interpreter; senior economist; senior lawyer; senior medical officer; senior veterinary inspector; senior scientist; senior researcher; senior financial officer, senior audit officer	AD 10	AST 10	Assistant working for example as: Personal assistant (p.a.); clerical officer; technical officer; IT officer

Administrator working for example as: Head of Unit/ senior translator; senior interpreter; senior economist ; senior lawyer; senior medical officer; senior veterinary inspector; senior scientist; senior researcher; senior financial officer, senior audit officer	AD 9	AST 9	Assistant working for example as: Personal assistant (p.a.); clerical officer; technical officer; IT officer
Administrator working for example as: Translator; interpreter; economist; lawyer; medical officer; veterinary inspector; scientist; researcher; financial officer, auditor	AD 8	AST 8	Assistant working for example as: Senior clerk; senior documentalist; senior technician; senior IT operative
Administrator working for example as: Translator; interpreter; economist; lawyer; medical officer; veterinary inspector; scientist; researcher; financial officer, auditor	AD 7	AST 7	Assistant working for example as: Senior clerk; senior documentalist; senior technician; senior IT operative
Administrator working for example as: Junior translator; junior interpreter; junior economist; junior lawyer; junior medical officer; junior veterinary inspector; junior scientist; junior researcher; junior financial officer, junior auditor	AD 6	AST 6	Assistant working for example as: Clerk; documentalist; technician; IT operative
Administrator working for example as: Junior translator; junior interpreter; junior economist; junior lawyer; junior medical officer; junior veterinary inspector; junior scientist; junior researcher; junior financial officer, junior auditor	AD 5	AST 5	Assistant working for example as: Clerk; documentalist; technician; IT operative
		AST 4	Assistant working for example as: Junior clerk; junior documentalist; junior technician, junior IT operative
		AST 3	Assistant working for example as: Junior clerk; junior documentalist; junior technician, junior IT operative, Parliamentary usher [1]
		AST 2	Assistant working for example as: Filing clerk; technical attendant; IT attendant, Parliamentary usher [1].
		AST 1	Assistant working for example as: Filing clerk; technical attendant; IT attendant, Parliamentary usher [1]

[1] The number of posts of Parliamentary ushers in the European Parliament shall not exceed 85.

B. Multiplication rates for guiding average career equivalence

Grade	Assistants	Administrators
13	–	20%
12	–	25%
11	–	25%
10	20%	25%
9	20%	25%
8	25%	33%
7	25%	33%
6	25%	33%
5	25%	33%
4	33%	–
3	33%	–
2	33%	–
1	33%	–

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

Section 1: Staff Committee

Article 1 (8) (75) (96)

The Staff Committee shall comprise the members thereof, together with their alternates if any, whose term of office shall be three 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 organised in local sections, or to the local section, if the Staff Committee is organised in local sections, shall be laid down by the general meeting of officials of the institution in service at the relevant place of employment. However, the institution may decide that the conditions for election are to be determined in accordance with the preference of the staff of the institution as expressed in a referendum. Election shall be by secret ballot.

If the Staff Committee is organised 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 organised in local sections, or of the local section if the Staff Committee is organised in local sections shall be such as to ensure the representation of both function groups provided for in Article 5 of the Staff Regulations and also of the servants referred to in the first paragraph of Article 7 of the Conditions of employment of other servants of the Communities. The Central Committee of a Staff Committee organised in local sections shall be validly constituted upon appointment of a majority of its members.

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

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

Section 2: Joint Committee

Article 2 (69)

The Joint Committee or Committees of an institution shall consist of :

– a chairman appointed each year by the appointing authority,

– members and alternates appointed at the same time in equal numbers by the appointing authority and by the Staff Committee.

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

– a chairman appointed by the appointing authority referred to in the third subparagraph of Article 2 of the Staff Regulations,

– members and alternates appointed in equal numbers by the appointing authorities of the institutions represented on the common Joint Committee and by the Staff Committees.

The procedures for instituting the common Joint Committee shall be adopted by agreement between the institutions represented on the common Joint Committee, after consulting their Staff Committee.

An alternate shall vote only in the absence of a member.

Article 3 (8)

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

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

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

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

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

Article 3a (69) (96)

The common Joint Committee shall meet at the request either of the appointing authority referred to in Article 2(2) of the Staff Regulations or of an appointing authority or a Staff Committee of one of the institutions represented on that Joint Committee.

The proceedings of the common Joint Committee shall be valid only if all members or their alternates are present.

The Chairman of the common Joint Committee shall not vote save on questions of procedure.

The opinion of the common Joint Committee shall be communicated in writing to the appointing authority within the meaning of Article 2(2) of the Staff Regulations, to the other appointing authorities and to their Staff Committees within five days of its adoption.

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

Section 3 Disciplinary Board (96)

Repealed

Article 4 (96)

Repealed

Article 5 (96)

Repealed

Article 6 (96)

Repealed

Section 3: 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 4: Reports Committee

Article 10 (96)

Members of the Report Committee shall be appointed each year by the Appointing Authority and the Staff Committee, each appointing the same number from among officials of the institution in function group AD. The Committee shall elect its chairman. Members of the Joint Committee shall not be members of the Reports Committee.

Where the Report 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.

Section 5: Joint Advisory Committee for professional incompetence

Article 12 (96)

The Joint Advisory Committee for professional incompetence shall comprise a chairman and at least two members, who shall be officials of grade AD 14 at least. The chairman and the members shall be appointed for a period of three years. Half of the members shall be designated by the Staff Committee and half by the Appointing Authority. The chairman shall be appointed by the Appointing Authority from a list of candidates drawn up in concertation with the Staff Committee.

When the case concerns an official in grade AD 14 or lower, the Joint Advisory Committee shall include two further members from the same function group and of the same grade as the official in question, designated in the same way as the permanent members.

Where the Joint Advisory Committee is called upon to examine the case of a senior management official within the meaning of Article 29(2) of the Staff Regulations, a special ad hoc Joint Advisory Committee shall be set up, comprising two members appointed by the Staff Committee and two members appointed by the Appointing Authority, who shall be of a grade at least equal to that of the official concerned.

The Appointing Authority and the Staff Committee shall agree on an ad hoc procedure to designate the further members referred to in the second paragraph who shall sit for cases involving an official posted to a country outside the Union or a member of the contract staff.

Annex III: Competitions

Article 1 (8) (69)(96)

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, where appropriate, common to two or more institutions);

(b) the kind of competition (whether on the basis of either qualifications or tests, or of both qualifications and tests);

(c) the type of duties and tasks involved in the post to be filled and the function group and grade offered;

(d) in accordance with Article 5(3) of the Staff Regulations, 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.

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

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

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

Article 2

Candidates shall complete a form prescribed by the appointing authority.

They may be required to furnish additional documents or information.

Article 3 (69) (96)

The Selection Board shall consist of a chairman designated by the Appointing Authority and of members designated by the Appointing Authority and the Staff Committee, each designating the same number.

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

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

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

If a selection board consists of more than four members, it shall comprise at least two members of each gender.

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.

Article 7 (96)

1. The institutions shall, after consultation of the Staff Regulations Committee, entrust the European Communities Personnel Selection Office (hereinafter "the Office") with responsibility for taking the necessary measures to ensure that uniform standards are applied in the selection procedures for officials of the Communities and in the assessment and in the examination procedures referred to in Articles 45 and 45a of the Staff Regulations.

2. The Office's task shall be to

(a) organise, at the request of individual institutions, open competitions;

(b) provide, at the request of individual institutions, technical support for internal competitions organised by them;

(c) determine the contents of all examinations organised by the institutions in order to ensure that the requirements of Article 45a (1)(c) of the Staff Regulations are met in a harmonised and consistent manner.

(d) assume general responsibility for the definition and organisation of the assessment of linguistic ability in order to ensure that the requirements of Article 45(2) of the Staff Regulations are met in a harmonised and consistent manner.

3. The Office may, at the request of individual institutions, perform other tasks linked to the selection of officials.

4. The Office shall, at their request, provide assistance to the different institutions with a view to the selection of temporary staff and contract staff, in particular by defining the contents of the tests and organising the selection procedures in the framework of Articles 12 and 82 of the Conditions of Employment of other servants.

Annex IV: Allowance under Articles 41 and 50 of the Staff Regulations

Sole Article (8) (24) (96)

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 63 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.

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

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

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

4. During the period of entitlement to the allowance, and for the first six months thereafter, the official referred to in Articles 41 and 50 of the Staff Regulations 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 is not gainfully employed.

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 63 years.

Annex IVa: Part-time work (8) (96)

Article 1 (96)

The request for authorisation to work part time shall be submitted by the official through the official's immediate superior at least two months before the requested date, except in duly justified urgent cases.

Authorisation may be granted for a minimum of one month and a maximum of three years, without prejudice to the cases referred to in Article 15 and Article 55a(2)(e).

The authorisation may be renewed on the same terms. Applications for renewal shall be made by the official concerned at least two months before expiry of the period for which the authorisation was granted. Part-time work may not be less than half the normal working time.

A period of part-time work shall start on the first day of a month, except in duly justified cases.

Article 2 (96)

The Appointing Authority may, at the request of the official concerned, withdraw the authorisation before expiry of the period for which it is granted. The date of withdrawal may not be more than two months after the date proposed by the official or four months after that date if the part-time work was authorised for more than one year.

The Appointing Authority may, in exceptional cases and in the interests of the service, withdraw the authorisation before the expiry of a period for which it is granted, giving the official two months' notice.

Article 3 (96)

An official shall be entitled, during the period for which part-time work is authorised, to a percentage of his remuneration corresponding to the percentage of the normal time worked. However, the percentage shall not be applied to the dependent child allowance, the basic amount of the household allowance or the education allowance.

Contributions to the sickness insurance scheme shall be calculated by reference to the basic salary payable to an official working full time. Contributions to the pension scheme shall be calculated by reference to the basic salary received by an official working part time. The official may also request that contributions to the pension scheme be calculated by reference to the basic salary payable to an official working full time, in accordance with Article 83 of the Staff Regulations. Acquired pension rights, for the purposes of Articles 2, 3 and 5 of Annex VIII, shall be calculated in proportion to the percentage of contributions paid.

During the period of part-time work, the official may not work overtime or engage in any gainful activity, other than an activity in accordance with Article 15 of the Staff Regulations.

Article 4 (96)

Notwithstanding the first sentence of the first paragraph of Article 3, officials aged over 55 authorised to work half time in preparation for retirement shall receive a reduced basic salary equal to the higher of the two amounts obtained by applying the following percentages to the full-time basic salary:

(a) either 60%

(b) or the percentage corresponding to years of service within the meaning of Articles 2, 3, 4, 5, 9 and 9a of Annex VIII at the beginning of the period of half-time work, plus 10%.

Officials who make an application under this Article shall be required, when they cease to work half-time, either to retire or to repay the amount exceeding 50% of the basic salary received during the period of half-time work.

Article 5 (96)

The Appointing Authority may lay down detailed rules for the application of these provisions.

Annex V: Leave

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 15 days and to one working day for an incomplete month of 15 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 12 days.

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

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

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) (96)

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: up to two days;
– death of a relative in the ascending line: two days;
– marriage of a child: two days;
– birth of a child: 10 days, to be taken during the fourteen weeks following birth;

– death of the wife during maternity leave: a number of days corresponding to the remaining maternity leave; if the deceased wife is not an official, the remaining maternity leave is determined by applying the provisions of Article 58 of the Staff Regulations, by analogy;
– serious illness of a child: up to two days;
– very serious illness of a child, as certified by a doctor, or hospitalisation of a child aged 12 or under: up to five days;
– death of a child: four days;
– adoption of a child: 20 weeks, rising to 24 weeks in the case of the adoption of a disabled child:

  Every adopted child shall confer entitlement to only one period of special leave, which may be shared between the adoptive parents if both are officials. It shall be granted only if the official's spouse engages in a gainful activity at least half-time. If the spouse works outside the institutions of the Communities and benefits from comparable leave, a corresponding number of days shall be deducted from the official's entitlement.

  The Appointing Authority may, in case of necessity, grant additional special leave in cases where the national legislation of the country in which the adoption procedure takes place and which is not the country of employment of the adopting official requires a stay of one or both adoptive parents.

  Special leave of 10 days shall be granted if the official does not benefit from the full special leave of 20 or 24 weeks by reason of the first sentence of this indent; this additional special leave shall be granted only once for each adopted child.

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 Article 24a of the Staff Regulations.

For the purposes of this Article, the unmarried partner of an official shall be treated as the spouse where the first three conditions in Article 1(2)(c) of Annex VII are met.

Section 3: Travelling time

Article 7 (24)(96)

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

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

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 is within the territories of the Member States. If the place of employment is outside these territories, 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) (96)

Within the limits laid down in Article 56 of the Staff Regulations, overtime worked by an official in grade AST 1 to AST 4 shall entitle him to compensatory leave or to remuneration as follows:

(a) For each hour of overtime, he shall be entitled to one hour and a half off as compensatory leave; if the hour of overtime is worked between 22.00 and 7.00 or on a Sunday or on a public holiday, the entitlement to compensatory leave shall be two hours; in the granting of compensatory leave, account shall be taken of the requirements of the service and the preference of the official concerned.

(b) Where the requirements of the service do not permit compensatory leave to be taken during the month following that during which the overtime was worked, the appointing authority shall authorise remuneration for uncompensated hours of overtime at the rate of 0.56% of the monthly basic salary for each hour of overtime on the basis set out in subparagraph (a).

(c) To qualify for compensatory leave or remuneration for one hour's overtime, the extra time worked must have been more than 30 minutes.

Article 2

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

Article 3 (96)

Notwithstanding the foregoing provisions of this Annex, remuneration for overtime worked by certain groups of officials in grade AST 1 to AST 4 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

Section 1: Family allowances

Article 1
(1) (2) (4) (5) (8) (9) (10) (11) (12) (13) (19) (23) (24) (27) (31) (32) (35) (36) (38) (40) (41) (42) (43) (45) (47) (48) (49) (53) (54) (56) (57) (58) (59) (60) (65) (66) (68) (70) (71) (72) (74) (76)(78)(80)(81)(84)(87) (89)(90)(92) (93)(95) (96)

1. The household allowance shall be set at a basic amount of EUR 149,39, plus 2% of an official's basic salary.

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) an official who is registered as a stable non-marital partner, provided that:

(i) the couple produces a legal document recognised as such by a Member State, or any competent authority of a Member State, acknowledging their status as non-marital partners,

(ii) neither partner is in a marital relationship or in another non-marital partnership,

(iii) the partners are not related in any of the following ways: parent, child, grandparent, grandchild, brother, sister, aunt, uncle, nephew, niece, son-in-law, daughter-in-law;

(iv) the couple has no access to legal marriage in a Member State; a couple shall be considered to have access to legal marriage for the purposes of this point only where the members of the couple meet all the conditions laid down by the legislation of a Member State permitting marriage of such a couple.

(d) by special reasoned decision of the appointing authority based on supporting documents, an official who, while not fulfilling the conditions laid down in (a), (b) and (c), 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 second step of grade 3, weighted at the rate for the country where the spouse carries out his or her occupation, the official entitled to the household allowance shall not receive this allowance save by special decision of the appointing authority. The official shall, however, be entitled to the allowance where the married couple have one or more dependent children.

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

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

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

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

Article 2

(1)(2)(4)(5)(9)(11)(12)(13)(19)(23)(27)(31)(32)(35)(36)(38)(40)(41)(42)(43)(45)(47)(48)(49)(53)(54)(56)(57) (58) (59) (60) (65) (66) (68) (70) (71) (72) (74) (76) (78)(80)(81)(84)(87) (89)(90)(92) (93)(95)(96)

1. An official who has one or more dependent children shall, in accordance with paragraphs 2 and 3 below, receive an allowance of EUR 326,44 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.

Any child whom the official has a responsibility to maintain under a judicial decision based on Member States' legislation on the protection of minors shall be treated as a dependant child.

3. The allowance shall be granted:

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

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

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

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

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

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

Article 3

(1)(2)(4)(5)(8)(9)(11)(12)(13)(14)(19)(23)(24)(27)(31)(32)(35)(36)(38)(40)(41)(42)(43)(45)(47)(48)(49)(53) (54)(56)(57)(58)(59)(60)(65)(66)(68)(70)(71)(72)(74)(76)(78)(80)(81)(84)(87)(89)(90)(92)(93)(95)(96)

1. Subject to the conditions laid down in the general implementing provisions, an official shall receive an education allowance equal to the actual education costs incurred by him up to a maximum of EUR 221,50 per month for each dependent child, within the meaning of Article 2(2) of this Annex, who is at least five years old and in regular full-time attendance at a primary or secondary school which charges fees or at an establishment of higher education. The requirement of attendance at a school which charges fees shall not apply to the reimbursement of the cost of school transport.

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

The allowance paid shall be subject to a ceiling of twice the maximum prescribed in the first subparagraph 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 or where the child attends a higher education establishment in a country other than that of the official's place of employment;

– in the same condition as in the foregoing two indents, persons entitled to the allowance who are not in active service, taking account of the place of residence instead of the place of employment.

The requirement of attendance at a school that charges fees shall not apply to payments under the third subparagraph.

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

2. For each dependent child within the meaning of Article 2(2) of this Annex who is less than five years old or is not yet in regular full-time attendance at a primary or secondary school, the amount of this allowance is fixed at EUR 79,74 a month. The first sentence of the last subparagraph of paragraph 1 shall apply.

Section 2
Expatriation allowance

Article 4

(1) (2) (4) (5) (9) (10) (11) (12) (13) (19) (23) (24) (27) (31) (32) (35) (36) (37) (41) (42) (43) (45) (47) (48) (49) (53) (54) (56) (57) (58) (59) (60) (65) (66) (68) (70) (71) (72) (74) (76) (78)(80)(81)(84)(87) (89)(90)(92) (93)(95)

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 organisation shall not be taken into account;

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

The expatriation allowance shall not be less than EUR 442,78 per month.

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

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

Section 2a Fixed allowance (96)

Article 4a (25) (96)

Repealed

Section 2b Teaching allowance (96)

Article 4b (24) (96)

Repealed

Section 3: Reimbursement of expenses

A. Installation allowance

Article 5 (8) (10) (96)

1. An installation allowance equal to two months' basic salary in the case of an official who is entitled to the household allowance, and equal to one month's basic salary in other cases shall be paid to an established official who furnishes evidence that a change in the place of residence was required in order to satisfy the requirements of Article 20 of the Staff Regulations.

In cases where a husband and wife who are officials or other servants of the European Communities are both entitled to the installation 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) (96)

1. An established official who provides evidence of a change of residence shall be entitled on termination of service to a resettlement allowance equal to two months' basic salary in the case of an official who is entitled to the household allowance or to one month's basic salary in other cases, provided that he has completed four years of the service and does not receive a similar allowance in his new employment. In cases where a husband and wife who are officials or other servants of the Communities are both entitled to the resettlement allowance, this shall be payable only to the person whose basic salary is the higher.

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

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

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

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

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

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

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

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

C. Travel expenses

Article 7 (24) (96)

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 calculating the reimbursement shall be the first-class rail fare on the shortest and most economical habitual route by rail between the place of employment and the place of recruitment or origin.

Where the route referred to in 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 business class or equivalent. Where a means of transport other than those mentioned above is used, calculation of reimbursement shall be based on the cost by rail, excluding sleeper 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 recognise as the centre of the official's interests, a place outside the territories of the Member States of the Communities or of the countries and territories listed in Annex IV to the Treaty establishing the European Economic Community.

Article 8 (8) (10) (24) (40)(96)

1. Officials shall be entitled to be paid in each calendar year a sum equivalent to the cost of travel from the place of employment to the place of origin as defined in Article 7 for themselves and, if they are entitled to the household allowance, for the spouse and dependants within the meaning of Article 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 during a given year and thereby becomes 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 two to ten years shall be calculated on the basis of half of the kilometric allowance and half the flat-rate supplement, the children being deemed for the purposes of calculation to have completed their second or tenth year on 1 January of the current year.

2. The flat-rate payment shall be based on an allowance per kilometre of distance between the official's place of employment and place of recruitment or origin; such distance to be calculated according to the method laid down in the first subparagraph of Article 7(2).

The kilometric allowance shall be:

EUR 0 for every km from	0	to	200 km
EUR 0,3320 for every km from	201	to	1 000 km
EUR 0,5533 for every km from	1 001	to	2 000 km
EUR 0,3320 for every km from	2 001	to	3 000 km
EUR 0,1106 for every km from	3 001	to	4 000 km
EUR 0,0532 for every km from	4 001	to	10 000 km
EUR 0 for every km over	10 000 km		

To the above kilometric allowance a flat-rate supplement shall be added, amounting to:

EUR 166 if the distance by train between the place of employment and the place of origin is between 725 km and 1 450 km,

EUR 331,99 if the distance by train between the place of employment and the place of origin is greater than 1 450 km,

The above kilometric allowances and flat-rate supplements shall be adapted every year in the same proportion as remuneration

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 is within the territories of the Member States. Officials whose place of employment is outside the territory of the Member States shall be entitled for themselves and, if they are entitled to receive the household allowance, for their spouse and other dependants within the meaning of Article 2, in each calendar year, to repayment of travel expenses to their place of origin, or to repayment of travel expenses to another place not exceeding the expense of travel to the place of origin. However, if the spouse and the persons referred to in Article 2(2) do not live with the official at the place of employment, they shall be entitled each calendar year to reimbursement of travel expenses from the place of origin to the place of employment or to another place not exceeding the cost of the former journey.

These travel expenses shall be reimbursed in the form of a flat-rate payment based on the cost of air travel in the class immediately superior to economy class.

D. Removal expenses

Article 9

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

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

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

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

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

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

E. Daily subsistence allowance

Article 10

(8) (10) (12) (13) (19) (23) (27) (31) (32) (35) (36) (38) (41) (42) (43) (45) (47) (48) (49) (53) (54) (56) (57) (58) (59) (60) (65) (66) (68) (70) (71) (72) (74) (76) (78) (80) (81) (84)(87) (89)(90)(92)(93)(95)(96)

1. Where an official furnishes evidence that a change in the place of residence is required in order to comply with Article 20 of the Staff Regulations, such official shall be entitled for a period specified in paragraph 2 of this Article to a subsistence allowance per calendar day as follows:

Official entitled to receive household allowance: EUR 34,31.

Official not entitled to receive household allowance: EUR 27,67.

The above scale shall be reviewed each time remuneration 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 or other servants 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.

F. Mission expenses

Article 11 (96)

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.

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 the daily subsistence allowance. Save where a special decision is taken, no advance shall be payable where the mission is not expected to involve an absence of more than 24 hours and is to be carried out in a country using the same currency as that used in the place where the official is employed.

3. Save in special cases, to be determined by special decision and in particular where an official is called back from leave, the reimbursement of mission expenses shall be limited to the cost of the most economical journey between the place of employment and the place of mission which does not require the official on mission to extend his stay significantly.

Article 12 (8) (14) (24) (78) (81) (96)

1. Travel by rail

Travel expenses for missions carried out by rail shall be reimbursed on presentation of supporting documents on the basis of the cost of transport in first class by the shortest route between the place of employment and the place of the mission.

2. Travel by air

Officials shall be authorised to travel by air if the outward and return journeys by rail would total at least 800 kilometres.

3. Travel by sea

The Appointing Authority shall authorise in each case and on the basis of the length and cost of the journey the classes to be used and the cabin supplements which may be reimbursed.

4. Travel by car

Travel costs shall be reimbursed in the form of a lump sum based on the rail cost, in accordance with point 1; no other supplement shall be paid.

In the case of an official travelling on mission in special circumstances, however, the Appointing Authority may decide to grant that official an allowance per kilometre covered instead of the reimbursement of travel costs provided for above, if the use of public transport presents clear disadvantages.

Article 13
(3) (6) (14) (17) (20) (22) (26) (29) (33) (39) (50) (55) (61) (78) (81) (82) (83) (85) (96)

1. The daily subsistence allowance for missions shall comprise a flat-rate sum to cover all expenses incurred by the person on mission: breakfast, two main meals and incidental expenses, including local travel. Accommodation costs, including local taxes, shall be reimbursed up to a maximum fixed for each country, on production of supporting documents.

2. (a) The scale for the Member States is as follows:

(in euro)

Destinations	Daily allowance	Hotel Ceiling
Belgium	84,06	117,08
Czech Republic	55,00	175,00
Denmark	91,70	148,07
Germany	74,14	97,03
Estonia	70,00	120,00
Greece	66,04	99,63
Spain	68,89	126,57
France	72,58	97,27
Ireland	80,94	139,32
Italy	60,34	114,33
Cyprus	50,00	110,00
Latvia	85,00	165,00
Lithuania	80,00	170,00
Luxembourg	82,00	106,92
Hungary	50,00	165,00
Malta	60,00	115,00
Netherlands	78,26	131,76
Austria	74,47	128,58
Poland	60,00	210,00
Portugal	68,91	124,89
Slovenia	60,00	110,00
Slovakia	50,00	125,00
Finland	92,34	140,98
Sweden	92,91	141,77
United Kingdom	86,89	149,03

Where an official on mission is provided with a meal or accommodation free of charge or reimbursed by one of the institutions of the Communities, an administration or outside body, this must be declared. A corresponding deduction will then be made.

(b) The scale for missions in countries outside the European territory of the Member States shall be fixed and adjusted periodically by the Appointing Authority.

3. The Council shall review every two years the rates set out in paragraph 2(a). This review shall take place in the light of a report by the Commission on the prices of hotels, restaurants and catering services, taking into account the indexes on the evolution of such prices. For the purpose of this review, the Council shall act on a proposal by the Commission by the qualified majority provided for in the first indent of the second subparagraph of Article 205(2) of the EC Treaty.

Article 13a (96)

Detailed rules for the application of Articles 11, 12 and 13 of this Annex shall be laid down by the various institutions under the general implementing provisions.

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 (96)

Repealed

Article 14b (96)

Repealed

Article 15 (78) (81) (96)

By decision of the appointing authority, senior management staff within the meaning of Article 29(2) of the Staff Regulations who do not have an official car at their disposal may receive a fixed allowance, not exceeding EUR 892,42 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 authorised to use his own car.

Section 4: Payment of sums due

Article 16 (78)

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

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

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

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

3. Where entitlement to family allowances and expatriation allowances commences after the date of entering the service, the official shall receive these from the first day of the month in which such 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) (96)

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. In the conditions laid down in rules fixed by the Community institutions by common consent after consulting the Staff Regulations Committee, officials may regularly have part of their remuneration transferred by their institution of employment to another Member State.

Under the preceding provision the following may be transferred, separately or in combination:

(a) for children attending an education establishment in another Member State, a maximum amount per dependent child equal to the amount of the education allowance actually received for that child;

(b) on production of valid supporting documents, regular payments to all other persons residing in the relevant Member State to whom the official provides evidence of having an obligation by virtue of a decision of the courts or the competent administrative authority.

The transfers referred to in point (b) may not exceed 5% of the official's basic salary.

3. The transfers provided for in paragraph 2 shall be made at the exchange rate referred to 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 correction coefficient for the country to which the transfer is made as defined in point (b) of Article 3(5) of Annex XI to the Staff Regulations and the correction coefficient applied to the remuneration of the official (referred to in point (a) of Article 3(5) of Annex XI to the Staff Regulations).

4. Apart from the transfers referred to in paragraphs 1 to 3, an official may request a regular transfer to another Member State at the monthly exchange rate, without application of any coefficient. This transfer may not exceed 25% of the official's basic salary.

Annex VIII: Pension scheme

Chapter 1: General provisions

Article 1

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

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

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

Chapter 2: Retirement pension and severance grant

Section 1: Retirement pension

Article 2 (8)

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

The maximum number of years of pensionable service which may be taken into account for the calculation of retirement pension rights shall be the number necessary to achieve the maximum pension, within the meaning of the second paragraph of Article 77 of the Staff Regulations.

Article 3 (24) (96)

Provided that the servants concerned have paid their shares of the pension contributions in respect of the periods of service concerned, the following shall be taken into account for the purpose of calculating years of pensionable service within the meaning of Article 2:

(a) the period of service as an official of one of the institutions in one of the administrative statuses set out in Article 35(a), (b), (c), and (e) and (f) of the Staff Regulations. However, officials covered by Article 40 of the Staff Regulations shall be subject to the conditions laid down in the last sentence of the second subparagraph of paragraph 3 thereof;

(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 entitlement to an invalidity allowance;

(d) periods of service in any other capacity in accordance with the Conditions of Employment of other servants. However, where members of the contract staff within the meaning of those Conditions of Employment become officials, the years of pensionable service they have acquired as members of the contract staff shall, up to the number of years of actual service, entitle them to a number of years of pensionable service as officials calculated on the basis of the ratio between the last basic salary received as a member of the contract staff and the first basic salary received as an official. The surplus contributions, if any, corresponding to the difference between the number of years of pensionable service calculated and the number of years of actual service, shall be reimbursed to the person concerned on the basis on the last basic salary received as a member of the contract staff. This provision shall, with the necessary changes, apply where officials become members of the contract staff.

Article 4 (46) (96)

1. An official who having previously completed a period of activity in the service of one of the institutions either as an official, as a member of the temporary staff or as a member of the contract staff resumes active employment with a Community institution shall acquire further pension rights. He may request that, in accordance with Article 3 of this Annex, for the purpose of calculating his pension rights, the whole of the period of service as an official, a member of the temporary staff or a member of the contract staff for which contributions have been paid be taken into account, subject to:

(a) repayment of the severance grant paid under Article 12, plus compound interest at a rate of 3,5% per annum. Where Article 42 or 112 of the Conditions of Employment of other servants has been applied in the case of the official concerned, the latter shall also be required to repay the amount paid under that Article, plus compound interest at the abovementioned rate;

(b) having an amount set aside for this purpose, before calculation of the credited contribution years provided for in Article 11(2) and providing the official has requested and obtained the application of that Article after resuming service, equal to the part of the amount transferred to the Community pension scheme that corresponds to the actuarial equivalent calculated and transferred to the scheme of origin pursuant to Article 11(1) or Article 12 (1) (b), plus compound interest at a rate of 3,5% per annum.

Where Article 42 or 112 of the Conditions of Employment of other servants has been applied in the case of the official concerned, the calculation of the amount to be set aside shall also take account of the amount paid under those Articles, plus compound interest at 3,5% per annum.

Where the amount transferred to the Community scheme is insufficient to make up the pension rights covering the previous period of employment in full, the official shall be authorised, on request, to make the amount up to that defined at point (b) of the first paragraph.

2. The interest rate specified in paragraph 1 may be revised in accordance with the rules laid down in Article 10 of Annex XII.

Article 5 (8) (96)

Notwithstanding the provisions of Article 2 of this Annex, officials who remain in service after the age of 63 shall be entitled to an increase of their pension equal to 2% of the basic salary taken into account for the calculation of their pension per year worked after that age, with the proviso that the total of their pension plus the increase does not exceed 70% of their 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 63 years.

Article 6 (8) (96)

The minimum subsistence figure for the purpose of calculating pension benefits shall correspond to the basic salary of an official at the first step of grade 1.

Article 7 (96)

Repealed

Article 8 (96)

"Actuarial equivalent of the retirement pension" means the capital value of the benefits accruing to the official by reference to the mortality table referred to in Article 9 of Annex XII and subject to 3,5% interest per annum, which rate may be revised in accordance with the rules laid down in Article 10 of Annex XII.

Article 9 (96)

1. An official leaving the service before reaching the age of 63 years may request that his retirement pension:

(a) be deferred until the first day of the calendar month following that in which he reaches the age of 63; or

(b) be paid immediately, provided that he is not less than 55 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.

The pension shall be reduced by 3,5% for every year before the one in which officials would become entitled to a retirement pension within the meaning of Article 77 of the Staff Regulations. If between the age at which entitlement to a retirement pension is acquired within the meaning of Article 77 of the Staff Regulations and the age of the person concerned at the time, the difference exceeds an exact number of years, an extra year shall be added to the reduction.

2. The Appointing Authority may decide, in the interests of the service on the basis of objective criteria and transparent procedures introduced by means of general implementing provisions, not to apply the above reduction to the officials concerned. The total number of officials and temporary servants, who retire without any reduction of their pension each year, shall not be higher than 10% of the officials in all institutions who retired the previous year. The annual percentage may vary from 8% to 12%, subject to a total of 20% over two years and the principle of budget neutrality. Before five years have elapsed, the Commission shall submit to the European Parliament and the Council an evaluation report on the implementation of this measure. Where appropriate, the Commission shall submit a proposal to fix after five years the maximum annual percentage rate between 5% and 10% of all officials in all institutions who retired the previous year, on the basis of Article 283 of the EC Treaty.

Article 9a (96)

For the purposes of determining the reduced pension of officials who have acquired pension rights exceeding the equivalent of 70% of their final basic salary and who request immediate payment of their retirement pension in accordance with Article 9, the reduction under Article 9 shall be applied to a notional figure corresponding to the years of pensionable service rather than to an amount capped at 70% of the final basic salary. In no case, however, may the reduced pension thus calculated exceed 70% of the last basic salary within the meaning of Article 77 of the Staff Regulations.

Article 10

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

Article 11 (40) (67) (96)

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

– enter the service of a government administration or a national or international organisation which has concluded an agreement with the Communities;

– pursue an activity in an employed or self-employed capacity, by virtue of which he acquires pension rights under a scheme whose administrative bodies have concluded an agreement with the Communities,

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

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

– leaving the service of a government administration or of a national or international organisation; or

– pursuing an activity in an employed or self-employed capacity;

shall be entitled, after establishment but before becoming eligible for payment of a retirement pension within the meaning of Article 77 of the Staff Regulations, to have paid to the Communities the capital value, updated to the date of the actual transfer, of pension rights acquired by virtue of such service or activities.

In such case the institution in which the official serves shall, taking into account the official's basic salary, age and exchange rate at the date of application for a transfer, determine by means of general implementing provisions the number of years of pensionable service with which he shall be credited under the Community pension scheme in respect of the former period of service, on the basis of the capital transferred, after deducting

an amount representing capital appreciation between the date of the application for a transfer and the actual date of the transfer.

Officials may make use of this arrangement once only for each Member State and pension fund concerned.

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

Section 2: Severance grant

Article 12 (96)

1. An official aged less than 63 years whose service terminates otherwise than by reason of death or invalidity and who is not entitled to an immediate or deferred retirement pension shall be entitled on leaving the service:

(a) where he has completed less than one year's service and has not made use of the arrangement laid down in Article 11(2), to payment of a severance grant equal to three times the amounts withheld from his basic salary in respect of his pension contributions, after deduction of any amounts paid under Articles 42 and 112 of the Conditions of Employment of other servants;

(b) in other cases, to the benefits provided under Article 11(1) or to the payment of the actuarial equivalent of such benefits to a private insurance company or pension fund of their choice, on condition such company or fund guarantees that:

(i) the capital will not be repaid;

(ii) a monthly income will be paid from age 60 at the earliest, and age 65 at the latest;

(iii) provisions are included for reversion or survivors' pensions;

(iv) transfer to another insurance company or other fund will be authorised only if such fund fulfils the conditions laid down in points (i), (ii) and (iii).

2. By way of derogation from paragraph 1(b), officials under 63 years of age who, since taking up their duties, have, in order to establish or maintain pension rights, paid into a national pension scheme, a private insurance scheme or a pension fund of their choice which satisfies the requirements set out in paragraph 1, and whose service terminates for reasons other than death or invalidity without their qualifying for an immediate or deferred retirement pension, shall be entitled, on leaving the service, to a severance grant equal to the actuarial value of their pension rights acquired during service in the institutions. In these cases the payments made in order to establish or maintain their pension rights under the national pension scheme in application of Articles 42 or 112 of the Conditions of Employment of other servants shall be deducted from the severance grant.

3. Where an official's service has been terminated by removal from his post, the severance grant to be paid or, as the case may be, the actuarial equivalent to be transferred shall be determined by reference to the decision taken in accordance with Article 9(1)(h) of Annex IX.

Article 12a (96)

Repealed

Chapter 3: Invalidity allowance

Article 13 (8) (96)

1. Subject to the provisions of Article 1(1), an official aged less than 65 years who at any time during the period in which he is acquiring pension rights is recognised 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 allowance as provided for in Article 78 of the Staff Regulations.

2. Persons in receipt of an invalidity allowance may not engage in gainful employment without the prior authorisation of the Appointing Authority. Any income from such gainful employment which, in combination with the invalidity allowance, exceeds the final total remuneration received while in active service as

determined on the basis of the salary scale in force on the first day of the month in which the allowance is to be paid shall be deducted from the invalidity allowance.

The recipient of the allowance shall be required to provide on request any written proof which may be requested and to notify his or her institution of any factor that may affect entitlement to the allowance.

Article 14 (8) (46) (96)

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

When the former official ceases to satisfy the requirements for payment of the allowance 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 provision; if he declines a second time, he may be required to resign.

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

Article 15 (46) (96)

While a former official drawing invalidity allowance is aged less than 63 years, the institution may have him medically examined periodically to ascertain that he still satisfies the requirements for payment of the allowance.

Article 16 (46)(96)

Repealed

Chapter 4: Survivor's pension

Article 17 (8) (46) (96)

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

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

Article 17a (40) (96)

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

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

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

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

Article 18 (8) (96)

Where a former official was in receipt of retirement pension the surviving spouse shall be entitled, provided that the couple were already married before the official left the service of an institution and that the marriage had lasted at least one year, and subject to the provisions of Article 22, to a survivor's pension equal to 60% of the retirement pension which he was receiving at the time of his death. The minimum survivor's pension shall be 35% of the last basic salary; the amount of the survivor's pension shall in no case, however, exceed the amount of the retirement pension which the spouse was receiving at the time of 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 surviving spouse maintains or has maintained those children.

Article 18a (8) (96)

The surviving spouse of a former official who left the service before reaching the age of 63 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 63 years shall be entitled, provided that the couple were already married before the official left the service of an institution and that the marriage had lasted at least one year, and subject to the provisions of Article 22, to a survivor's pension equal to 60% of the retirement pension which would have been payable to the spouse at the age of 63 years. The minimum survivor's pension shall be 35% of the last basic salary; the amount of the survivor'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 63 years.

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

Article 19 (8) (46) (96)

Where a former official was in receipt of invalidity allowance the surviving spouse shall be entitled, subject to the provisions of Article 22 of this Annex, provided that the couple were married when the official became eligible for the allowance, to a survivor's pension equal to 60% of the invalidity allowance which the spouse was receiving at the time of death.

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

Article 20 (46)

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

Article 21 (8) (46) (96)

1. The orphan's pension provided for in Article 80, first, second and third paragraphs of the Staff Regulations shall for the first orphan be equal to eight tenths of the survivor's pension to which the surviving spouse of an official or former official in receipt of a retirement pension or invalidity allowance would have been entitled, the reductions set out in Article 25 being disregarded.

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

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

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

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

Article 22 (46) (96)

Where an official leaves a surviving spouse and also orphans of a previous marriage or other persons entitled under him, the total pension, calculated as if for a surviving spouse having all these persons dependent on him, 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 recognised as dependants within the meaning of Article 2 of Annex VII to the Staff Regulations shall be included in the category of children of the marriage to the official or former official in receipt of a retirement pension or invalidity allowance.

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

Article 23 (46)

Repealed

Article 24 (8) (46) (96)

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

The right to receive payment of survivor's pension shall cease at the end of the calendar month in which the recipient of the pensions dies or ceases to satisfy the requirements for payment of the pension. Similarly the right to an orphan's pension shall cease if the recipient ceases to be regarded as a dependent child within the meaning of Article 2 of Annex VII.

Article 25 (46) (96)

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

– 1% for the years between 10 and 20;

– 2% for the years 20 up to but not including 25;

– 3% for the years 25 up to but not including 30;

– 4% for the years 30 up to but not including 35;

– 5% for the years from 35 upwards.

Article 26 (96)

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

Article 27 (24) (46) (96)

The divorced spouse of an official or a former official shall be entitled to a survivor's pension, as defined in this Chapter, provided that, on the death of the former spouse, he/she can justify entitlement on his/her own account to receive maintenance from him by virtue of a court order or as a result of an officially registered settlement in force between himself/herself and his/her former spouse.

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

The divorced spouse's entitlement shall cease if he or she remarries before the former spouse dies. Article 26 shall apply in the event of remarriage after the death of the former spouse.

Article 28 (24) (46) (96)

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

If any of the persons entitled to pension dies or renounces his or her share, that 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 (96)

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

Chapter 5: Provisional pensions

Article 30 (46)

The spouse or persons recognised as dependants of an official having one of the statuses listed in Article 35 of the Staff Regulations whose whereabouts are unknown for more than one year provisionally receive the survivor's pension to which they would be entitled under this Annex.

Article 31 (46) (96)

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

Article 31a (46)(96)

The spouse or persons recognised as dependants of a former official within the meaning of Article 18a of Annex VIII, or of a former official entitled to an allowance either under Article 50 of the Staff Regulations or under Regulation (EEC) No 1857/89 ([1]), Regulation (EC, Euratom) No 1746/2002 ([2]), Regulation (EC, Euratom) No 1747/2002 ([3]) or Regulation (EC, Euratom) No 1748/2002 ([4]) may, if the former official's whereabouts are unknown for more than one year, provisionally receive a survivor's pension to which they would be entitled under this Annex.

Article 32 (46)

The provisions of Article 31 shall apply to persons recognised 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.

---

1 OJ L 181, 28.6.1989, p.2. Regulation as amended by Regulation (EC, ECSC, Euratom) No 2458/98 (JO L 307, 17.11.1998, p. 1).

2 OJ L 264, 2.10.2002, p.1

3 OJ L 264, 2.10.2002, p.5

4 OJ L 264, 2.10.2002, p.9

Article 33 (46)

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

Chapter 6: Pension increases in respect of dependent children

Article 34 (8) (46) (96)

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

Articles 80 and 81 of the Staff Regulations shall also apply to children born less than 300 days after the death of the official or former official in receipt of a retirement pension or invalidity allowance.

Article 35 (8) (96)

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

Chapter 7

Section 1: Funding of the pension scheme

Article 36 (96)

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

Article 37 (24)

An official on secondment shall continue to pay the contribution referred to in the preceding Article on the basis of the salary carried by this step and grade. This shall also apply, up to a maximum of five years as provided in Article 3, to officials receiving the allowance provided for in respect of non-active status or retirement in the interests of the service, and to officials on leave on personal grounds who are continuing to acquire further pension rights on the conditions laid down in Article 40(3) of the Staff Regulations.

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

Article 38

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

Article 39 (96)

Repealed

Section 2: Calculation of pension

Article 40 (8) (96)

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, or survivor's or provisional pension or invalidity allowance. 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 pension or invalidity allowance shall not be paid concurrently with the salary payable from the general budget of the European Union or by one of the agencies nor with the allowance payable under Articles

41 and 50 of the Staff Regulations. Similarly, they shall be incompatible with any remuneration derived from a post in one of the institutions or agencies.

Article 41

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

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

Article 42 (46) (96)

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

Article 43 (46)

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

Article 44 (96)

Where an official has been temporarily deprived, in whole or in part, of his pension rights under Article 9 of Annex IX, he shall be entitled to claim reimbursement in proportion to the amount by which his pension has been reduced of the pension contributions he has paid.

Section 3: Payment of benefits

Article 45 (46) (96)

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.

For pensioners residing in the European Union, benefits shall be paid in euro into a bank in the Member State of residence.

For pensioners residing outside the European Union, pensions shall be paid, in euro into a bank in the country of residence. The pension may by way of exception be paid in euro into a bank in the country where the institution has its headquarters, or in foreign currency in the country of residence of the pensioner, converted at the most up-to-date exchange rates used for the implementation of the general budget of the European Union.

This Article shall apply by analogy to the recipients of an invalidity allowance.

Article 46 (46) (96)

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

Article 47 (46)

Repealed

Chapter 8: Transitional provisions

Article 48

An official to whom the Staff Regulations are applied pursuant to the transitional provisions shall be entitled to pension rights computed from the date of his joining the temporary joint provident scheme of the institutions of the Communities.

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

Article 49

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

The preceding paragraph shall not apply where an official has asked, within three months of the Staff Regulations being applied to him, to be allowed to repay those sums plus compound interest at the rate of 3.5% per annum.

Article 50

An official to whom the Staff Regulations are applied pursuant to the transitional provisions shall be entitled, if he leaves the services at the age of 65 years without having completed the 10 years required under the first paragraph of Article 77 of the Staff Regulations, to opt for payment of a grant calculated in accordance with Article 12 of this Annex or for a proportionate pension calculated in accordance with the second paragraph of Article 77 of the Staff Regulations.

Article 51

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

Annex IX: Disciplinary proceedings (96)

Section 1: General provisions

Article 1 (96)

1. Whenever an investigation by OLAF reveals the possibility of the personal involvement of an official, or a former official, of an institution, that person shall rapidly be informed, provided this is not harmful to the investigation. In any event, conclusions referring by name to an official may not be drawn once the investigation has been completed without that official concerned having been given the opportunity to comment on facts concerning him. The conclusions shall make reference to these comments.

2. In cases that demand absolute secrecy for the purposes of the investigation and requiring the use of investigative procedures falling within the remit of a national judicial authority, compliance with the obligation to invite the official to comment may, in agreement with the Appointing Authority, be deferred. In such cases, no disciplinary proceedings may be opened before the official has been given a chance to comment.

3. If, following an OLAF investigation, no case can be made against an official about whom allegations have been made, the investigation in question shall be closed, with no further action taken, by decision of the Director of OLAF, who shall inform the official and his institution in writing. The official may request that this decision be inserted in his personal file.

Article 2 (96)

1. The rules set out in Article 1 of this Annex shall apply, with any necessary changes, to other administrative enquiries carried out by the Appointing Authority.

2. The Appointing Authority shall inform the person concerned when the investigation ends, and shall communicate to him the conclusions of the investigation report and, on request and subject to the protection of the legitimate interests of third parties, all documents directly related to the allegations made against him.

3. The institutions shall adopt implementing arrangements for this Article, in accordance with Article 110 of the Staff Regulations.

Article 3 (96)

On the basis of the investigation report, after having notified the official concerned of all evidence in the files and after hearing the official concerned, the Appointing Authority may:

(a) decide that no case can be made against the official, in which case the official shall be informed accordingly in writing; or

(b) decide, even if there is or appears to have been a failure to comply with obligations, that no disciplinary measure shall be taken and, if appropriate, address a warning to the official; or

(c) in the case of failure to comply with obligations within the meaning of Article 86 of the Staff Regulations:

  (i) decide to initiate the disciplinary proceedings provided for in Section 4 of this Annex, or

  (ii) decide to initiate disciplinary proceedings before the Disciplinary Board.

Article 4 (96)

An official who, for objective reasons, cannot be heard under the provisions of this Annex may be asked to comment in writing or may be represented by a person of his choice.

Section 2: Disciplinary Board

Article 5 (96)

1. A Disciplinary Board, hereinafter referred to as "the Board", shall be established in each institution. The Board shall include at least one member, who may be the chairman, chosen from outside the institution.

2. The Board shall consist of a chairman and four full members, who may be replaced by alternates, and, in cases involving an official in a grade up to AD 13, two additional members in the same function group and grade as the official subject to disciplinary proceedings.

3. The members and alternates of the Board shall be appointed from amongst the officials in grade AD 14 or above in active employment in respect of all cases other than those concerning officials in grades AD 16 or AD 15.

4. The members and alternates of the Board shall be appointed from amongst officials in grade AD 16 in active employment for cases involving officials in grades AD 16 or AD 15.

5. The Appointing Authority and the Staff Committee shall agree on an ad hoc procedure to designate the further members referred to in paragraph 2 who shall sit for cases involving an official posted to a third country.

Article 6 (96)

1. The Appointing Authority and the Staff Committee shall each appoint two members and two alternates at the same time.

2. The chairman and alternate for the chairman shall be appointed by the Appointing Authority.

3. The chairman, the members and the alternates shall be appointed for a period of three years. However, the institutions may provide for a shorter period for members and alternates, subject to a minimum of one year.

4. The two members of the Board as enlarged in accordance with Article 5(2) of this Annex shall be appointed in the following manner:

(a) the Appointing Authority shall draw up a list containing, if possible, the names of two officials in each grade in each function group. At the same time, the Staff Committee shall send the Appointing Authority a list drawn up on the same basis;

(b) within ten days of the notification of the report on which the decision to open disciplinary proceedings or the procedure laid down in Article 22 of the Staff Regulations is based, the chairman of the Board, in the presence of the person concerned, shall draw by lot from the above-mentioned lists the names of the two Board members, one member being drawn from each list. The chairman may decide that the secretary is to replace him in this procedure. The chairman shall notify the official concerned and the individual members of the Board of its complete composition.

5. The official concerned shall be entitled to reject one of the Board members within five days of the Board's establishment. The institution shall also be entitled to reject one of the Board members.

Within the same time limit, Board members may ask to be excused from duty for legitimate reasons and shall withdraw if a conflict of interests exists.

If necessary, the chairman of the Board shall draw new lots to replace the members appointed in accordance with paragraph 4.

Article 7 (96)

The Board shall be assisted by a secretary appointed by the Appointing Authority.

Article 8 (96)

1. The chairman and members of the Board shall be completely independent in the performance of their duties.

2. The deliberations and proceedings of the Board shall be secret.

Section 3: Disciplinary measures

Article 9 (96)

1. The Appointing Authority may impose one of the following penalties:

(a) a written warning;

(b) a reprimand;

(c) deferment of advancement to a higher step for a period of between one and 23 months;

(d) relegation in step;

(e) temporary downgrading for a period of between 15 days and one year;

(f) downgrading in the same function group;

(g) classification in a lower function group, with or without downgrading;

(h) removal from post and, where appropriate, reduction pro tempore of a pension or withholding, for a fixed period, of an amount from an invalidity allowance; the effects of this measure shall not extend to the official's dependants. In case of such reduction however, the former official's income may not be less than the minimum subsistence figure laid down in Article 6 of Annex VIII, with the addition of any family allowances payable.

2. Where the official is in receipt of a retirement pension or an invalidity allowance, the Appointing Authority may decide to withhold an amount from the pension or the invalidity allowance for a given period; the effects of this measure shall not extend to the official's dependants. The official's income may not, however, be less than the minimum subsistence figure laid down in Article 6 of Annex VIII, with the addition of any family allowances payable.

3. A single case of misconduct shall not give rise to more than one disciplinary penalty.

Article 10 (96)

The severity of the disciplinary penalties imposed shall be commensurate with the seriousness of the misconduct. To determine the seriousness of the misconduct and to decide upon the disciplinary penalty to be imposed, account shall be taken in particular of:

(a) the nature of the misconduct and the circumstances in which it occurred,

(b) the extent to which the misconduct adversely affects the integrity, reputation or interests of the institutions,

(c) the extent to which the misconduct involves intentional actions or negligence,

(d) the motives for the official's misconduct,

(e) the official's grade and seniority,

(f) the degree of the official's personal responsibility,

(g) the level of the official's duties and responsibilities,

(h) whether the misconduct involves repeated action or behaviour,

(i) the conduct of the official throughout the course of his career.

Section 4: Disciplinary proceedings not involving the Disciplinary Board

Article 11 (96)

The Appointing Authority may decide on the penalty of a written warning or reprimand without consulting the Board. The official concerned shall be heard before such action is taken by the Appointing Authority.

Section 5: Disciplinary proceedings before the Disciplinary Board

Article 12 (96)

1. The Appointing Authority shall submit a report to the Board, stating clearly the facts complained of and, where appropriate, the circumstances in which they arose, including any aggravating or extenuating circumstances.

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

Article 13 (96)

1. On receipt of the report, the official concerned shall have the right to obtain his complete personal file and take copies of all documents relevant to the proceedings, including exonerating evidence.

2. The official concerned shall have not less than 15 days from the date of receipt of the report initiating the disciplinary proceedings to prepare a defence.

3. The official concerned may be assisted by a person of his or her choice.

Article 14 (96)

If, in the presence of the Chairman of the Board, the official concerned acknowledges misconduct on his part and accepts unreservedly the report referred to in Article 12 of this Annex, the Appointing Authority may, in accordance with the principle of proportionality between the nature of the misconduct and the penalty being considered, withdraw the case from the Board. Where a case is withdrawn from the Board the Chairman shall deliver an opinion on the penalty considered.

Under this procedure the Appointing Authority may, by derogation from Article 11 of this Annex, impose one of the penalties provided for in Article 9(1) (a) to (d) of this Annex.

The official concerned shall be informed before acknowledging his misconduct of the possible consequences of such acknowledgement.

Article 15 (96)

Before the first meeting of the Board, the chairman shall give one of its members the task of preparing a general report on the matter and shall inform the other members of the Board accordingly.

Article 16 (96)

1. The official concerned shall be heard by the Board; at the hearing, he may submit observations in writing or orally, whether in person or through a representative. He may call witnesses.

2. The institution shall be represented before the Board by an official mandated by the Appointing Authority to this effect and having rights equivalent to those of the official concerned.

3. The Board may hear investigating officials from OLAF in cases where an investigation was initiated by the Office.

Article 17 (96)

1. If the Board does not consider that it has sufficiently clear information on the facts complained of or the circumstances in which they arose, it shall order an investigation in which each side can submit its case and reply to the case of the other side.

2. The chairman or a member of the Board shall conduct the investigation on behalf of the Board. For the purposes of the investigation, the Board may call for any documents relating to the matter before it. The institution shall comply with any such request within the time limit, if any, set by the Board. Where such a request is addressed to the official, note shall be taken of any refusal to comply.

Article 18 (96)

After consideration of documents submitted and having regard to any statement made orally or in writing and to the results of any investigation undertaken, the Board shall, by majority vote, deliver a reasoned opinion as to whether the facts complained of are established and as to any penalty to which those facts should give rise. This opinion shall be signed by all the members of the Board. Each member may attach to the opinion a divergent view. The Board shall transmit the opinion to the Appointing Authority and to the official concerned within two months of the date of receipt of the report of the Appointing Authority, provided that this time limit is commensurate with the degree of complexity of the case. Where an investigation has been held at the Board's initiative, the time limit shall be four months, provided that this period is commensurate with the degree of complexity of the case.

Article 19 (96)

1. The chairman of the Board shall not vote on matters before it, except as regards matters of procedure or where votes are tied.

2. The chairman shall ensure that the decisions of the Board are implemented and shall bring all information and documents relating to the case to the attention of each of its members.

Article 20 (96)

The secretary shall draw up minutes of meetings of the Disciplinary Board. Witnesses shall sign the minutes recording their evidence.

Article 21 (96)

1. Expenses incurred on the initiative of an official concerned in the course of disciplinary proceedings, and in particular fees paid to a person chosen to assist the official or for his defence, shall be borne by the official where the disciplinary proceedings result in the imposition of one of the penalties provided for in Article 9 of this Annex.

2. However, the Appointing Authority may decide otherwise in exceptional cases where the burden on the official concerned would be unfair.

Article 22 (96)

1. After hearing the official, the Appointing Authority shall take its decision as provided for in Articles 9 and 10 of this Annex within two months of receipt of the opinion of the Board. Reasons must be given for the decision.

2. If the Appointing Authority decides to close the case without imposing any disciplinary penalty, it shall so inform the official concerned in writing without delay. The official concerned may request that this decision be inserted in his personal file.

Section 6: Suspension

Article 23 (96)

1. If the Appointing Authority accuses an official of serious misconduct, whether through a failure to honour his professional obligations or through an infringement of the law, it may immediately suspend the person accused of that misconduct for a specified or indefinite period.

2. The Appointing Authority shall take this decision after hearing the official concerned, save in exceptional circumstances.

Article 24 (96)

1. The decision suspending an official shall state whether the official is to continue to receive his full remuneration during the period of suspension or what part thereof is to be withheld. The amount paid to the official shall not under any circumstances be less than the minimum subsistence figure laid down in Article 6 of Annex VIII to these Staff Regulations, with the addition of any family allowances payable.

2. The situation of a suspended official must be definitively settled within six months of the date on which the suspension takes effect. If no such decision is taken within six months, the official concerned shall be entitled to again receive full remuneration, subject to paragraph 3.

3. Remuneration may continue to be withheld in part after the six-month deadline referred to in paragraph 2 if the official concerned is the subject of criminal proceedings for the same acts and is in custody as a result of those proceedings. In such cases the official shall not receive full remuneration until the competent court has ordered his release.

4. Sums withheld under paragraph 1 shall be repaid to the official if the final decision imposes a disciplinary penalty no more severe than a written warning, reprimand or deferment of advancement to a higher step, or if no disciplinary penalty is imposed; in the latter case, the repayment shall be made with compound interest at the rate defined in Article 12 of Annex XII.

Section 7: Parallel criminal prosecution

Article 25 (96)

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

Section 8: Final provisions

Article 26 (96)

The decisions referred to under Articles 11, 14, 22 and 23 of this Annex shall be sent for information to OLAF in cases where an investigation was initiated by the Office.

Article 27 (96)

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

Article 28 (96)

Where new facts supported by relevant evidence come to light, disciplinary proceedings may be reopened by the Appointing Authority on its own initiative or on application by the official concerned.

Article 29 (96)

If no case has been made against the official pursuant to Articles 1(3) and 22(2) of this Annex, the official shall be entitled to request that the damage suffered should be made good through suitable publicity for the decision of the Appointing Authority.

Article 30 (96)

Without prejudice to Article 2(3), each institution shall, if it sees fit, adopt implementing arrangements for this Annex after consulting its Staff Committee.

Annex X: Special and exceptional provisions applicable to officials serving in a third country (51)

Chapter 1: General provisions

Article 1

This Annex lays down the special and exceptional provisions applicable to officials of the European Communities serving in a third country.

Only nationals of Member States of the Communities may be recruited to serve in such a country, the appointing authority not being permitted to invoke the exception provided for in Article 28(a) of the Staff Regulations.

General implementing provisions shall be adopted in accordance with Article 110 of the Staff Regulations.

Article 2 (96)

By decision of the appointing authority in the interests of the service, officials shall be transferred periodically, if necessary without regard to vacant posts.

The Appointing Authority shall make such transfers by a specific procedure referred to as the 'mobility procedure', for which it shall lay down detailed implementing rules, after consulting the Staff Committee.

Article 3 (96)

Under the mobility procedure, an official assigned to a third country may, by decision of the Appointing Authority, be reassigned temporarily with his post to the seat of the institution or any other place of employment in the Community; such assignments, which shall not be preceded by a vacancy notice, may not be for more than four years. By way of derogation from the first subparagraph of Article 1, the appointing authority may decide, on the basis of general implementing provisions, that the official shall remain subject to certain provisions of this Annex for the duration of this temporary assignment, excluding Articles 5, 10 and 12 thereof.

Chapter 2: Obligations

Article 4

An official shall carry out his duties at the place to which he is assigned on recruitment or on transfer in the interests of the service following the mobility procedure.

Article 5 (96)

1. If the institution provides the official with accommodation which corresponds to the level of his duties and to the composition of his dependent family, he shall reside in it.

2. Detailed rules for the application of paragraph 1 shall be laid down by the Appointing Authority, after consultation of the Staff Committee. The Appointing Authority shall also decide on the entitlement to furniture and other fittings for accommodation, in line with the conditions applying at each place of employment.

Chapter 3: Working conditions

Article 6 (96)

An official shall, per calendar year, be entitled to annual leave three and a half working days for each month of service.

Article 7(96)

In the year in which an official takes up or ceases to perform his duties in a third country, he shall be entitled to three and a half working days leave for each complete month of service, to three and a half working days for an incomplete month consisting of more than 15 days and to two working days for an incomplete month of 15 days or less.

Where an official, for reasons other than the requirements of the service, has not used up his annual leave before the end of the current calendar year, the amount of leave which may be carried over to the following year shall not exceed 14 working days.

Article 8

By way of exception, the appointing authority may, by special reasoned decision, grant an official rest leave on account of particularly difficult living conditions at his place of employment. For each such place, the appointing authority shall determine the town(s) where rest leave may be taken.

Article 9 (96)

1. Annual leave may be taken all at once or in several periods, according to what the official desires and taking account of the requirements of the service. It must, however, include at least one period of 14 working days.

2. The rest leave referred to in Article 8 may not exceed a period of 15 working days for each year of service.

The period of rest leave shall be extended by the addition of travelling time calculated in accordance with Article 7 of Annex V to the Staff Regulations.

Chapter 4: Emoluments and social security benefits

Section 1: Emoluments and family allowances

Article 10 (96)

1. An allowance for living conditions shall be fixed, according to the official's place of employment, as a percentage of a reference amount. This reference amount shall comprise the total basic salary, plus the expatriation allowance, household allowance and dependent child allowance, less the compulsory deductions referred to in the Staff Regulations or in the regulations adopted to implement them.

Where an official is employed in a country in which living conditions can be deemed equivalent to those normally obtaining in the Community, no such allowance shall be payable.

In the case of other places of employment, the allowance for living conditions shall be fixed as follows.

The parameters taken into account for fixing the allowance for living conditions shall be the following:

– health and hospital environment,

– security,

– climate,

to which three parameters shall be applied a weighting of 1:

– degree of isolation,

– other local conditions,

to which two parameters shall be applied a weighting of 0.5.

Each parameter shall have the following value:

0: where conditions are normal but not equivalent to those normally obtaining in the Community,

2: where conditions are difficult compared with those normally obtaining in the Community,

4: where conditions are very difficult compared with those normally obtaining in the Community.

The allowance shall be fixed as a percentage of the reference amount referred to in the first subparagraph, in accordance with the following scale:

– 10% where the value equals 0,

– 15% where the value is greater than 0 but not greater than 2,

– 20% where the value is greater than 2 but not greater than 5,

– 25% where the value is greater than 5 but not greater than 7,

– 30% where the value is greater than 7 but not greater than 9,

– 35% where the value is greater than 9, but not greater than 11,

– 40% where the value is greater than 11.

The allowance for living conditions fixed for each place of employment shall be reviewed and, where appropriate, adjusted each year by the appointing authority after the opinion of the Staff Committee has been obtained.

Officials who, in the course of their career, have been assigned to a place considered difficult or very difficult and where the allowance for living conditions corresponds to 30%, 35% or 40% and who accept a transfer to another place where the allowance corresponds to 30%, 35% or 40% shall receive, in addition to the allowance for living conditions for their new place of employment, a supplementary premium of 5% of the reference amount referred to in the first subparagraph.

That premium shall be granted cumulatively on each assignment of the official to a place of employment considered difficult or very difficult; however, the sum of the allowance for living conditions and the premium may not exceed 45% of the reference amount referred to in the first subparagraph.

2. If living conditions at the place of employment are such as to put the official at personal risk, a temporary additional allowance shall be paid to him by special reasoned decision of the appointing authority. This allowance shall be fixed as a percentage of the reference amount referred to in the first subparagraph of paragraph 1:

– at 5% where the authority advises its staff not to settle their families in the place of employment,

– at 10% where the authority decides to reduce temporarily the number of staff serving in the place of employment.

Article 11 (78)

Remuneration, as also the allowances referred to in Article 10, shall be paid in euro in Belgium. They shall be subject to the weighting applicable to the remuneration of officials employed in Belgium.

Article 12

At the request of the official, the appointing authority may decide to pay all or part of his remuneration in the currency of the country of employment. In that event, it shall be subject to the weighting for the place of employment and shall be converted on the basis of the corresponding exchange rate.

In duly substantiated exceptional cases, the appointing authority may make all or part of this payment in a currency other than of the country of employment in such a way as to maintain purchasing power.

Article 13 (96)

In order to ensure as far as possible that officials enjoy equivalent purchasing power irrespective of their place of employment, the Council shall determine the weighting referred to in Article 12 once a year. The Council shall, by the written procedure within one month, act on a proposal from the Commission by the qualified majority provided for in the first eventuality set out in the second subparagraph of Article 148(2) of the Treaty establishing the European Economic Community and of Article 118 of the Treaty establishing the European Atomic Energy Community. Should a Member State request formal examination of the Commission proposal, the Council shall act within two months.

Where however, in the case of a given country, the variation in the cost of living measured on the basis of the weighting and the corresponding exchange rate is found to have exceeded 5% since the last adjustment, the Commission shall decide on interim measures for adjusting the weighting and shall inform the Council thereof as soon as possible.

Article 14

The Commission shall submit an annual report to the Council on the application of this Annex and in particular on the fixing of the rate of the allowance for living conditions as provided for in Article 10.

Article 15

On the conditions laid down by the appointing authority, the official shall receive an education allowance to cover the actual education costs incurred, payment of the allowance being made on the production of supporting documents. Except in cases deemed exceptional by the appointing authority, this allowance shall not exceed three times the doubled maximum education allowance.

Article 16 (78) (96)

Reimbursements due to officials shall be paid in euro, in the currency of the country of employment or in the currency in which the expenditure was incurred, on the basis of a reasoned request from the official.

Officials may opt to have installation or resettlement allowances paid in either euro or the currency of the place of installation or resettlement; in the latter case, they shall be subject to the weighting fixed for the place in question and converted at the corresponding exchange rate.

Section 2: Rules relating to the reimbursement of expenses

Article 17 (96)

An official provided accommodation pursuant to Article 5 or 23 of this Annex and who, for reasons beyond his control, is obliged to change his residence at the place of employment shall, by special reasoned decision of the appointing authority, be reimbursed the expenses incurred in respect of removal of furniture and personal effects, on production of supporting documents and in accordance with the rules on removals.

In such cases, he shall have the other expenses incurred by this change of residence reimbursed on production of supporting documents, subject to a ceiling equal to half the installation allowance.

Article 18 (96)

An official who, at his place of employment, is staying at a hotel because the accommodation provided for in Article 5 cannot be allocated to him or is no longer available to him or who, for reasons beyond his control, has not been able to take possession of his accommodation shall be reimbursed the hotel expenses of himself and his family on production of the hotel bills, after prior authorisation by the appointing authority.

The official shall also receive the daily allowance provided for in Article 10 of Annex VII, less 50%, except in cases of force majeure to be determined by the Appointing Authority.

Where hotel accommodation cannot be provided, the official shall be entitled to reimbursement of the actual cost of renting temporary accommodation, after prior approval by the appointing authority.

Article 19 (96)

An official who does not have access to a staff car for travel on official business directly connected with the performance of his duties shall receive a mileage allowance for the use of his own car. The amount of the allowance shall be fixed by the Appointing Authority.

Article 20

An official shall be entitled to travel expenses for rest leave from his place of employment to the authorised place of leave for himself and, if he is entitled to the household allowance, for his spouse and dependents if they live with him.

Where travel by train is impossible or impracticable, reimbursement shall be by special decision on production of the air tickets, whatever the distance.

Article 21 (96)

Where an official is obliged to change his place of residence in order to comply with Article 20 of the Staff Regulations on taking up his appointment or on transfer, the institution shall, subject to the conditions laid down by the Appointing Authority and depending on the type of accommodation that can be provided for him at the place of employment, bear the cost of:

(a) moving part or all of his furniture and personal effects from their location at the time to the place of employment and of transporting his personal effects, in the event that unfurnished accommodation is provided;

(b) transporting his personal effects or of storage of his furniture and personal effects in the event that furnished accommodation is provided .

In the event of termination of service or death, the institution shall, subject to the conditions laid down by the appointing authority, bear the actual cost of moving an official's furniture and personal effects from their location at the time to his place of origin or of transporting his personal effects from the place of employment to his place of origin. Reimbursement may be made for any or all of these costs.

In the event of the death of an unmarried official, reimbursement shall be made to those entitled under him.

Article 22

The temporary accommodation allowance and the cost of transporting the personal effects of his spouse and dependants shall be advanced to a probationer official by the institution.

In the event of the probationer official not being established at the end of his probationary period, the institution may in exceptional cases take steps to recover up to half of these sums on the basis of the provisions laid down by the appointing authority.

Article 23 (96)

Where the official is not provided with accommodation by the institution, his rent shall be reimbursed, provided that the accommodation corresponds to his duties and to the composition of his dependent family.

Section 3: Social security benefits

Article 24

The official, his spouse, his children and other persons dependent on him shall be covered by supplementary sickness insurance for the difference between expenditure actually incurred and payments from the scheme provided for in Article 72 of the Staff Regulations; no reimbursement shall be made under Article 72(3).

Half the premium shall be paid by the official and half by the institution. However, the official's contribution shall not exceed 0.6% of his basic salary, any balance shall be paid by the institution.

The official, his spouse, his children and other persons dependent on him shall be insured for repatriation on health grounds in the case of an emergency or extreme emergency; the premium shall be paid entirely by the institution.

Article 25

The spouse, children and other persons dependent on the official shall be insured against accidents occurring outside the Community in the countries appearing on a list adopted for this purpose by the appointing authority.

Half the premium shall be paid by the official and half by the institution.

Chapter 5: Discipline (96)

Article 26 (96)

Repealed

Chapter 6: Transitional provisions (96)

Article 27 (96)

Repealed

Annex XI: Rules for implementing Articles 64 and 65 of the Staff Regulations (62) (96)

Chapter 1 – Annual review of remuneration provided for in Article 65(1) of the Staff Regulations

Section 1: Factors determining annual adjustments

Article 1 (96)

1. Report from the Statistical Office of the European Communities (Eurostat)

For the purposes of the review provided for in Article 65(1) of the Staff Regulations, Eurostat shall draw up every year before the end of October a report on changes in the cost of living in Brussels, the economic parities between Brussels and certain places in the Member States, and changes in the purchasing power of salaries in national civil services in central government.

2. Changes in the cost of living for Brussels (Brussels International Index)

Eurostat shall draw up an index, based on data provided by the Belgian authorities, to measure changes in the cost of living for officials of the Communities in Brussels. This index (hereinafter the "Brussels International Index") shall take into account the changes between June of the previous year and June of the current year and shall be based on the statistical methodology defined by the Working Group on Article 64 of the Staff Regulations referred to in Article 13.

3. Changes in the cost of living outside Brussels (economic parities and implicit indices)

(a) Eurostat shall, in agreement with national statistical institutes or other appropriate authorities in the Member States, calculate the economic parities which establish the equivalence of purchasing power:

(i) of the salaries of officials of the Communities serving in the capitals of the Member States, except for the Netherlands where The Hague is used instead of Amsterdam, and in certain other places of employment with reference to Brussels,

(ii) of the pensions of officials paid in the Member States with reference to Belgium.

(b) The economic parities shall refer to the month of June each year.

(c) The economic parities shall be calculated in such a way that each basic component can be updated twice per year and checked by a direct survey at least once every five years. Eurostat shall update the economic parities using the most appropriate indices as defined by the Working Group on Article 64 of the Staff Regulations referred to in Article 13.

(d) Outside Belgium and Luxembourg, changes in the cost of living during the reference period shall be measured by the implicit indices. These indices are calculated by multiplying the Brussels International Index by the change in the economic parity.

4. Changes in the purchasing power of salaries of national civil servants in central government (specific indicators).

(a) For the purpose of measuring the percentage change, either upward or downward, in the purchasing power of salaries in the national civil services, Eurostat shall, on the basis of information supplied before the end of September by the national authorities concerned, calculate specific indicators reflecting changes in the real remuneration of civil servants in central government, between the month of July of the previous year and the month of July of the current year. The two should include one twelfth of all annually-paid elements.

The specific indicators shall take two forms:

(i) one indicator for each of the function groups, as defined in the Staff Regulations,

(ii) an average indicator weighted to reflect the number of national civil servants corresponding to each function group.

Each of these indicators shall be established in real gross and real net terms. For the transition from gross to net, account shall be taken of statutory deductions and general taxation factors.

To establish the gross and net indicators for the European Union total, Eurostat shall use a sample composed by the following Member States: Belgium, Germany, Spain, France, Italy, Luxembourg, Netherlands and United Kingdom. The Council, acting on a Commission proposal under Article 65(3) of the Staff Regulations, may adopt a new sample which represents at least 75% of the European Union GDP and which will apply from the year following its adoption. The results per country shall be weighted in proportion to its national GDP measured using purchasing power parities as shown in the most recent statistics published in accordance with the national accounts definitions in the European System of Accounts currently in force.

(b) At the request of Eurostat, the appropriate national authorities shall supply it with the additional information which it considers necessary in order to draw up a specific indicator accurately measuring changes in the purchasing power of national civil servants.

If, after further consultation of the national authorities concerned, Eurostat finds statistical anomalies in the information obtained or finds it impossible to draw up indicators which measure with statistical accuracy the changes in the real income of civil servants in a given Member State, it shall report to the Commission and provide it with all the material it needs to make an assessment.

(c) Besides the specific indicators, Eurostat shall calculate certain control indicators. One such indicator shall be in the form of data on real per capita emoluments in central government, drawn up in accordance with the national accounts definitions in the European System of Accounts currently in force.

The Eurostat report on the specific indicators shall be accompanied by comments on the differences between these indicators and the above-mentioned control indicators.

Article 2 (96)

The Commission shall produce a comprehensive report every three years on the recruitment requirements of the institutions and transmit it to the European Parliament and the Council. On the basis of this report the Commission shall, if necessary, present proposals based on all relevant factors to the Council after consulting the other institutions within the framework of the Staff Regulations.

Section 2: Arrangements for the annual adjustment of remuneration and pensions

Article 3 (96)

1. Under Article 65(3) of the Staff Regulations, the Council, acting on a Commission proposal and on the basis of the criteria set out in Section 1 of this Annex, shall take a decision before the end of each year adjusting remuneration and pensions, with effect from 1 July.

2. The amount of the adjustment shall be obtained by multiplying the Brussels International Index by the specific indicator. The adjustment shall be in net terms as a uniform across-the-board percentage.

3. The amount of the adjustment thus fixed shall be incorporated, in accordance with the following method, in the basic salary tables appearing in Article 66 of the Staff Regulations and in Annex XIII to the Staff Regulations and in Articles 20, 63 and 93 of the Conditions of Employment of other servants:

(a) the net remuneration and net pension without correction coefficient shall be increased or reduced by the annual adjustment referred to above,

(b) the new table of basic salaries shall be drawn up by calculating the gross amount which, after deduction of tax having regard to paragraph 4 and compulsory deductions for social security and pension contributions, corresponds to the net amount,

(c) the conversion of net amounts into gross amounts shall be based on the situation of an unmarried official who does not receive the allowances provided for in the Staff Regulations.

4. For the purposes of applying Regulation (EEC, Euratom, ECSC) No 260/68, the amounts in Article 4 of that Regulation shall be multiplied by a factor composed of:

(a) the factor resulting from the previous adjustment, and/or

(b) the rate of adjustment of remuneration referred to in paragraph 2.

5. No correction coefficient shall be applicable in Belgium and Luxembourg.

The correction coefficients applicable:

(a) to the salaries of officials of the Communities serving in the other Member States and in certain other places of employment,

(b) by derogation from Article 82(1) of the Staff Regulations, to Community pensions paid in the other Member States for the part corresponding to the acquired rights acquired before 1 May 2004,

shall be determined on the basis of the ratios between the corresponding economic parities referred to in Article 1 of this Annex and the exchange rates specified in Article 63 of the Staff Regulations for the relevant countries.

The procedures laid down in Article 8 of this Annex concerning the retrospective application of correction coefficients in places of employment with a high rate of inflation shall apply.

6. The institutions shall make the corresponding positive or negative adjustment to the remuneration and pensions of the officials, former officials and other persons concerned with retroactive effect for the period between the effective date and the date of entry into force of the decision on the next adjustment.

If this retroactive adjustment necessitates the recovery of sums overpaid, such recovery may be spread over a period of not more than twelve months from the date of entry into force of the decision on the next annual adjustment.

Chapter 2 – Intermediate adjustments of remuneration and pensions (Article 65(2) of the Staff Regulations)

Article 4 (96)

1. Intermediate adjustments of remuneration and pensions pursuant to Article 65(2) of the Staff Regulations, taking effect on 1 January, shall be made in the event of a substantial change in the cost of living between June and December (by reference to the sensitivity threshold defined in Article 6(1) of this Annex) and with due allowance being made for the forecast of the change in purchasing power during the current annual reference period.

2. The Commission proposal shall be sent to the Council not later than the second half of April.

3. These intermediate adjustments shall be taken into account in the annual salary adjustment.

Article 5 (96)

1. In March each year Eurostat shall make a forecast of changes in purchasing power over the period concerned on the basis of the information supplied at the meeting provided for in Article 12 of this Annex.

If this forecast produces a negative percentage, half of this percentage shall be taken into account in the calculation of the intermediate adjustment.

2. The change in the cost of living for Brussels shall be measured by the Brussels International Index for the period from June to December of the previous calendar year.

3. For each place for which a correction coefficient has been set (other than Belgium and Luxembourg), an estimate for December of the economic parities mentioned in Article 1(3) shall be calculated. The change in the cost of living shall be calculated according to the rules set out in Article 1(3).

Article 6 (96)

1. The sensitivity threshold for the six-month period mentioned in Article 5(2) of this Annex shall be the percentage corresponding to 7% for a 12 month period.

2. The threshold shall be applied in accordance with the following procedure, subject to application of the second subparagraph of Article 5(1) of this Annex:

(a) if the sensitivity threshold is reached or exceeded in Brussels (as measured by the Brussels International Index between June and December), the remuneration for all places shall be adjusted following the annual adjustment procedure,

(b) if the sensitivity threshold is not reached in Brussels, only the correction coefficients of places where the change in the cost of living (as measured by the implicit indices between June and December) has exceeded the threshold shall be adjusted.

Article 7 (96)

For the purposes of Article 6 of this Annex:

The amount of the adjustment shall be the Brussels International Index, multiplied, where appropriate, by half of the specific indicator forecast if this is negative.

Correction coefficients shall be the ratio between the relevant economic parity and the exchange rate provided for in Article 63 of the Staff Regulations, multiplied, if the adjustment threshold is not reached for Brussels, by the value of the adjustment.

Chapter 3 – Date on which a correction coefficient comes into effect (places of employment with a high cost-of-living increase)

Article 8 (96)

1. For places with a high cost-of-living increase (as measured by the change in the implicit indices), the correction coefficient shall come into effect before 1 January in the case of the intermediate adjustment, or 1 July in the case of the annual adjustment. This is so as to bring the loss in purchasing power into line with what it would be in a place of employment where the change in the cost of living corresponded to the sensitivity threshold.

2. The effective dates for the annual adjustment shall be as follows:

(a) 16 May for places of employment having an implicit index higher than 6,3%, and

(b) 1 May for places of employment having an implicit index higher than 12,6%.

3. The effective dates for the intermediate adjustment shall be as follows:

(a) 16 November for places of employment having an implicit index higher than 6,3%, and

(b) 1 November for places of employment having an implicit index higher than 12,6%.

Chapter 4 – Creation and withdrawal of correction coefficients (Article 64 of the Staff Regulations)

Article 9 (96)

1. The appropriate authorities of the Member States concerned, the administration of an institution of the Communities or the representatives of officials of the Communties in a given place of employment can request the creation of a correction coefficient specific to that place.

This request should be supported by objective factors revealing an appreciable difference over some years in the cost of living between that place of employment and the capital of the Member State concerned (except for the Netherlands where The Hague is used instead of Amsterdam). If Eurostat confirms that the difference is appreciable (more than 5 %) and sustainable, the Commission should present a proposal to set a correction coefficient for that place.

2. Likewise the Council shall decide, on a proposal from the Commission, to withdraw the application of a correction coefficient specific to a certain place. In that case the proposal shall be based on one of the following:

(a) a request by the appropriate authorities of the Member State concerned, the administration of an institution of the Communities or the representatives of officials of the Communities in a given place of employment showing that the cost of living in that place is no longer significantly different (less than 2 %) than that of the capital of the Member State concerned. This convergence should be sustainable and validated by Eurostat.

(b) the fact that there are no longer any officials and temporary staff of the Communities employed in that place.

3. The Council shall decide on the proposal in accordance with the second paragraph of Article 64 of the Staff Regulations.

Chapter 5 – Exception clause

Article 10 (96)

If there is a serious and sudden deterioration in the economic and social situation within the Community, assessed in the light of objective data supplied for this purpose by the Commission, the latter shall submit appropriate proposals on which the Council shall act in accordance with the procedure laid down in Article 283 of the EC Treaty.

Chapter 6 – Role of Eurostat and relations with the appropriate authorities in the Member States

Article 11 (96)

It shall be the task of Eurostat to monitor the quality of basic data and statistical methods used to work out the factors taken into account for the adjustment of remuneration. In particular, it shall make any assessments or carry out any studies required for such monitoring.

Article 12 (96)

In March each year Eurostat shall convene a working group composed of experts from the appropriate authorities in the Member States to be known as the "Working Group on Article 65 of the Staff Regulations".

At this meeting, the statistical methodology and its implementation concerning specific and control indicators shall be examined.

The information required to produce a forecast of changes in purchasing power for the purposes of the intermediate adjustment of remuneration shall also be provided, together with the data on working hours in central government departments.

Article 13 (96)

At least once a year and not later than September, Eurostat shall convene a working group composed of experts from the appropriate authorities in the Member States to be known as the "Working Group on Article 64 of the Staff Regulations".

At this meeting, the statistical methodology and its implementation concerning the establishment of the Brussels International Index and economic parities shall be examined.

Article 14 (96)

At the request of Eurostat, Member States shall inform Eurostat of any factors having a direct or indirect impact on the composition and changes in the remuneration of central government civil servants.

Chapter 7 – Final provision and review clause

Article 15 (96)

1. The provisions of this Annex shall apply from 1 July 2004 to 31 December 2012.

2. They shall be reviewed at the end of the fourth year particularly in the light of their budgetary implications. To this end, the Commission shall submit a report to the European Parliament and the Council and, where appropriate, a proposal to amend this Annex on the basis of Article 283 of the EC Treaty.

ANNEX XII
Rules for implementing Article 83a of the Staff Regulations (96)

Chapter 1: General principles

Article 1 (96)

1. In order to determine the contribution of officials to the pension scheme referred to in Article 83 (2) of the Staff Regulations, the Commission shall, every five years starting in 2004, carry out the actuarial assessment of the balance of the pension scheme referred to in Article 83a (3) of the Staff Regulations. This assessment shall indicate whether the contribution of the officials is sufficient to finance one third of the cost under the pension scheme.

2. In preparation for the examination referred to in Article 83a(4) of the Staff Regulations, the Commission shall every year update this actuarial assessment, having regard to changes in the population as defined in Article 9 of this Annex, in the interest rate as defined in Article 10 of this Annex and in the rate of annual change in the salary scales of EC officials as defined in Article 11 of this Annex.

3. The assessment and updates shall be carried out in each year n, on the basis of the population of active members of the pension scheme at 31 December of the previous year (n-1).

Article 2 (96)

1. Any adjustment of the contribution rate shall take effect on 1 July at the same time as the annual adjustment of remunerations under Article 65 of the Staff Regulations. Any adjustment shall not lead to a contribution being more than one percentage point above or below the valid rate of the previous year.

2. The adjustment taking effect on 1 July 2004 shall not lead to a contribution higher than 9,75%. The adjustment taking effect on 1 July 2005 shall not lead to a contribution higher than 10.25%.

3. The difference established between the adjustment of the contribution rate which would have resulted from the actuarial calculation and the adjustment resulting from the variation referred to in paragraph 2 shall not be recovered at any time, or, consequently, taken into account in subsequent actuarial calculations. The contribution rate which would have resulted from the actuarial calculation shall be mentioned in the assessment report provided for in Article 1 of this Annex.

Chapter 2: Assessment of the actuarial balance

Article 3 (96)

The five-yearly actuarial assessments shall lay down the conditions for balance by taking into account, as charges on the scheme, the retirement pension as defined in Article 77 of the Staff Regulations, the invalidity allowance as defined in Article 78 of the Staff Regulations, survivors' pensions as defined in Articles 79 and 80 of the Staff Regulations.

Article 4 (96)

1. The actuarial balance shall be assessed on the basis of the method for calculation set out in this chapter.

2. Under the method, the "actuarial value" of the pension rights earned before the calculation date represents a past service liability, while the actuarial value of the pension rights that will be earned in the year of service beginning on the calculation date represents the "service cost".

3. It is assumed that all retirements (except for invalidity) will occur at a fixed average age (r). The average retirement age shall be updated only on the occasion of the five-yearly actuarial assessment referred to in Article 1 of this Annex and may be different for different groups of staff.

4. In determining the actuarial values:

(a) the future changes in each official’s basic salary between the calculation date and the assumed retirement age shall be taken into account;

(b) the pension rights earned before the calculation date (the past service liability) shall not be taken into account.

5. All the relevant provisions provided for in these Staff Regulations (particularly in Annexes VIII and XIII) shall be taken into account in the actuarial evaluation of the service cost.

6. A smoothing process shall be applied to determine the real discount rate and the rate of annual change in the salary scales of officials of the Communities. The smoothing shall be obtained through a 12-year moving average for the interest rate and for the increase in the salary scales.

Article 5 (96)

1. The contribution formula is based on the equation:

year n contribution rate = year n service cost / total annual basic salaries

2. The contribution of officials to the cost of financing the pension scheme shall be calculated as one third of the ratio between the service cost of the current year (n) for all officials who are active members of the pension scheme and the total annual basic salaries for the same population of active members of the pension scheme at 31 December of the previous year (n-1).

3. The service cost shall be the sum of:

(a) the retirement service cost (detailed in Article 6 of this Annex), i.e. the actuarial value of the pension rights that will be earned during year n, including the value of the portion of that pension that will become payable to the surviving spouse and/or dependent children upon the death of the official after retirement (reversion);

(b) the invalidity service cost (detailed in Article 7 of this Annex), i.e. the actuarial value of the pension rights that will become payable to the active officials who are expected to become invalids during year n; and

(c) the survivor's service cost (detailed in Article 8 of this Annex), i.e. the actuarial value of the pension rights that will become payable on behalf of active officials who are expected to die during year n.

4. The evaluation of the service cost shall be based on the pension rights and on the appropriate annuities, as detailed in Articles 6 to 8 of this Annex.

These annuities shall give the actuarial present value of EUR 1 per year, taking into account the interest rate, the rate of annual change in the salary scales and the probability to be still alive at the age of retirement.

5. The minimum subsistence figures mentioned in Chapter 2 of Title V of the Staff Regulations and in Annex VIII shall be taken into account.

Article 6

1. In order to calculate the value of retirement pensions, the pension rights earned during year n shall be calculated for each active official by multiplying his projected basic salary at retirement by his applicable accrual factor.

If the cumulated pension rights (rights from the recruitment, including transfers) credited to the official at 31 December of year n-1 are at least 70% he will deemed not to have acquired any right to pension during year n.

2. The Projected basic Salary (PS) at retirement shall be calculated starting from the basic salary at 31 December of the previous year and taking into account the rate of annual increase in the salary scales and the estimated annual rate of increase due to seniority and promotions as follows:

$$PS = SAL \times (1 + \mathrm{GSG} + \mathrm{ISP})^{m}$$

where:

SAL = present salary
GSG = estimated annual rate of General Salary Growth, (the rate of annual change in the salary scales)
ISP = estimated annual rate of Increase due to Seniority and Promotions
m = difference between the assumed age of retirement (r) and the official's present age (x)
Since the calculations shall be made in real terms, net of inflation, the rate of annual change in the salary scales and the annual rate of increase due to seniority and promotions shall be rates of increases net of inflation.

3. On the basis of the calculation of the pension rights earned by a given official, the actuarial value of those pension rights (and of the reversionary pensions linked to them) shall be calculated by multiplying the annual pension rights as defined above by the sum of:

(a) an immediate deferred annuity at age x, deferred m years:

$$ {}_{m|}a_x = \sum_{k=m+1}^{\omega-x+1} \left(\frac{1}{1+\tau}\right)^{k-0.5} \times {}_kp_x \times (1+GSG)^{k-m-0.5} $$

where:

x = official's age at 31 December of year n-1

τ = *interest rate*

${}_kp_x$ = probability of a person of age x still being alive in k years

m = difference between the assumed age of retirement (r) and the official's present age (x)

GSG = estimated annual rate of General Salary Growth, (the rate of annual change in the salary scales)

ω = *ceiling of the mortality table;*

and

(b) an immediate deferred reversionary annuity at ages x and y, where y is the assumed age of the spouse. This latter annuity shall be multiplied by the probability of the official of being married and by the applicable reversion rate established in accordance with Annex VIII:

$$ {}_{m|}a_{xy} = \sum_{k=m+1}^{\omega-x+1} \left(\frac{1}{1+\tau}\right)^{k-0.5} \times {}_kp_y \times (1-{}_kp_x) \times (1+GSG)^{k-m-0.5} $$

where:

x = official's age at 31 December of year n-1

y = age of the official's spouse at 31 December of year n-1

τ = *interest rate*

${}_kp_x$ = probability of an official of age x still being alive in k years

${}_kp_y$ = probability of a person of age y (spouse of the official of age x) still being alive in k years

m = difference between the assumed age of retirement (r) and the official's present age (x)

GSG = estimated annual rate of General Salary Growth, (the rate of annual change in the salary scales)

ω = *ceiling of the mortality table.*

4. The calculation of the service cost for retirement shall take into account:

(a) the accrual incentive for officials remaining in service after the pensionable age;

(b) the reduction coefficient for officials leaving the service before the pensionable age.

Article 7 (96)

1. In order to calculate the value of invalidity allowances, the number of such allowances expected to become payable during year n shall be measured by applying to each active official the probability that he could become an invalid during the year. That probability shall then be multiplied by the annual amount of the invalidity allowances to which the official should become entitled.

2. In calculating the actuarial value of the invalidity allowances first becoming payable in year n, the following annuities shall be used:

(a) an immediate temporary annuity at age x:

$$a_x = \sum_{k=1}^{m} \left(\frac{1}{1+\tau} \right)^{k-0.5} \times {}_k p_x \times (1+GSG)^{k-0.5}$$

where:

x = official's age at 31 December of year n-1

τ = *interest rate*

${}_k p_x$ = probability of a person of age x still being alive in k years

m = difference between the assumed age of retirement (r) and the official's present age (x)

GSG = estimated annual rate of General Salary Growth, (the rate of annual change in the salary scales),

(b) an immediate reversionary annuity. This latter annuity shall be multiplied by the probability of the official of being married and by the applicable reversion rate:

$$a_{xy} = \sum_{k=1}^{m} \left(\frac{1}{1+\tau} \right)^{k-0.5} \times {}_k p_y \times (1 - {}_k p_x) \times (1+GSG)^{k-0.5}$$

where:

x = official's age at 31 December of year n-1

y = age of the official's spouse at 31 December of year n-1

τ = *interest rate*

${}_k p_x$ = probability of a person of age x still being alive in k years

${}_k p_y$ = probability of a person of age y (spouse of the person of age x) still being alive in k year

m = difference between the assumed age of retirement (r) and the official's present age (x)

GSG = estimated annual rate of General Salary Growth, (the rate of annual change in the salary scales).

Article 8 (96)

1. The value of the pension rights that will become payable to survivors during year n shall be measured by applying to each active official the probability that he might die during the year. That probability shall then be multiplied by the annual amount of spouse's pension that will become payable in the current year. The calculation shall take into account the possible orphans' pensions that might become payable.

2. In calculating the actuarial value of the pension rights that will become payable to survivors during year n, an immediate annuity shall be used. This annuity shall be multiplied by the probability that the official is married:

$$a_y = \sum_{k=1}^{\omega - y + 1} \left(\frac{1}{1+\tau} \right)^{k-0.5} \times {}_k p_y \times (1+GSG)^{k-0.5}$$

where:

y = age of the official's spouse at 31 December of year n-1

τ = *interest rate*

${}_k p_y$ = probability of a person of age y (spouse of the person of age x) still being alive in k years

GSG = estimated annual rate of General Salary Growth, (the rate of annual change in the salary scales)

ω = ceiling of the mortality table.

Chapter 3: System of computation

Article 9 (96)

1. The demographic parameters to be taken into consideration for the actuarial assessment shall be based on observation of the population of participants in the scheme, comprising staff in active service and pensioners. This information shall be collected annually by the Commission using information received from the different institutions and agencies whose staff are members of the scheme.

From the observation of this population shall be deduced in particular the structure of the population, the average age of retirement and the invalidity table.

2. The mortality table shall relate to a population which has characteristics as close as possible to those of the population of members of the scheme. It shall be updated only on the occasion of the five-yearly actuarial assessment referred to in Article 1 of this Annex.

Article 10 (96)

1. The interest rates to be taken into consideration for the actuarial calculations shall be based on the observed average annual interest rates on the long-term public debt of Member States as published by the Commission. An appropriate consumer price index shall be used to calculate the corresponding interest rate net of inflation as needed for the actuarial calculations.

2. The effective annual rate to be taken into consideration for the actuarial calculations shall be the average of the real average interest rates for the 12 years preceding the current year.

Article 11 (96)

1. The annual change in the salary scales of officials to be taken into consideration for the actuarial calculations shall be based on the specific indicators referred to in Article 1(4) of Annex XI.

2. The effective annual rate to be taken into consideration for the actuarial calculations shall be the average of the net specific indicators for the European Union for the 12 years preceding the current year.

Article 12 (96)

The rate in Articles 4 and 8 of Annex VIII for the calculation of compound interest shall be the effective rate referred to in Article 10 of this Annex and shall, if necessary, be revised on the occasion of the five-yearly actuarial assessments.

Chapter 4 : Implementation

Article 13 (96)

1. Eurostat shall be the authority responsible for the technical implementation of this Annex.

2. Eurostat shall be assisted by one or more qualified independent experts in carrying out the actuarial assessments referred to in Article 1 of this Annex. Eurostat shall provide such experts with, in particular, the parameters referred to in Articles 9 to 11 of this Annex.

3. Each year on 1 September Eurostat shall submit a report on the assessments and updatings referred to in Article 1 of this Annex.

4. Any questions of methodology raised by the implementation of this Annex shall be dealt with by Eurostat in cooperation with national experts from the relevant departments of the Member States and the qualified independent expert or experts. Eurostat shall convene a meeting of this group for that purpose at least each year. However, Eurostat may convene more frequent meetings if it feels it necessary.

Chapter 5 : Revision clause

Article 14 (96)

1. Articles 2(1) second sentence, and (3), 9, 10, 11 and 12 of this Annex shall apply from 1 July 2004 to 30 June 2013.

2. On the occasion of the five-yearly actuarial assessment, this Annex may be reconsidered by the Council, particularly in the light of its budgetary implications and actuarial balance, on the basis of a report together with, if appropriate, a proposal from the Commission made after securing the opinion of the Staff Regulations Committee. The Council shall act on this proposal by the qualified majority provided for in the first indent of Article 205 (2) of the EC Treaty.

3. By way of derogation from Article 83a of the Staff Regulations and paragraph 2 of this Article, the second assessment, a report and, if necessary, a proposal from the Commission shall be submitted to the Council by the end of 2008.

ANNEX XIII
Transitional measures applicable to officials of the Communities (96)
(Article 107a of the Staff Regulations)

Section 1

Article 1 (96)

1. For the period from 1 May 2004 to 30 April 2006 Article 5(1) and (2) of the Staff Regulations are replaced by the following:

"1. The posts covered by the 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.

2. Category A* shall comprise twelve grades, category B* shall comprise nine grades, category C* shall comprise seven grades and category D* shall contain five grades.".

2. Any reference to the date of recruitment shall be taken to refer to the date of entry into service.

Article 2 (96)

1. On 1 May 2004, and subject to Article 8 of this Annex, the grades of officials having one of the administrative statuses set out in Article 35 of the Staff Regulations shall be renamed as follows:

Former grade	New (intermediate) grade	Former grade	New (intermediate) grade	Former grade	New (intermediate) grade	Former grade	New (intermediate) grade
A1	A*16						
A2	A*15						
A3/LA3	A*14						
A4/LA4	A*12						
A5/LA5	A*11						
A6/LA6	A*10	B1	B*10				
A7/LA7	A*8	B2	B*8				
A8/LA8	A*7	B3	B*7	C1	C*6		
		B4	B*6	C2	C*5		
		B5	B*5	C3	C*4	D1	D*4
				C4	C*3	D2	D*3
				C5	C*2	D3	D*2
						D4	D*1

2. Subject to the provisions of Article 7 of this Annex, basic monthly salaries shall be determined for each grade and step as provided for in the following tables (in euro):

Category A [(1) (2)]

Former grades	new intermediate grade	1	2	3	4	5	6	7	8
A1	**A*16**	**14822,86**	**15445,74**	**16094,79**	**16094,79**	**16094,79**	**16094,79**		
		12717,09	*13392,63*	*14068,17*	*14743,71*	*15419,25*	*16094,79*		
		0,8579377	0,8670760	0,8740822	0,9160548	0,9580274	1,0		
A2	**A*15**	**13100,93**	**13651,45**	**14225,11**	**14620,87**	**14822,86**	**15445,74**		
		11285,38	*11930,01*	*12574,64*	*13219,27*	*13863,90*	*14508,53*		
		0,8614182	0,8739006	0,8839749	0,9041370	0,9353053	0,9393224		
A3	**A*14**	**11579,04**	**12065,60**	**12572,62**	**12922,41**	**13100,93**	**13651,45**	**14225,11**	**14822,86**
		9346,34	*9910,20*	*10474,06*	*11037,92*	*11601,78*	*12165,64*	*12729,50*	*13293,36*
		0,8071775	0,8213599	0,8330849	0,8541688	0,8855692	0,8911610	0,8948613	0,8968148
	A*13	**10233,93**	**10663,98**	**11112,09**	**11421,25**	**11579,04**			
A4	**A*12**	**9045,09**	**9425,17**	**9821,23**	**10094,47**	**10233,93**	**10663,98**	**11112,09**	**11579,04**
		7851,92	*8292,03*	*8732,14*	*9172,25*	*9612,36*	*10052,47*	*10492,58*	*10932,69*
		0,8680864	0,8797751	0,8891086	0,9086411	0,9392638	0,9426565	0,9442490	0,9441793
A5	**A*11**	**7994,35**	**8330,28**	**8680,33**	**8921,83**	**9045,09**	**9425,17**	**9821,23**	**10233,93**
		6473,51	*6857,02*	*7240,53*	*7624,04*	*8007,55*	*8391,06*	*8774,57*	*9158,08*
		0,8097606	0,8231440	0,8341307	0,8545377	0,8852925	0,8902821	0,8934288	0,8948742
A6	**A*10**	**7065,67**	**7362,57**	**7671,96**	**7885,41**	**7994,35**	**8330,28**	**8680,33**	**9045,09**
		5594,32	*5899,56*	*6204,80*	*6510,04*	*6815,28*	*7120,52*	*7425,76*	*7731,00*
		0,7917607	0,8012909	0,8087633	0,8255804	0,8525121	0,8547756	0,8554698	0,8547179
	A*9	**6244,87**	**6507,29**	**6780,73**	**6969,38**	**7065,67**			
A7	**A*8**	**5519,42**	**5751,35**	**5993,03**	**6159,77**	**6244,87**	**6507,29**		
		4815,59	*5055,21*	*5294,83*	*5534,45*	*5774,07*	*6013,69*		
		0,8724812	0,8789606	0,8834980	0,8984832	0,9246101	0,9241466		
A8	**A*7**	**4878,24**	**5083,24**	**5296,84**	**5444,21**	**5519,42**			
		4258,95	*4430,71*						
		0,8730505	0,8716311						
	A*6	**4311,55**	**4492,73**	**4681,52**	**4811,77**	**4878,24**			
	A*5	**3810,69**	**3970,82**	**4137,68**	**4252,80**	**4311,55**			

Category B

Former grades	new intermediate grade	1	2	3	4	5	6	7	8
	B*11	**7994,35**	**8330,28**	**8680,33**	**8921,83**	**9045,09**			
B1	**B*10**	**7065,67**	**7362,57**	**7671,96**	**7885,41**	**7994,35**	**8330,28**	**8680,33**	**9045,09**
		5594,32	*5899,56*	*6204,80*	*6510,04*	*6815,28*	*7120,52*	*7425,76*	*7731,00*
		0,7917607	0,8012909	0,8087633	0,8255804	0,8525121	0,8547756	0,8554698	0,8547179
	B*9	**6244,87**	**6507,29**	**6780,73**	**6969,38**	**7065,67**			
B2	**B*8**	**5519,42**	**5751,35**	**5993,03**	**6159,77**	**6244,87**	**6507,29**	**6780,73**	**7065,67**
		4847,05	*5074,29*	*5301,53*	*5528,77*	*5756,01*	*5983,25*	*6210,49*	*6437,73*
		0,8781810	0,8822781	0,8846160	0,8975611	0,9217181	0,9194688	0,9159029	0,9111280
B3	**B*7**	**4878,24**	**5083,24**	**5296,84**	**5444,21**	**5519,42**	**5751,35**	**5993,03**	**6244,87**
		4065,67	*4254,62*	*4443,57*	*4632,52*	*4821,47*	*5010,42*	*5199,37*	*5388,32*
		0,8334297	0,8369898	0,8389096	0,8509077	0,8735465	0,8711729	0,8675695	0,8628394
B4	**B*6**	**4311,55**	**4492,73**	**4681,52**	**4811,77**	**4878,24**	**5083,24**	**5296,84**	**5519,42**
		3516,44	*3680,31*	*3844,18*	*4008,05*	*4171,92*	*4335,79*	*4499,66*	*4663,53*
		0,8155860	0,8191701	0,8211393	0,8329679	0,8552101	0,8529580	0,8494989	0,8449312
B5	**B*5**	**3810,69**	**3970,82**	**4137,68**	**4252,80**	**4311,55**	**4492,73**	**4681,52**	**4878,24**
		3143,24	*3275,85*	*3408,46*	*3541,07*	*3673,68*	*3806,29*	*3938,90*	*4071,51*
		0,8248480	0,8249807	0,8237611	0,8326444	0,8520555	0,8472109	0,8413720	0,8346268
	B*4	**3368,02**	**3509,54**	**3657,02**	**3758,76**	**3810,69**			
	B*3	**2976,76**	**3101,85**	**3232,19**	**3322,12**	**3368,02**			

(1) The figures in italics in the tables refer to the former salaries as set out in Article 66 of the Staff Regulations before 1 May 2004. They are included in these tables merely for explanatory reasons and do not have any legal implication.

(2) The figure on the third line corresponding to each step is a coefficient representing the ratio between the basic salary before and after 1 May 2004.

Category C									
Former grades	new intermediate grade	1	2	3	4	5	6	7	8
	C*7	**4878,24**	**5083,24**	**5296,84**	**5444,21**	**5519,42**			
C1	**C*6**	**4311,55**	**4492,73**	**4681,52**	**4811,77**	**4878,24**	**5083,24**	**5296,84**	**5519,42**
		3586,63	*3731,26*	*3875,89*	*4020,52*	*4165,15*	*4309,78*	*4454,41*	*4599,04*
		0,8318656	0,8305106	0,8279127	0,8355595	0,8538223	0,8478411	0,8409561	0,8332470
C2	**C*5**	**3810,69**	**3970,82**	**4137,68**	**4252,80**	**4311,55**	**4492,73**	**4681,52**	**4878,24**
		3119,61	*3252,15*	*3384,69*	*3517,23*	*3649,77*	*3782,31*	*3914,85*	*4047,39*
		0,8186470	0,8190122	0,8180164	0,8270387	0,8465100	0,8418734	0,8362348	0,8296824
C3	**C*4**	**3368,02**	**3509,54**	**3657,02**	**3758,76**	**3810,69**	**3970,82**	**4137,68**	**4311,55**
		2910,01	*3023,56*	*3137,11*	*3250,66*	*3364,21*	*3477,76*	*3591,31*	*3704,86*
		0,8640121	0,8615260	0,8578323	0,8648224	0,8828349	0,8758292	0,8679526	0,8592873
C4	**C*3**	**2976,76**	**3101,85**	**3232,19**	**3322,12**	**3368,02**	**3509,54**	**3657,02**	**3810,69**
		2629,42	*2735,93*	*2842,44*	*2948,95*	*3055,46*	*3161,97*	*3268,48*	*3374,99*
		0,8833161	0,8820317	0,8794161	0,8876711	0,9071977	0,9009642	0,8937550	0,8856638
C5	**C*2**	**2630,96**	**2741,52**	**2856,72**	**2936,20**	**2976,76**			
		2424,48	*2523,83*	*2623,18*	*2722,53*				
		0,9215191	0,9205951	0,9182489	0,9272291				
	C*1	**2325,33**	**2423,04**	**2524,86**	**2595,11**	**2630,96**			

Category D									
Former grades	New intermediate grades	1	2	3	4	5	6	7	8
	D*5	**3810,69**	**3970,82**	**4137,68**	**4252,8**	**4311,55**			
D1	**D*4**	**3368,02**	**3509,54**	**3657,02**	**3758,76**	**3810,69**	**3970,82**	**4137,68**	**4311,55**
		2740,03	*2859,83*	*2979,63*	*3099,43*	*3219,23*	*3339,03*	3458,83	3578,63
		0,8135433	0,8148732	0,8147699	0,8245884	0,8447893	0,8408918	0,8359346	0,8300101
D2	**D*3**	**2976,76**	**3101,85**	**3232,19**	**3322,12**	**3368,02**	**3509,54**	**3657,02**	**3810,69**
		2498,38	*2604,79*	*2711,2*	*2817,61*	*2924,02*	*3030,43*	*3136,84*	*3243,25*
		0,8392951	0,8397537	0,8388121	0,8481361	0,8681718	0,8634835	0,8577585	0,8510926
D3	**D*2**	**2630,96**	**2741,52**	**2856,72**	**2936,2**	**2976,76**	**3101,85**	**3232,19**	**3368,02**
		2325,33	*2424,85*	*2524,37*	*2623,89*	*2723,41*	*2822,93*	*2922,45*	*3021,97*
		0,8838333	0,8844911	0,8836603	0,8936346	0,9148907	0,9100795	0,9041702	0,8972542
D4	**D*1**	**2325,33**	**2423,04**	**2524,86**	**2595,11**	**2630,96**			
		2192,47	2282,38	2372,29	2462,20				
		0,9428640	0,9419476	0,9395718	0,9487849				

3. The salaries for the new intermediate grades shall be used as the applicable amounts within the meaning of Article 7 of this Annex.

Article 3

The step occupied by an official and the seniority acquired in grade and step shall not be affected by the procedure described in Article 2(1) of this Annex. Salaries shall be determined in accordance with Article 7 of this Annex.

Article 4

For the purposes of these provisions and for the period specified in the introductory sentence of Article 1 of this Annex:

(a) the words "function group" shall be replaced by "category":

(i) in the Staff Regulations in:

– Article 5(5),

– Article 6(1),

– Article 7(2),

– Article 31(1),

– the third paragraph of Article 32,

– Article 39, point (f),

– Article 40(4),

– Article 41(3),

– Article 51(1), (2), (8) and (9),

– the first paragraph of Article 78;

(ii) in Annex II to the Staff Regulations in the fourth paragraph of Article 1;

(iii) in Annex III to the Staff Regulations in:

– Article 1(1), point (c),

– the fourth paragraph of Article 3;

(iv) in Annex IX to the Staff Regulations in:

– Article 5,

– Article 9(1), points (f) and (g);

(b) the word "function group AD" shall be replaced by "category A*":

(i) in the Staff Regulations in:

– Article 5(3), point (c);

– the third paragraph of Article 48;

– the second paragraph of Article 56;

(ii) in Annex II to the Staff Regulations in the first paragraph of Article 10;

(c) the words "function group AST" shall be replaced by "categories B*, C* and D*":

(i) in the Staff Regulations in:

– the second paragraph of Article 43;

– the third paragraph of Article 48;

(ii) in Annex VI to the Staff Regulations in Articles 1 and 3;

(d) the words "grade AST 1 to AST 4" shall be replaced by "categories C* and D* grades 1 to 4" in the Staff Regulations in the third paragraph of Article 56;

(e) in Article 5(3)(a) of the Staff Regulations the words "function group AST" are replaced by "categories B* and C*";

(f) Article 29 (4) of the Staff Regulations is replaced by:

"The European Parliament shall organise at least one competition for category C*, B* and A* before 1 May 2006.";

(g) in the second paragraph of Article 43 of the Staff Regulations the words "an administrator's function" are replaced by "a function in the next higher category";

(h) in Article 45a(1) of the Staff Regulations, the words "function group AST may" are replaced by "category B* may" and the words "function group AD" are replaced by "a post in category A*";

(i) in Article 46 of the Staff Regulations, the words "AD 9 to AD 14" are replaced by "A *9 to A *14".;

(j) in paragraph 2 of Article 29 of the Staff Regulations, the words "grades AD16 or AD15" are replaced by "grades A*16 orA*15" and the words "grades AD15 or 14" by "grades A*15 or A*14";

(k) in the first paragraph of Article 12 of Annex II to the Staff Regulations, the words "AD 14" are replaced by "A*14";

(l) in Article 5 of Annex IX to the Staff Regulations:

(i) in paragraph 2, the words "AD13" are replaced by "A*13";

(ii) in paragraph 3, the words "AD14" are replaced by "A*14 or higher" and the words "AD16 or AD15" by "A*16 or A*15";

(iii) in paragraph 4, the words "AD16" are replaced by "A*16" and the words "AD15" by "A*15";

(m) in the second paragraph of Article 43 of the Staff Regulations, the words "As of grade 4," are deleted;

(n) in Article 5(4) of the Staff Regulations, the reference to "Annex I, point A" are replaced by a reference to "Annex XIII.1";

(o) where in the text of the Staff Regulations reference is made to the basic monthly salary of an official in grade AST 1, this shall be replaced by a reference to the basic monthly salary of an official in grade D*1.

Article 5 (96)

1. Notwithstanding Article 45 of the Staff Regulations, officials eligible for promotion on 1 May 2004 shall continue to be eligible even if they have not completed a minimum of two years in their grade.

2. Officials whose names appear before 1 May 2006 on the list of candidates suitable for transfer from one category to another shall, if transfer takes place as from 1 May 2004 be placed in the grade and step they occupied in the former category, or failing this at the first step in the starting grade of the new category.

3. Articles 1 to 11 of this Annex shall apply to temporary servants engaged before 1 May 2004 who are subsequently recruited as officials in accordance with paragraph 4.

4. Temporary servants whose names appear before 1 May 2006 on the list of candidates suitable for transfer from one category to another or on the list of successful candidates of an internal competition shall, if recruitment takes place as from 1 May 2004, be placed in the grade and step they occupied as a temporary servant in the former category, or failing this at the first step in the starting grade of the new category.

5. An official in grade A3 on 30 April 2004 shall, upon appointment after that date as Director, be promoted to the next higher grade, in accordance with Article 7(5) of this Annex. The last sentence of Article 46 of the Staff Regulations shall not apply.

Article 6 (96)

Without prejudice to Articles 9 and 10 of this Annex, for the first promotion of officials recruited before 1 May 2004, the percentages referred to in Article 6(2) of the Staff Regulations and in Annex I, point B to the Staff Regulations shall be adapted to comply with the arrangements in force in each institution prior to that date.

Where the promotion of an official takes effect prior to 1 May 2004, it shall be governed by the provisions of the Staff Regulations in force at the date on which the promotion takes effect.

Article 7 (96)

Basic monthly salaries of officials recruited before 1 May 2004 shall be determined in accordance with the following rules:

1. The renaming of grades pursuant to Article 2(1) of this Annex shall not lead to any changes in the basic monthly salary paid to each official.

2. For each official, a multiplication factor shall be calculated at 1 May 2004. This multiplication factor shall be equal to the ratio between the basic monthly salary paid to an official before 1 May 2004 and the applicable amount defined in Article 2(2) of this Annex.

The basic monthly salary paid to the official on 1 May 2004 shall be equal to the product of the applicable amount and the multiplication factor.

The multiplication factor shall be applied in order to determine the official's basic monthly salary following advancement in step or adjustment of remunerations.

3. Notwithstanding the foregoing provisions, for periods after 1 May 2004 the basic monthly salary paid to an official shall be not less than that he would have received under the system in force before that date through automatic advancement in step in the grade formerly occupied by him. For each grade and step, the former basic salary to be taken into account is equal to the applicable amount after 1 May 2004 multiplied by the coefficient defined in Article 2(2) of this Annex.

4. An official in grades A*10 to A*16 and AD 10 to 16 respectively who is on 30 April 2004 head of unit, director or director-general, or is subsequently appointed head of unit, director or director general and has performed his new duties satisfactorily during the first nine months, shall be entitled to an increase in the basic monthly salary corresponding to the percentage between the first and the second step in each grade as set out in the tables in Article 2(1) and Article 8(1) of this Annex.

5. Without prejudice to paragraph 3, for each official, the first promotion after 1 May 2004 shall, depending on the category occupied before 1 May 2004 and the step occupied at the time the promotion takes effect, lead to an increase in basic monthly salary to be determined on the basis of the following table:

	Step							
Grade	1	2	3	4	5	6	7	8
A	13,1%	11,0%	6,8%	5,7%	5,5%	5,2%	5,2%	4,9%
B	11,9%	10,5%	6,4%	4,9%	4,8%	4,7%	4,5%	4,3%
C	8,5%	6,3%	4,6%	4,0%	3,9%	3,7%	3,6%	3,5%
D	6,1%	4,6%	4,3%	4,1%	4,0%	3,9%	3,7%	3,6%

For the purpose of determining the applicable percentage, each grade shall be divided into notional steps corresponding to two months of service and into notional percentages reduced by one twelfth of the difference between the percentage for the step in question and that for the next higher step with each notional step.

For the purposes of calculating the salary before promotion of an official who is not in the last step of his grade, the value of the notional step shall be taken into account. For the purposes of this provision, each grade shall also be divided into notional salaries rising by one twelfth of the two-yearly increment for that grade throughout the span of the actual steps.

6. A new multiplication factor shall be determined upon this first promotion. That multiplication factor shall be equal to the ratio between the new basic salaries resulting from the application of paragraph 5 and the applicable amount in Article 2(2) of this Annex. Subject to paragraph 7, this multiplication factor shall be applied to the salary after advancement in step and adaptation of remunerations.

7. If, after promotion, the multiplication factor is less than 1, the official shall, by derogation from Article 44 of the Staff Regulations, remain in the first step of his new grade for as long as the multiplication factor remains below 1 or until he is promoted. A new multiplication factor shall be calculated to take account of the value of the advancement in step to which he or she would have been entitled under that Article. Once the factor rises to 1, the official shall start to advance in step in accordance with Article 44 of the Staff Regulations. If the multiplication factor is higher than one, any balance shall be converted into seniority in the step.

8. The multiplication factor shall be applied upon subsequent promotions.

Article 8 (96)

1. With effect from 1 May 2006, the grades introduced by Article 2(1) shall be renamed as follows:

Former (intermediate) grade	New grade	Former (intermediate) grade	New grade
A*16	AD 16		
A*15	AD 15		
A*14	AD 14		
A*13	AD 13		
A*12	AD 12		
A*11	AD 11	B*11	AST 11
A*10	AD 10	B*10	AST 10
A*9	AD 9	B*9	AST 9
A*8	AD 8	B*8	AST 8
A*7	AD 7	B*7/C*7	AST 7
A*6	AD 6	B*6/C*6	AST 6
A*5	AD 5	B*5/C*5/D*5	AST 5
		B*4/C*4/D*4	AST 4
		B*3/C*3/D*3	AST 3
		C*2/D*2	AST 2
		C*1/D*1	AST 1

2. Without prejudice to the provisions of Article 7 of this Annex, basic monthly salaries shall be determined for each grade and step on the basis of the table in Article 66 of the Staff Regulations. For officials who have been recruited before 1 May 2004 and until their first promotion comes into effect after that date, the table shall be as follows:

Grade	Step					Transition steps		
	1	2	3	4	5	6	7	8
16	14822,86	15445,74	16094,79	16094,79	16094,79	16094,79		
15	13100,93	13651,45	14225,11	14620,87	14822,86	15445,74		
14	11579,04	12065,60	12572,62	12922,41	13100,93	13651,45	14225,11	14822,86
13	10233,93	10663,98	11112,09	11421,25	11579,04			
12	9045,09	9425,17	9821,23	10094,47	10233,93	10663,98	11112,09	11579,04
11	7994,35	8330,28	8680,33	8921,83	9045,09	9425,17	9821,23	10233,93
10	7065,67	7362,57	7671,96	7885,41	7994,35	8330,28	8680,33	9045,09
9	6244,87	6507,29	6780,73	6969,38	7065,67			
8	5519,42	5751,35	5993,03	6159,77	6244,87	6507,29	6780,73	7065,67
7	4878,24	5083,24	5296,84	5444,21	5519,42	5751,35	5993,03	6244,87
6	4311,55	4492,73	4681,52	4811,77	4878,24	5083,24	5296,84	5519,42
5	3810,69	3970,82	4137,68	4252,80	4311,55	4492,73	4681,52	4878,24
4	3368,02	3509,54	3657,02	3758,76	3810,69	3970,82	4137,68	4311,55
3	2976,76	3101,85	3232,19	3322,12	3368,02	3509,54	3657,02	3810,69
2	2630,96	2741,52	2856,72	2936,20	2976,76	3101,85	3232,19	3368,02
1	2325,33	2423,04	2524,86	2595,11	2630,96			

Article 9 (96)

From 1 May 2004 to 30 April 2011 and by derogation from Annex I, point B, to the Staff Regulations, with regard to officials in grades AD 12 and 13 and AST 10 the percentages referred to in Article 6(2) of the Staff Regulations shall be as follows:

Grade	1 May 2004 until:						
	30.4.2005	30.4.2006	30.4.2007	30.4.2008	30.4.2009	30.4.2010	30.4.2011
A*/AD 13	–	–	5%	10%	15%	20%	20%
A*/AD 12	5%	5%	5%	10%	15%	20%	25%
B*/AST 10	5%	5%	5%	10%	15%	20%	20%

Article 10 (96)

1. Officials in service before 1 May 2004 categories C or D shall be assigned as of 1 May 2006 to career streams allowing for promotions:

(a) in former category C up to grade AST 7;

(b) in former category D up to grade AST 5;

2. For those officials, as of 1 May 2004 and by derogation from Annex I, Section B, to the Staff Regulations, the percentages referred to in Article 6(2) of the Staff Regulations shall be as follows:

Career stream C							
Grade	1 May 2004 until:						After 30.4.2010
	30.4.2005	30.4.2006	30.4.2007	30.4.2008	30.4.2009	30.4.2010	
C*/AST 7	–	–	–	–	–	–	–
C*/AST 6	5%	5%	5%	10%	15%	20%	20%
C*/AST 5	22%	22%	22%	22%	22%	22%	22%
C*/AST 4	22%	22%	22%	22%	22%	22%	22%
C*/AST 3	25%	25%	25%	25%	25%	25%	25%
C*/AST 2	25%	25%	25%	25%	25%	25%	25%
C*/AST 1	25%	25%	25%	25%	25%	25%	25%

Career stream D							
Grade	1 May 2004 until:						After 30.4.2010
	30.4.2005	30.4.2006	30.4.2007	30.4.2008	30.4.2009	30.4.2010	
D*/AST 5	–	–	–	–	–	–	–
D*/AST 4	5%	5%	5%	10%	10%	10%	10%
D*/AST 3	22%	22%	22%	22%	22%	22%	22%
D*/AST 2	22%	22%	22%	22%	22%	22%	22%
D*/AST 1	–	–	–	–	–	–	–

3. An official to whom paragraph 1 applies may become a member of the assistants' function group without restriction if he passes an open competition or on the basis of an attestation procedure. The attestation procedure shall be based on the seniority, experience, merit and level of training of officials and the availability of posts in the function group AST. A joint committee shall examine the candidatures of officials for the attestation. The institutions shall adopt rules implementing this procedure before 1 May 2004. Where necessary, specific provision shall be made by the institutions to take account of such change leading to a change in the applicable promotion rates.

4. With the report provided by the Commission under Article 6(3) of the Staff Regulations, the Commission shall also provide information on the financial implications of the promotion percentages provided for in this Annex and the integration of officials in service before 1 May 2004 into the new career system, including the application of the attestation procedure.

5. This Article shall not apply to officials who have changed category after 1 May 2004.

Article 11 (96)

Article 45(2) shall not apply to promotions that take effect prior to 1 May 2006.

Section 2

Article 12 (96)

1. Between 1 May 2004 and 30 April 2006, reference to grades in function groups AST and AD in paragraph 2 and 3 of Article 31 of the Staff Regulations shall be made as follows:

– AST1 to AST4: C*1 to C*2 and B*3 to B*4,

– AD5 to AD8: A*5 to A*8,

– AD9, AD10, AD11, AD12: A*9, A*10, A*11, A*12.

2. In the case of officials recruited from lists of suitable candidates resulting from competitions published before 1 May 2004 Article 5(3) of the Staff Regulations shall not apply.

3. Officials who have been included in a list of suitable candidates before 1 May 2006 and are recruited between 1 May 2004 and 30 April 2006 shall:

– if the list was drawn up for category A*, B* or C*, be graded in the grade published in the competition;

– if the list was drawn up for category A, LA, B or C, be graded in accordance with the following table:

Grade of the competition	Grade of recruitment
A/LA8	A*5
A/LA7 and A/LA6	A*6
A/LA5 and A/LA4	A*9
A/LA3	A*12
A2	A*14
A1	A*15
B5 and B4	B*3
B3 and B2	B*4
C5 and C4	C*1
C3 and C2	C*2

Article 13 (96)

1. Officials who have been included in a list of suitable candidates before 1 May 2006 and are recruited after that date shall be graded in accordance with the following table:

Grade of competition		Grade of recruitment
A/LA8	A*5	AD5
A/LA7 and A/LA6	A*6	AD 6
	A*7	AD7
	A*8	AD8
A/LA5 and A/LA4	A*9	AD9
	A*10	AD10
	A*11	AD11
A/LA3	A*12	AD12
A2	A*14	AD14
A1	A*15	AD15
B5 and B4	B*3	AST3
B3 and B2	B*4	AST4
C5 and C4	C*1	AST1
C3 and C2	C*2	AST2

2. By way of derogation from Article 12(3) and paragraph (1) of this Article, the institutions may recruit officials entrusted with lawyer-linguist duties at grade A*7 or AD 7 respectively who have been included in a list of suitable candidates resulting from a competition at LA 7 and LA 6 level or A*7 level before 1 May 2006.

However, the Appointing Authority may, taking into account the training and special experience for the post of the person concerned, allow additional seniority in his/her grade; this shall not exceed 48 months.

Section 3

Article 14 (96)

Notwithstanding Article 2(1) of Annex VII to the Staff Regulations, the dependent child allowance is replaced by the following amounts:

1 May – 31 December 2004: EUR 260,96

1 January – 31 December 2005: EUR 274,05

1 January – 31 December 2006: EUR 287,15

1 January – 31 December 2007: EUR 300,25

1 January – 31 December 2008: EUR 313,34.

These amounts shall be adjusted each year by the same percentage as the annual adjustment specified in Annex XI to the Staff Regulations.

Article 15 (96)

Notwithstanding Article 3(2) of Annex VII to the Staff Regulations, the allowance for each dependant child who is less than five years old or is not yet in regular full-time attendance at a primary or secondary school is replaced by the following amounts:

1 May 2004 – 31 August 2005: EUR 15,95

1 September 2005 – 31 August 2006: EUR 31,90

1 September 2006 – 31 August 2007: EUR 47,84

1 September 2007 – 31 August 2008: EUR 63,79.

These amounts shall be adjusted each year by the same percentage as the annual adjustment specified in Annex XI to the Staff Regulations.

Article 16 (96)

Notwithstanding Article 3 of Annex VII to the Staff Regulations, an official in receipt of a lump-sum payment of education allowance will continue to receive such payment as long as the conditions under which it was granted are fulfilled and at the latest until 31 August 2008. The amounts of the lump-sum payments will, however, be reduced to 80% of their value of 30 April 2004 on 1 September 2004, to 60% on 1 September 2005, to 40% on 1 September 2006, and to 20% on 1 September 2007.

Article 17 (96)

From 1 May 2004 to 31 December 2008, notwithstanding Article 17(2) of Annex VII to the Staff Regulations, an additional amount may be transferred, subject to the following conditions:

(a) that amount must have been transferred regularly prior to 1 May 2004 and the conditions required for its authorisation must continue to be satisfied;

(b) that additional amount must not be such as to bring the total amount transferred each month above the following maximums, expressed as a percentage of the total amount transferred each month prior to 1 May 2004:

1 May – 31 December 2004: 100%

1 January – 31 December 2005: 80%

1 January – 31 December 2006: 60%

1 January – 31 December 2007: 40%

1 January – 31 December 2008: 20%

Article 18 (96)

1. Beneficiaries who were entitled in the month before 1 May 2004 to the fixed allowance mentioned in the former Article 4a of Annex VII to the Staff Regulations shall keep it ad personam up to grade 6. The amounts of the allowance shall be adjusted every year by the same percentage as the annual pay adjustment referred to in Annex XI of the Staff Regulations. When the net remuneration of an official who has been promoted to grade 7, as a consequence of the abolition of the fixed allowance, is lower than the net remuneration he received, all other conditions being unchanged, in the last month before the promotion, he shall be entitled to a compensatory allowance equal to the difference until his advancement to the next higher step in grade.

2. Officials in Categories C and D before 1 May 2004 who have not become members of the assistants' function group AST without restriction in accordance with Article 10(3) of this Annex shall continue to be entitled 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, as provided for in Annex VI.

Article 19 (96)

If, during the transition period from 1 May 2004 to 31 December 2008, an official's net monthly remuneration, before application of any correction coefficient, is lower than the net remuneration he would have received under the same personal conditions in the month before 1 May 2004, he shall be entitled to a compensatory allowance equal to the difference. This provision shall not apply where the reduction of the net remuneration results from the annual pay adjustment referred to in Annex XI to the Staff Regulations. This net income guarantee shall not cover the effect of the special levy, the changes in the pension contribution rate or the changes in the arrangements for transferring part of the salary.

Section 4

Article 20 (96)

1. The pensions of officials who retire before 1 May 2004 shall be subject to the correction coefficient referred to in point (b) of Article 3(5) of Annex XI to the Staff Regulations for Member States in which they have established proven main residence.

The minimum applicable correction coefficient shall be 100.

If they establish their residence in a third country, the applicable correction coefficient shall be 100.

By way of derogation from Article 45 of Annex VIII, the pension of beneficiaries who reside in a Member State shall be paid in the currency of the Member State of residence under the conditions laid down in the second paragraph of Article 63 of the Staff Regulations.

2. By derogation from the first subparagraph of paragraph 1, from 1 May 2004 until 1 May 2009, pensions determined before 1 May 2004 shall be adjusted by applying the average of the correction coefficients referred to in points (a) and (b) of Article 3(5) of Annex XI to the Staff Regulations, used for the Member State in which the pension recipient has established proven main residence. That average shall be calculated on the basis of the correction coefficient shown in the following table:

From	1.5.2004	1.5.2005	1.5.2006	1.5.2007	1.5.2008
%	80% point (a) 20% point (b)	60% point (a) 40% (point (b)	40% point (a) 60% point (b)	20% point (a) 80% point (b)	100% point (b)

Where at least one of the coefficients in Article 3(5) of Annex XI is amended, so is the average with effect from the same date.

3. For officials recruited before 1 May 2004 not receiving a pension as at 1 May 2004, the method of calculation of the preceding paragraphs shall apply at the time when pension rights are determined:

(a) to years of pensionable service within the meaning of Article 3 of Annex VIII acquired before 1 May 2004, and

(b) to years of pensionable service resulting from a transfer under Article 11 of Annex VIII concerning the pension rights acquired under the system of origin before 1 May 2004 by the official in service before 1 May 2004.

Their pensions shall be subject to the correction coefficient only if the residence of the official coincides with the country of their place of origin within the meaning of Article 7(3) of Annex VII. However, for family or medical reasons, officials receiving a pension may exceptionally request the Appointing Authority to change their place of origin. This decision shall be taken on production by the official concerned of appropriate supporting evidence.

By way of derogation from Article 45 of Annex VIII, the pension of beneficiaries who reside in a Member State shall be paid in the currency of the Member State of residence under the conditions laid down in the second paragraph of Article 63 of the Staff Regulations.

4. This Article shall apply by analogy to invalidity allowances and to allowances under Articles 41 and 50 of the Staff Regulations and Regulations (EEC) No 1857/89([1]), (EC, Euratom, ECSC) 2688/95 ([2]), (EC Euratom, ECSC) 2689/95 ([3]), (EC, Euratom) No 1746/2002 ([4]), (EC, Euratom) No 1747/2002 ([5])or (EC, Euratom) No 1748/2002 ([6]). However, this Article shall not apply to the beneficiaries of the allowance referred to in Article 41 of the Staff Regulations who reside in the country of their last place of employment.

Article 21 (96)

Notwithstanding the second sentence of the second paragraph of Article 77, officials who entered the service before 1 May 2004 shall be entitled to 2% of the salary referred to therein for every year of pensionable service calculated in accordance with Article 3 of Annex VIII.

Article 22 (96)

1. Officials aged 50 or over or with 20 or more years' service on 1 May 2004 shall become entitled to a retirement pension when they reach the age of 60.

Officials aged between 30 and 49 years on 1 May 2004 shall become entitled to a retirement pension at the age shown in the table below:

---

1 OJ L 181, 28.06.1989, p. 2
2 OJ L 280, 23.11.1995, p. 1. Regulation as amended by Regulation (EC, ECSC, Euratom) No 2458/98 (OJ L 307, 17.11.1998, p. 1)
3 OJ L 280, 23.11.1995, p. 4. Regulation as amended by Regulation (EC, ECSC, Euratom) No 2458/98 (OJ L 307, 17.11.1998, p. 1).
4 OJ L 264, 2.10.2002, p. 1
5 OJ L 264, 2.10.2002, p. 5
6 OJ L 264, 2.10.2002, p. 9

Age on 1 May 2004	Pensionable age
49 years	60 years 2 months
48 years	60 years 4 months
47 years	60 years 6 months
46 years	60 years 8 months
45 years	60 years 10 months
44 years	61 years 0 months
43 years	61 years 2 months
42 years	61 years 4 months
41 years	61 years 6 months
40 years	61 years 8 months
39 years	61 years 10 months
38 years	61 years 11 months
37 years	62 years 0 months
36 years	62 years 1 month
35 years	62 years 2 months
34 years	62 years 4 months
33 years	62 years 5 months
32 years	62 years 6 months
31 years	62 years 7 months
30 years	62 years 8 months

Officials aged less than 30 years on 1 May 2004 shall become entitled to a retirement pension at the age of 63 years.

For officials in service before 1 May 2004 the pensionable age to be taken into consideration for all references to the pensionable age in these Staff Regulations shall be determined in accordance with the above provisions, save as otherwise provided in these Staff Regulations.

2. Notwithstanding Article 2 of Annex VIII, officials who enter the service before 1 May 2004 and remain in service after the age at which they would have become entitled to a retirement pension shall be entitled to an increase in the percentage of their basic pension for each year worked after that age, provided that their total pension does not exceed 70% of final basic salary within the meaning of the second or third paragraph of Article 77 of the Staff Regulations, as the case may be.

The increase shall also be granted in the event of death, if the official has remained in service beyond the age at which he became entitled to a retirement pension.

If, pursuant to Annex IVa, an official who enters the service before 1 May 2004 and working part-time contributes to the pension scheme in proportion to the time worked, the increase in pension entitlements provided for in this Article shall be applied only in the same proportion.

For officials aged 50 years or over or with 20 or more years' service, the increase in pension provided for in the previous subparagraph shall be equal to 5% of the amount of the pension rights acquired at the age of 60. For officials aged between 40 and 49, the maximum increase in pension shall be 3,0% of the salary taken into account for calculating the pension, but shall not exceed 4,5% of the pension rights acquired by those officials at the age of 60. For officials aged between 35 and 39, the maximum increase in the pension shall be 2,75% of the salary taken into account for calculating the pension, but shall not exceed 4,0% of the pension rights acquired by those officials at the age of 60. For officials aged between 30 and 34, the maximum pension bonus shall be 2,5% of the salary taken into account for calculating pension, but shall not exceed 3,5% of the pension rights acquired by those officials at the age of 60. For officials aged less than 30, the maximum increase in the pension shall be set at 2,0% of the salary taken into account for calculating the pension.

3. If in individual exceptional cases the introduction of the new pension provisions leads to an inequitable effect on the pension rights of certain officials to an extent that significantly departs from the average reductions, the Commission shall propose appropriate compensation measures to the Council. The Council shall act on this proposal by the qualified majority provided for in the first indent of Article 205(2) of the EC Treaty.

4. Officials who entered service before 1 May 2004 and who, after Articles 2, 3 and 11 of Annex VIII have been applied to them, cannot attain at the age of 65 the maximum retirement pension provided for in the second paragraph of Article 77 of the Staff Regulations, may acquire additional pension rights subject to that maximum limit.

The contributions payable by the officials concerned shall be equivalent to the entire amount of their and their employer's contributions under Article 83(2) of the Staff Regulations. The Commission shall, by means of general implementing provisions, lay down the method for calculating the contributions to be paid by the officials concerned in such a way as to ensure that such acquisition guarantees actuarial balance and the method is applied without financial subsidies from the pension scheme of the European institutions. The Commission shall adopt these general implementing provisions before 1 January 2005.

The officials concerned may qualify under this arrangement for five years after 1 May 2004, subject to a maximum period of contributions of: three months in the case of officials aged 45 to 49 on 1 May 2004; nine months in the case of officials aged 38 to 44 on that date; fifteen months in the case of officials aged 30 to 37 on that date; and two years in the case of officials aged less than 30 on that date.

Article 23 (96)

1. Notwithstanding Article 52 of the Staff Regulations, application of the second indent of Article 9 of Annex VIII may be requested by officials who enter the service before 1 May 2004 and who leave the service before the age at which they would have become entitled to a retirement pension in accordance with Article 22 of this Annex:

(a) from the age of 50 for those aged at least 45 or with 20 or more years' service on 1 May 2004;

(b) from the age determined in accordance with the table below for officials aged up to 45 years on 1 May 2004:

Age on 1 May 2004	Age when drawing an immediate pension
45 years and older	50 years 0 months
44 years	50 years 6 months
43 years	51 years 0 months
42 years	51 years 6 months
41 years	52 years 0 months
40 years	52 years 6 months
39 years	53 years 0 months
38 years	53 years 6 months
37 years	54 years 0 months
36 years	54 years 6 months
35 years and younger	55 years 0 months

2. In such cases, in addition to the reduction in retirement pension rights referred to in Article 9 of Annex VIII for officials who leave the service at the age of at least 55 years, acquired pension rights shall be further reduced by 4,483% if receipt of pension commences at the age of 54 years; by 8,573% if receipt commences at the age of 53 years; by 12,316% if receipt commences at the age of 52 years; by 15,778% if receipt commences at the age of 51 years; and by 18,934% if receipt of retirement pension commences at the age of 50 years.

Article 24 (96)

1. In the case of a pension determined before 1 May 2004, the recipient's pension entitlement shall continue to be determined after that date in accordance with the rules applied when the entitlement was initially determined. The same holds true as regards cover under the joint sickness insurance scheme. However, the rules on family allowances and correction coefficients in force as from 1 May 2004 shall apply immediately without prejudice to the application of Article 20 of this Annex.

Notwithstanding the first subparagraph, recipients of an invalidity pension or a survivor's pension may ask to be covered by the provisions applicable as from 1 May 2004.

2. When these provisions enter into force, the nominal amount of net pension received before 1 May 2004 shall be guaranteed. That guaranteed amount shall nevertheless be adjusted if the recipient's family situation or country of residence changes. For persons who retire between 1 May 2004 and 31 December 2007, the nominal amount of net pension received on retirement shall be guaranteed with reference to the Staff Regulations provisions in force on the date of their retirement.

For the purposes of applying the first subparagraph, if the pension calculated on the basis of the provisions in force is less than the nominal pension as defined below, a compensatory amount equal to the difference shall be granted.

For recipients of a pension before 1 May 2004, the nominal pension shall be calculated each month taking into account the family situation and the country of residence at the time of calculation, and the Staff Regulations rules in force on the date preceding 1 May 2004.

For officials who retire between 1 May 2004 and 31 December 2007, the nominal pension shall be calculated each month taking into account family situation and country of residence at the time of calculation, and the Staff Regulations rules in force on the date when they retire.

In the event of the death after 1 May 2004 of a recipient of a pension determined before that date, the survivor's pension shall be determined taking into account the guaranteed nominal pension which the deceased was receiving.

3. Provided that recipients of an invalidity pension have not asked to be covered by the provisions applicable as from 1 May 2004, and have not been declared fit to resume their duties, their invalidity pensions thus maintained shall be considered retirement pensions when the recipients reach the age of 65 years.

4. Paragraphs 1 and 2 shall apply to recipients of one of the allowances paid under Articles 41 or 50 of the Staff Regulations or under Regulation (EEC) No 1857/89, Regulation (EC, Euratom, ECSC) 2688/1995, Regulation (EC Euratom, ECSC) No 2689/1995, Regulation (EC, Euratom) No 1746/2002, Regulation (EC, Euratom) No 1747/2002 or Regulation (EC, Euratom) No 1748/2002. However, their retirement pensions shall be determined in accordance with the rules in force on the date on which their payment commences.

Article 25 (96)

1. For pensions determined before 1 May 2004, the grade used for calculating pension shall be determined in accordance with the tables in Articles 2(1) and 8(1) of this Annex.

The basic salary taken into account for determining the recipient's pension shall be equivalent to the salary in the table in Article 66 of the Staff Regulations for the new grade thus determined, at the same step, weighted by a percentage equivalent to the ratio of basic salary under the old scale to that under the scale in Article 66 of the Staff Regulations for the same step.

For steps under the old scale without correspondence in the scale in Article 66 of the Staff Regulations, the last step of the same grade shall be used as the reference for calculating the percentage referred to in the second subparagraph.

For steps in grade D4 under the old scale, the first step in the first grade shall be used as the reference for calculating the percentage referred to in the second subparagraph.

2. On a transitional basis, the basic salary within the meaning of Articles 77 and 78 of the Staff Regulations and of Annex VIII shall be determined by applying the corresponding multiplication factor laid down in Article 7 to the salary which corresponds to the recipient's grading taken into account to determine entitlement to retirement pension or invalidity benefit, in accordance with the table in Article 66 of the Staff Regulations.

For steps under the old scale without correspondence in the scale in Article 66 of the Staff Regulations, the last step in the same grade shall be used as the reference for calculating the multiplication factor.

For retirement pensions and invalidity benefits determined between 1 May 2004 and 30 April 2006, Article 8(1) shall apply.

3. For recipients of a survivor's pension, paragraphs 1 and 2 of this Article shall apply by reference to the deceased official or former official.

4. Paragraphs 1 and 2 of this Article shall apply by analogy to recipients of one of the allowances paid under Articles 41 or 50 of the Staff Regulations or under Regulation (EEC) No 1857/89, Regulation (EC, Euratom, ECSC) 2688/1995, Regulation (EC Euratom, ECSC) No 2689/1995, Regulation (EC, Euratom) No 1746/2002, Regulation (EC, Euratom) No 1747/2002 or Regulation (EC, Euratom) No 1748/2002.

Article 26 (96)

1. Requests to qualify for the facilities for transfer of pension rights under Article 11(2) of Annex VIII submitted before 1 May 2004 shall be considered in accordance with the rules in force at the time of their submission.

2. In so far as the time limit stipulated in Article 11(2) of Annex VIII has not yet been exceeded on 1 May 2004, the officials concerned who did not submit such a request within the time limits previously stipulated, or whose request has been rejected for having been submitted after those time limits, shall still be able to submit or resubmit a request for transfer under Article 11(2) of Annex VIII.

3. Officials who submitted a request for transfer within the time limits but rejected the offer made to them, who did not submit a transfer request within the time limits previously stipulated, or whose request was rejected for having been submitted after those time limits, may still submit or resubmit such a request by 31 October 2004 at the latest.

4. In the cases provided for in paragraphs 2 and 3 of this Article, the institution where the official is working shall determine the number of pensionable years to be taken into account under its own scheme pursuant to the general implementing provisions adopted in respect of Article 11(2) of Annex VIII, which shall take into account the provisions of this Annex. However, for the purposes of paragraph 3 of this Article the official's age and grade to be taken into account shall be those at the time of establishment.

5. Officials who agreed to transfer their pension rights pursuant to Article 11(2) of Annex VIII before 1 May 2004 may request recalculation of the bonus already obtained under the Community institutions' pension scheme pursuant to that Article. Recalculation shall be based on the parameters in force at the time when the bonus was obtained, adjusted in accordance with Article 22 of this Annex.

6. Officials who obtain a bonus pursuant to paragraph 1 may, from notification of the bonus under the Community institutions' pension scheme, request application of paragraph 5.

Article 27 (96)

1. When the actuarial equivalent referred to in Article 11(1) and Article 12(1)(b) of Annex VIII to the Staff Regulations is calculated, officials and temporary staff shall be covered, for the portion of their rights relating to periods of service before 1 May 2004, by the provisions set out below.

The retirement pension actuarial equivalent may not be less than the sum of:

(a) the amount of the sums deducted from basic salary as pension contributions, plus compound interest at the rate of 3,5% a year;

(b) a severance grant proportional to the length of service actually completed, calculated on the basis of one and a half months of final basic salary subject to deduction per year of service;

(c) the total sum paid to the Communities in accordance with Article 11(2) of Annex VIII to the Staff Regulations, plus compound interest at the rate of 3,5% a year.

2. However, where officials or temporary servants leave because their contracts are revoked or terminated, the severance grant to be paid or actuarial equivalent to be transferred shall be determined in the light of the decision taken on the basis of Article 9 (1)(h) of Annex IX to the Staff Regulations.

3. Unless they have benefited from Article 11(2) or (3) of Annex VIII to the Staff Regulations, officials in service on 1 May 2004 and who would, for lack of a transfer option under Article 11(1), have been entitled to payment of a severance grant in accordance with the Staff Regulations rules in force before 1 May 2004, shall retain the right to payment of a severance grant calculated in accordance with the rules in force before that date.

Article 28 (96)

The servants referred to in Article 2 of the Conditions of Employment of other servants who are under contract on 1 May 2004 and are appointed as officials after that date shall, on retirement, be entitled to an actuarial

adjustment of the pension rights they acquired as temporary servants which takes into account the change in their pensionable age within the meaning of Article 77 of the Staff Regulations.

Article 29 (96)

For temporary servants engaged before 1 May 2004, in accordance with Article 2 (c) of the Conditions of Employment of Other Servants, to assist a political group in the European Parliament the requirement laid down in Article 29(3) and (4) of the Staff Regulations that the temporary servant has passed a selection procedure in conformity with Article 12(4) of the Conditions of Employment shall not apply.

Annex XIII.1: Types of posts during the transitional period

Types of posts in each category, as provided for in Article 4(n) of this Annex.

Category A	
A*5	Administrator/ Research Administrator/ Linguistic Administrator
A*6	Administrator/ Research Administrator/ Linguistic Administrator
A*7	Administrator/ Research Administrator/ Linguistic Administrator
A*8	Administrator/ Research Administrator/ Linguistic Administrator
A*9	Head of unit/ Administrator/ Research Administrator/ Linguistic Administrator
A*10	Head of Unit Administrator/ Research Administrator/ Linguistic Administrator
A*11	Head of Unit Administrator/ Research Administrator/ Linguistic Administrator
A*12	Head of Unit Administrator/ Research Administrator/ Linguistic Administrator
A*13	Head of Unit Administrator/ Research Administrator/ Linguistic Administrator
A*14	 Research Administrator/ Linguistic Administrator Administrator/Head of Unit Director
A*15	Director/Director-General
A*16	Director-General

Category C	
C*1	Secretary/office clerk
C*2	Secretary/office clerk
C*3	Secretary/office clerk
C*4	Secretary/office clerk
C*5	Secretary/office clerk
C*6	Secretary/office clerk
C*7	Secretary/office clerk

Category B		Category D	
B*3	Assistant/Research assistant	D*1	Employee
B*4	Assistant/Research assistant	D*2	Employee
B*5	Assistant/Research assistant	D*3	Employee
B*6	Assistant/Research assistant	D*4	Employee
B*7	Assistant/Research assistant	D*5	Employee
B*8	Assistant/Research assistant		
B*9	Assistant/Research assistant		
B*10	Assistant/Research assistant		
B*11	Assistant/Research assistant		

II
Conditions of employment of other servants of the European Communities

		Article	*Page*
TITLE I	**GENERAL PROVISIONS**	1-7a	3
TITLE II	**TEMPORARY STAFF**		5
CHAPTER 1	GENERAL PROVISIONS	8-10	5
CHAPTER 2	RIGHTS AND OBLIGATIONS	11	6
CHAPTER 3	CONDITIONS OF ENGAGEMENT	12-15	6
CHAPTER 4	WORKING CONDITIONS	16-18	7
CHAPTER 5	REMUNERATION AND EXPENSES	19-27	8
CHAPTER 6	SOCIAL SECURITY BENEFITS		10
	Section A Sickness and accident insurance, social security benefits	28-30	10
	Section B Insurance against invalidity and death	31-38a	13
	Section C Retirement pension and severance grant	39-40	15
	Section D Funding of the invalidity and life assurance scheme and of the pension scheme	41-42	16
	Section E Settlement of claims by temporary staff	43	16
	Section F Payment of benefits	44	16
	Section G Subrogation in favour of the Communities	44a	17
CHAPTER 7	RECOVERY OF OVERPAYMENTS	45	17
CHAPTER 8	APPEALS	46	17
CHAPTER 9	TERMINATION OF EMPLOYMENT	47-50a	17
TITLE III	**AUXILIARY STAFF**		19
CHAPTER 1	GENERAL PROVISIONS	51-53	19
CHAPTER 2	RIGHTS AND OBLIGATIONS	54	20
CHAPTER 3	CONDITIONS OF ENGAGEMENT	55-56	20
CHAPTER 4	WORKING CONDITIONS	57-60	20
CHAPTER 5	REMUNERATION AND EXPENSES	61-69	21
CHAPTER 6	SOCIAL SECURITY BENEFITS	70-71	22
CHAPTER 7	RECOVERY OF OVERPAYMENTS	72	23
CHAPTER 8	APPEALS	73	23
CHAPTER 9	TERMINATION OF EMPLOYMENT	74-78	23
TITLE IV:	**CONTRACT STAFF**		25
CHAPTER 1:	GENERAL PROVISIONS	79-80	25
CHAPTER 2	RIGHTS AND OBLIGATIONS	81	25
CHAPTER 3	CONDITIONS OF ENGAGEMENT	82-84	26
CHAPTER 4	SPECIAL PROVISIONS FOR MEMBERS OF THE CONTRACT STAFF REFERRED TO IN ARTICLE 3a	85-87	27
CHAPTER 5	SPECIAL PROVISIONS FOR MEMBERS OF THE CONTRACT STAFF REFERRED TO IN ARTICLE 3b	88- 90	29
CHAPTER 6	WORKING CONDITIONS	91	29

CHAPTER 7 REMUNERATION AND EXPENSES 92-94 29

CHAPTER 8 SOCIAL SECURITY BENEFITS 30

Section A: Sickness and accident insurance, social security benefits 95-98 30
Section B: Insurance against the risk of invalidity and death 99-108 32
Section C: Retirement pension and severance grant 109-110 35
Section D: Funding of the invalidity and life assurance scheme and of the pension scheme 111-112 36
Section E: Settlement of claims by contract staff 113 36
Section F: Payment of benefits 114 36
Section G: Subrogation in favour of the Community 115 36

CHAPTER 9 RECOVERY OF UNDUE PAYMENT 116 37

CHAPTER 10 APPEALS 117 37

CHAPTER 11 SPECIAL AND EXCEPTIONAL PROVISIONS APPLICABLE TO MEMBERS OF THE CONTRACT STAFF SERVING IN A THIRD COUNTRY 118 37

CHAPTER 12 TERMINATION OF EMPLOYMENT 119 37

TITLE V LOCAL STAFF 120-122 37

TITLE VI SPECIAL ADVISERS 123-124 38

TITLE VII TRANSITIONAL PROVISIONS 125 38

TITLE VIII FINAL PROVISIONS 126-127 38

ANNEX TRANSITIONAL PROVISIONS APPLICABLE TO THE STAFF COVERED BY THE CONDITIONS OF EMPLOYMENT OF OTHER SERVANTS 1-5 39

Title I : General provisions

Article 1 (18) (96)

The conditions of employment shall apply to servants engaged under contract by the Communities.

Such servants shall be:

- temporary staff,
- auxiliary staff until the date set out in Article 52,
- contract staff,
- local staff,
- special advisers.

Any reference in these Conditions of Employment to a person of the male sex shall be deemed also to constitute a reference to a person of the female sex, and vice-versa, unless the context clearly indicates otherwise.

Article 2 (18)(96)

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 one of the political groups in the European Parliament or the Committee of the Regions, or a group in the European Economic and Social Committee;

(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 (96)

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 the assistants' function group (AST);
- exceptionally, officials or temporary staff in the administrators' function group (AD), other than senior staff (Directors-General or their equivalent in grades AD 16 or AD 15 and Directors or their equivalent in grades AD 15 or AD 14), 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 3a (96)

1. For the purposes of these Conditions of Employment, "contract staff" means staff not assigned to a post included in the list of posts appended to the section of the budget relating to the institution concerned and engaged for the performance of full-time or part-time duties:

(a) in an institution to carry out manual or administrative support service tasks,

(b) in the agencies referred to in Article 1a(2) of the Staff Regulations,

(c) in other entities inside the European Union created, after consultation of the Staff Regulations Committee, by specific legal act issued by one or more institutions allowing for the use of such staff,

(d) in Representations and Delegations of Community institutions,

(e) in other entities situated outside the European Union.

2. The Commission shall, on the basis of information provided by all institutions, submit a report to the budgetary authority each year on the employment of contract staff, which shall state whether the overall number of such members of the contract staff has remained within a limit of 75% of all employees in agencies, in other entities inside the European Union, in Representations and Delegations of Community institutions and in other entities situated outside the European Union respectively. If this limit has not been respected, the Commission shall propose to the agencies, the other entities inside the European Union, Representations and Delegations of Community institutions or other entities situated outside the European Union respectively, to take the appropriate corrective measures.

Article 3b (96)

For the purposes of these Conditions of Employment, "contract staff for auxiliary tasks" means staff engaged in an institution within the time limits set in Article 88 in one of the function groups referred to in Article 89:

(a) to perform full- time or part-time duties others than those referred to in Article 3a(1)(a), without being assigned to a post included in the list of posts appended to the section of the budget relating to the institution concerned,

(b) to replace, after the possibilities of temporary posting of officials within the institution have been examined, certain persons who are unable for the time being to perform their duties, namely:

(i) officials or temporary staff in the function group AST;

(ii) exceptionally, officials or temporary staff in the function group AD occupying a highly specialised post, except Heads of Unit, Directors, Directors General and equivalent functions.

The use of contract staff for auxiliary tasks is excluded where Article 3a applies.

Article 4 (8) (18) (24) (96)

For the purposes of these Conditions of Employment, "local staff" means staff engaged in places outside the European Union 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. Staff engaged in places of employment situated outside the European Union for duties other than those mentioned above 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, shall also 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 (96)

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

Article 1a(2), Article 1b and Article 2(2) of the Staff Regulations shall apply by analogy.

Article 7 (8)

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

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

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

Article 7a (8) (96)

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

Title II : Temporary staff

Chapter 1
General provisions

Article 8 (18) (44) (96)

Temporary staff to whom Article 2(a) applies may be engaged for a fixed or indefinite period. The contracts of such staff who are engaged for a fixed period may be renewed not more than once for a fixed period. Any further renewal shall be for an indefinite period.

Temporary staff to whom Article 2(b) or (d) applies shall not be engaged for more than four years but their engagement may be limited to any shorter duration. Their contracts may be renewed not more than once for a maximum period of two years if the possibility of renewal has been provided for in the initial contract and within the limits provided for in that contract. At the end of that time, they shall no longer be employed as temporary staff under these provisions. On the expiry of their contracts, such servants may be assigned to established posts in the institutions only if they are appointed as officials in accordance with the Staff Regulations.

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

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 9a (96)

The Commission shall provide a yearly report on the use of temporary staff including numbers of staff, level and type of posts, geographical balance and budgetary resources per function group.

Article 10 (77) (96)

Articles 1d, 1e, 5(1), (2), (3) and (4), and Article 7 of the Staff Regulations 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.

Title VIII of the Staff Regulations shall apply by analogy to temporary staff paid from appropriations for research and investment in the general budget of the European Union. Title VIIIa of the Staff Regulations shall apply by analogy to temporary staff serving in a third country.

Chapter 2
Rights and obligations

Article 11 (44)

The provisions of Articles 11 to 26 of the Staff Regulations, concerning the rights and obligations of officials, shall apply by analogy. However, where a member of the temporary staff holds a contract for a fixed period, the duration of leave on personal grounds referred to in the second paragraph of Article 15 of the Staff Regulations shall be limited to the remainder of the term of the contract.

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

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

Chapter 3
Conditions of engagement

Article 12 (77) (96)

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 distinction as to race, political, philosophical or religious beliefs, sex or sexual orientation and without reference to their marital status or family situation.

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.

3. The European Communities Personnel Selection Office (hereinafter "the Office") shall, at their request, provide assistance to the different institutions with a view to the selection of temporary staff, in particular by defining the contents of the tests and organising the selection procedures. The Office shall ensure the transparency of selection procedures for temporary staff engaged under Article 2 (a), (b) and (d).

4. At the request of an institution the Office shall, in selection procedures organised for the engagement of temporary staff, ensure the application of the same standards as for the selection of officials.

5. Each institution shall adopt general provisions on the procedures for recruitment of temporary staff in accordance with Article 110 of the Staff Regulations, as necessary.

Article 13 (46)

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

Article 33 of the Staff Regulations shall apply by analogy.

Article 14 (24) (44) (96)

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

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

Not less than one month before the expiry of the probationary period, a report shall be made on the ability of the member of the temporary staff to perform the duties pertaining to his post and also on his conduct and efficiency in the service. The report shall be communicated to the person concerned, who shall have the right to submit his comments in writing. A member of the temporary staff whose work has not proved adequate to justify retention in his post shall be dismissed. However, the authority referred to in the first paragraph of Article 6 may, in exceptional circumstances, extend the probationary period for a maximum of six months, and possibly assign the member of the temporary staff to another department.

A report on the probationary member of temporary staff may be made at any time during the probationary period if his work is proving obviously inadequate. The report shall be communicated to the person concerned, who shall have the right to submit his comments in writing. On the basis of the report, the authority authorized to conclude contracts of engagement may decide to dismiss the member of the temporary staff before the end of the probationary period by giving him one month's notice.

A dismissed member of the temporary staff shall be entitled to compensation equal to one third of his basic salary per month of probation completed.

Article 15 (46) (96)

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

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

2. The provisions of Article 43 of the Staff Regulations, concerning reports, shall apply by analogy.

Chapter 4
Working conditions

Article 16 (7) (46) (96)

Articles 42a, 42b and 55 to 61 of the Staff Regulations, concerning leave, hours of work, overtime, shiftwork, standby duty at place of work or at home and public holidays, shall apply by analogy. Special leave and parental and family leave shall not extend beyond the term of the contract.

The paid sick-leave provided for in Article 59 of the Staff Regulations shall not, however, exceed three months or the length of time worked by the member of the temporary staff, where the latter is longer. The leave shall not extend beyond the term of his contract.

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

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

Article 17 (44) (96)

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

– three months if the servant's seniority is less than four years;

– twelve months in all other cases.

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

While a member of the temporary staff is on unpaid leave his membership of the social security scheme provided for in Article 28 shall be suspended.

However, a member of the temporary staff who is not gainfully employed may, not later than one month following that in which unpaid leave begins, apply to continue to be covered against the risks referred to in Article 28, provided that he bears half the cost of the contributions provided for in that Article for the duration of his leave; the contribution shall be calculated by reference to his last basic salary.

Moreover, a member of the temporary staff to whom Article 2(*c*) or (*d*) applies who proves that he cannot acquire pension rights under another pension scheme may apply to continue to acquire further pension rights throughout the period of unpaid leave, provided that he bears the cost of a contribution equal to three times the rate laid down in Article 41; the contributions shall be calculated by reference to the basic salary for his grade and step.

Article 18 (44)

A member of the temporary staff who is called up for military service, alternative services or reserve training or who is recalled to serve in the armed forces shall be assigned leave for national service; for temporary staff engaged for a fixed period such leave may in no circumstances exceed the duration of the contract.

A member of the temporary staff who is called up for military service or alternative service shall cease to receive his remuneration but shall retain his right under these conditions of employment to advancement to a higher step. He shall also retain his right to retirement pension if, after completing his military service or alternative service, he pays up his pension contributions retroactively.

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

Chapter 5
Remuneration and expenses

Article 19

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

Article 20
(18) (19) (23) (24) (27) (30) (31) (32) (34) (35) (36) (37) (38) (41) (42) (43) (44) (45) (62) (63) (96)

1. Articles 63, 64, 65 and 65a of the Staff Regulations, concerning the currency in which remuneration is to be expressed and adjustments to such remuneration, shall apply by analogy.

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

3. The provisions of Article 66a of the Staff Regulations on the special levy shall apply by analogy to temporary staff.

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

Article 21 (96)

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

Article 22

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

Article 23

A member of the temporary staff engaged for a fixed period of not less than 12 months, or deemed by the authority referred to in the first paragraph of Article 6 to be engaged for an equivalent period if his contract is for an indefinite period, shall, as provided for in Article 9 of Annex VII to the Staff Regulations, be entitled to reimbursement of his removal expenses.

Article 24 (10) (44) (78) (81) (96)

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
- not less than two years but less than three years, to two thirds
- three years or more, to three thirds

} of the rate laid down in Article 5 of Annex VII of the Staff Regulations.

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:

(a) EUR 976,85 for a servant who is entitled to the household allowance; and

(b) EUR 580,83 for a servant who is not entitled to the household allowance.

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

Article 25 (8) (44)

Article 10 of Annex VII to the Staff Regulations concerning the daily subsistence allowance, shall apply. However, a member of the temporary staff who is engaged for a fixed period of less than 12 months, or who is deemed by the authority referred to in the first paragraph of Article 6 to be engaged for an equivalent period if his contract is for an indefinite period, and who furnishes evidence that it is impossible for him to continue to live in his place of residence shall be entitled to the daily subsistence allowance for the duration of his contract or for a maximum of one year.

Article 26

Article 8 of Annex VII to the Staff Regulations, concerning annual payment of travel expenses from place of employment to place of origin, shall apply only to temporary staff who have completed not less than nine months' service.

Article 27

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

Chapter 6
Social security benefits

Section A
Sickness and accident insurance, social security benefits

Article 28 (18) (44) (46) (96)

Articles 72 and 73 of the Staff Regulations, concerning sickness and accident cover, shall apply by analogy to temporary staff during the period of employment, during sick-leave and during the periods of unpaid leave referred to in Articles 11 and 17 in accordance with conditions laid down therein; Article 72 of the Staff Regulations, concerning sickness cover, shall apply by analogy to temporary staff in receipt of invalidity allowance and to recipients of a survivor's pension. Article 72 shall also apply to staff referred to in Article 39(2) who are in receipt of a retirement pension.

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

If a member of the temporary staff proves that he cannot obtain cover under any other sickness insurance scheme provided for by law or regulation, he may, on application made at the latest within one month following the expiry of his contract, continue to benefit from the sickness cover provided for in the first paragraph, for a period of not more than six months after the expiry of his contract. The contributions provided for in Article 72(1) of the Staff Regulations shall be based on his last basic salary and half thereof shall be charged to him.

The appointing authority may, after obtaining the advice of the institution's medical officer, decide that the one-month time-limit within which the application must be made and the six-month limit provided for in the preceding paragraph shall not apply where the person concerned is suffering from a serious or protracted illness

contracted during his employment, which he has reported to the institution before the end of the six-month period provided for in the preceding paragraph, on condition that the person concerned undergoes a medical examination arranged by the institution.

Article 28a (46) (78) (81) (96)

1. A former member of the temporary staff who is unemployed when his service with an institution of the European Communities has been terminated:

– who is not in receipt of a retirement or invalidity pension from the European Communities,

– whose service is not terminated by resignation or by cancellation of the contract for disciplinary reasons,

– who has completed a minimum of six months' service,

– and who is resident in a Member State of the Communities,

shall be eligible for a monthly unemployment allowance under the conditions laid down below.

Where he is entitled to unemployment benefits under a national scheme, he shall be obliged to declare this to the institution to which he belonged, which shall immediately inform the Commission thereof. In such cases, the amount of those benefits will be deducted from the allowance paid under paragraph 3.

2. To be eligible for this unemployment allowance, a former member of the temporary staff shall:

(a) be registered, at his own request, as seeking employment with the employment authorities of the Member States in which he establishes his residence;

(b) fulfil the obligations laid down by the law of that Member State for persons in receipt of unemployment benefits under that law;

(c) forward every month to the institution to which he belonged, which shall immediately forward it to the Commission, a certificate issued by the competent national employment authority stating whether or not he has fulfilled the obligations and conditions referred to in (*a*) and (*b*).

The allowance may be granted or maintained by the Community, even where the national obligations referred to under (b) have not been fulfilled, in cases of illness, accident, maternity, invalidity or a situation recognized as being similar or where the national authority, competent to meet those obligations, has given a dispensation.

The Commission shall, after obtaining the opinion of a Committee of experts, lay down such provisions as it deems necessary for applying this Article.

3. The unemployment allowance shall be set by reference to the basic salary attained by the former member of the temporary staff at the time of the termination of his service. The allowance shall be set at:

(a) 60% of the basic salary for an initial period of 12 months,

(b) 45% of the basic salary for the 13th to the 24th month,

(c) 30% of the basic salary for the 25th to the 36th month.

Other than during an initial six-month period, in which the lower limit specified below is applicable but the upper limit is not, the amounts thus calculated may neither be less than EUR 1 171,52 nor exceed EUR 2 343,04. These limits shall be adjusted, in the same way as the salary scales set out in Article 66 of the Staff Regulations, in accordance with Article 65 of the Staff Regulations.

4. The period during which the unemployment allowance is payable to a former member of the temporary staff may not be more than 36 months from the date of termination of service and shall in no case exceed the equivalent of one third of the actual length of service completed. However, if, during that period, the former member of the temporary staff ceases to fulfil the conditions laid down in paragraphs 1 and 2, payment of the unemployment allowance shall be suspended. Payment shall resume if, before the expiry of that period, the former member of the temporary staff again fulfils the said conditions and is not entitled to national unemployment benefit.

5. A former member of the temporary staff who is eligible for the unemployment allowance shall be entitled to the family allowances provided for in Article 67 of the Staff Regulations. The household allowance shall be calculated on the basis of the unemployment allowance under the conditions laid down in Article 1 of Annex VII to the Staff Regulations.

The person concerned shall be obliged to declare any allowances of the same kind paid from other sources to himself or to his spouse; such allowances shall be deducted from those to be paid on the basis of this Article.

A former member of the temporary staff who is eligible for the unemployment allowance shall be entitled, as provided for in Article 72 of the Staff Regulations, to insurance cover against sickness without having to make any contribution.

6. The unemployment allowance and the family allowances shall be paid by the Commission in euro. No correction coefficient shall be applicable.

7. Members of the temporary staff shall contribute one third of the financing of the unemployment insurance scheme. That contribution shall be set at 0,81% of the basic salary of the person concerned after deducting a standard allowance of EUR 1 065,02 and without taking account of the correction coefficients provided for in Article 64 of the Staff Regulations. The contribution shall be deducted each month from the salary of the person concerned and paid, together with the remaining two thirds to be borne by the institution, into a Special Unemployment Fund. This Fund shall be common to the institutions and the latter shall pay their contributions to the Commission each month, no later than eight days after the payment of remunerations. All expenditure under this Article shall be authorised and paid by the Commission in accordance with the provisions of the Financial Regulation governing the general budget of the European Union.

8. The unemployment allowances paid to a former member of the temporary staff who is unemployed shall be subject to Regulation (EEC, Euratom, ECSC) No 260/68 laying down the conditions and procedure for applying the tax for the benefit of the European Communities.

9. The national departments with responsibility for employment and unemployment, acting in accordance with their national legislation, and the Commission shall cooperate with each other in an effective manner in order to ensure that this Article is properly applied.

10. The detailed arrangements for applying this Article shall be the subject of rules laid down by mutual agreement between the Institutions of the Communities, after obtaining the opinion of the Staff Regulations Committee, without prejudice to the provisions of the final subparagraph of paragraph 2.

11. One year after the introduction of this unemployment insurance scheme and every two years thereafter, the Commission shall present the Council with a report on the financial situation of the scheme. Independently of this report, the Commission may present to the Council proposals for adjusting the contributions provided for in paragraph 7 if this is necessary in the interests of the balance of the scheme. The Council shall act on the proposals in accordance with paragraph 3.

Article 29

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

Article 30 (96)

Article 76 of the Staff Regulations, concerning gifts, loans or advances, shall apply by analogy to temporary staff during the term of their contract or after expiry of the contract where, as a result of serious protracted illness contracted or a disability, 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 occuring during their employment.

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

Article 32 (46)

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

The servant may appeal against this decision to the Invalidity Committee provided for in Article 4(1) of the Staff Regulations.

Article 33 (8) (46) (96)

1. A servant who is suffering from total invalidity and who, for that reason, is obliged to suspend employment with the institution shall be entitled, for as long as the invalidity lasts, to an invalidity allowance, the amount of which shall be determined as follows.

Article 52 of the Staff Regulations shall apply by analogy to recipients of an invalidity allowance. If the recipient of an invalidity allowance retires before the age of 65 without having reached the maximum pension entitlement, the general rules on retirement pensions shall be applied. The amount of the retirement pension shall be based on the salary for the grade and step occupied by the servant when he became an invalid.

The invalidity allowance shall be 70% of the final basic salary of the member of the temporary staff. However, it shall not be less than the minimum subsistence figure, as defined in Article 6 of Annex VIII to the Staff Regulations. The invalidity allowance shall be subject to contributions to the pension scheme, calculated on the basis of that allowance.

Where the invalidity of the servant 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 life and limb to save another human being, the invalidity allowance shall not be less than 120% of the minimum subsistence figure. In such cases the pension contributions shall be borne by the budget of the former employer.

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 should receive only the grant provided for in Article 39.

Persons entitled to an invalidity allowance shall also be entitled to the family allowances provided for in Article 67 of the Staff Regulations in accordance with Annex VII to the Staff Regulations; the household allowance shall be determined on the basis of the recipient's allowance.

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

3. The institution referred to in Article 40 of Annex VIII to the Staff Regulations may require periodic examinations of the recipient of an invalidity allowance to establish that he still fulfils the conditions for payment of that allowance. If the Invalidity Committee finds that these conditions are no longer fulfilled, the servant shall resume service with the institution, providing his contract has not expired.

However, if it proves impossible to employ the person concerned in the service of the Communities, the contract may be terminated subject to payment of an amount corresponding to the remuneration that would have been paid during the period of notice and, where applicable, to the compensation for termination of contract provided for in Article 47. Article 39 shall also apply.

Article 34 (18) (46) (96)

The persons entitled under a deceased servant, as defined in Chapter 4 of Annex VIII to the Staff Regulations, shall be entitled to the survivor's pension as provided for in Articles 35 to 38.

Where a former servant in receipt of an invalidity allowance or a former servant within the meaning of Article 2(a), (c) or (d) who was in receipt of a retirement pension or who left the service before reaching the age of 63 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 63 years dies, the persons entitled under the deceased servant, as defined in Chapter 4 of Annex VIII to the Staff Regulations, shall be entitled to the survivor's pension as provided for in that Annex.

Where the whereabouts of a member of the temporary staff, or of a former member of temporary staff in receipt of an invalidity allowance or retirement pension, or of a former member of temporary staff who left the service before he reached the age 63 and who has requested that his retirement pension be deferred until the first day of the calendar month following that in which he reaches the age of 63, are unknown for more than one year, the provisions of Chapters 5 and 6 of Annex VIII to the Staff Regulations dealing with provisional pensions shall apply by analogy to his spouse and to persons recognized as his dependants.

Article 35 (96)

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 surviving spouse, orphans or dependants receive his emoluments under Article 70 of the Staff Regulations.

Article 36 (8) (46) (96)

The surviving spouse of a servant shall be entitled to a survivor's pension in accordance with Chapter 4 of Annex VIII to the Staff Regulations. The pension shall be not less than 35% of the final basic monthly salary received by the servant, nor less than the minimum subsistance figure defined in Article 6 of Annex VIII to the Staff Regulations. Where a servant within the meaning of Article 2(a), (c) or (d) dies, the amount of the widow's pension shall be increased to 60% of the retirement pension which the servant would have been paid if he had qualified, irrespective of length of service or of age, for such pension at the time of his death.

A person drawing surviver's pension shall be entitled, under the conditions laid down in Annex VII to the Staff Regulations, to the family allowances specified in Article 67 of the Staff Regulations. However, the dependent child allowance shall be equal to twice the amount of the allowance provided for in Article 67(1)(b) of the Staff Regulations.

Article 37 (8) (24) (46) (96)

Where a servant or person entitled to a retirement pension or invalidity allowance dies leaving no spouse entitled to a survivor's pension, the children deemed to be dependent on him at the time of death 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 a person entitled to a retirement pension or invalidity allowance dies but the conditions set out in the first paragraph are not satisfied, the provisions of the third paragraph of Article 80 of the Staff Regulations shall apply.

In the event of the death of a former member of the temporary staff within the meaning of Article 2(a), (c) or (d) who leaves the service before reaching 63 years of age and requests that his retirement pension be deferred until the first day of the calendar month following that in which he reaches 63 years of age, children deemed to be his dependants in accordance with Article 2 of Annex VII to the Staff Regulations shall be entitled to an orphan's pension on the same terms as those set out in the preceding paragraphs.

The orphan's pension of a person treated as a dependent child as defined in Article 2(4) of Annex VII to the Staff Regulations may not exceed twice the dependent child allowance.

No orphan's pension shall be payable where a natural parent who has been replaced by an adoptive parent dies.

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

Article 38

In the case of divorce or where there is more than one category of survivor who qualifies to claim survivor's pension, such pension shall be apportioned in manner provided for in Chapter 4 of Annex VIII to the Staff Regulations.

Article 38a *(46)*

The rules relating to ceilings and apportionment set out in Article 81a of the Staff Regulations shall apply by analogy.

Section C
Retirement pension and severance grant (8)

Article 39 (8) (18) (46) (96)

1. On leaving the service, a servant within the meaning of Article 2 shall be entitled to a retirement pension, transfer of the actuarial equivalent or the payment of the severance grant in accordance with Chapter 3 of Title V of, and Annex VIII to, the Staff Regulations. Where the servant is entitled to a retirement pension his pension rights shall be reduced in proportion to the amounts paid under Article 42.

Article 9 (2) of Annex VIII to the Staff Regulations shall apply under the following conditions:

the Appointing Authority may decide, in the interests of the service on the basis of objective criteria and transparent procedures introduced by means of general implementing provisions, not to apply any reduction to the pension of a temporary servant, up to a maximum of eight temporary servants in all institutions in any one year. The annual number may vary, subject to an average of ten every two years and the principle of budget neutrality. Before five years have elapsed, the Commission shall submit to the European Parliament and the Council an evaluation report on the implementation of this measure. Where appropriate, the Commission shall submit a proposal to change after five years the maximum annual number on the basis of Article 283 of the EC Treaty.

2. Article 11(2) and (3) of Annex VIII of the Staff Regulations shall be applied by analogy to servants within the meaning of Article 2 of these Conditions of Employment.

3. A person who becomes entitled to a retirement pension shall be entitled to the family allowances provided for in Article 67 of the Staff Regulations. The percentage component of the household allowance shall be calculated on the basis of the recipient's pension.

Article 40 (96)

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, asks to be allowed to repay such sums plus compound interest at the rate of 3,5% per year, which may be revised following the procedure laid down in Article 12 of Annex XII to the Staff Regulations.

Section D
Funding of the invalidity and life assurance scheme and of the pension scheme

Article 41 (46) (96)

As regards the funding of the social security scheme provided for in Sections B and C, the provisions of Article 83 and Article 83a of the Staff Regulations and Articles 36 and 38 of Annex VIII thereto shall apply by analogy.

Article 42 (8) (64) (94) (96)

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 twice the rate provided for in Article 83(2) of the Staff Regulations and shall be charged to the budget of the Communities.

Section E
Settlement of claims by temporary staff

Article 43 (46)

Articles 40 to 44 of Annex VIII to the Staff Regulations shall apply by analogy.

Section F
Payment of benefits

Article 44 (46)

Articles 81a and 82 of the Staff Regulations and Article 45 of Annex VIII to the Staff Regulations, concerning the payment of benefits, shall apply by analogy.

Any sums due from a member of the temporary staff to the Communities under this insurance scheme at the date when the benefits are payable shall be deducted from the amount of his benefit or from the benefits payable to

those entitled under him in a manner to be determined by the institution referred to in Article 45 of Annex VIII to the Staff Regulations. The deduction may be spread over a number of months.

Section G
Subrogation in favour of the Communities

Article 44a (46)

The provisions of Article 85a of the Staff Regulations, relating to subrogation in favour of the Communities, shall apply by analogy.

Chapter 7
Recovery of overpayments

Article 45 (8)

Article 85 of the Staff Regulations, concerning the recovery of overpayments, shall apply.

Chapter 8
Appeals

Article 46

Title VII of the Staff Regulations, concerning appeals, shall apply by analogy.

Chapter 9
Termination of employment

Article 47 (18) (44) (96)

Apart from cessation on death, the employment of temporary staff shall cease:

(a) at the end of the month in which the servant reaches the age of 65 years; or

(b) where the contract is for a fixed period:

(i) on the date stated in the contract;

(ii) at the end of the period of notice specified in the contract giving the servant or the institution the option to terminate earlier. The period of notice shall not be less than one month per year of service, subject to a minimum of one month and a maximum of three months. For temporary staff whose contracts have been renewed the maximum shall be six 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. 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;

(iii) where the servant no longer satisfies the conditions laid down in Article 12(2), point (a), subject to the possibility of authorising an exception under that provision. Should the exception not be authorised, the period of notice referred to in subpoint (ii) of this point (b) shall apply; or

(c) where the contract is for an indefinite period:

(i) at the end of the period of notice stipulated in the contract; the length of 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; or

(ii) where the servant no longer satisfies the conditions laid down in Article 12(2), point (a), subject to the possibility of authorising an exception under that provision. Should the exception not be authorised, the period of notice referred to in subpoint (i) of this point (c) shall apply.

Article 48 (44) (96)

Employment, whether for a fixed or for an indefinite period, may be terminated by the institution without notice:

(a) during or at the end of the probationary period in accordance with Article 14;

(b) if the servant is unable to resume his duties at the end of a period of paid sick-leave as provided for in Article 16. In such case, the servant shall receive an allowance equal to this basic salary, plus family allowances at the rate of two days per month of service completed.

Article 49 (46) (96)

1. After the disciplinary procedure provided for in Annex IX to the Staff Regulations, which shall apply by analogy, has been followed, employment may be terminated without notice on disciplinary grounds in serious cases of intentional or negligent failure of temporary staff to comply with their obligations. A reasoned decision shall be taken by the authority referred to in the first paragraph of Article 6, after the servant concerned has been given an opportunity of submitting his defence.

Before his employment is terminated, a member of temporary staff may be suspended, in accordance with Articles 23 and 24 of Annex IX to the Staff Regulations, which shall apply by analogy.

2. Where employment is terminated in accordance with paragraph 1, the authority referred to in the first paragraph of Article 6 may decide:

(a) to limit the severance grant provided for in Article 39 to repayment of the contribution provided for in Article 83 of the Staff Regulations, plus compound interest at the rate of 3.5% per annum;

(b) to withhold in whole or in part the resettlement allowance provided for in Article 24(2).

Article 50 (46) (96)

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 deter- mining factor in his being engaged.

2. In such cases the authority referred to in the first paragraph of Article 6 shall, after hearing the servant concerned, and after the disciplinary procedure provided for in Annex IX to the Staff Regulations, which shall apply by analogy, has been followed, declare that his employment is terminated.

Before his employment is terminated, a member of temporary staff may be suspended in accordance with Articles 23 and 24 of Annex IX to the Staff Regulations, which shall apply by analogy.

The provisions of Article 49(2) shall apply.

Article 50a (46)

Without prejudice to Articles 49 and 50, any intentional or negligent failure by a member of the temporary staff or of a former member of the temporary staff to comply with his obligations under these conditions of employment shall render him liable to disciplinary action in accordance with Title VI of the Staff Regulations and where applicable Annex IX to the Staff Regulations, the provisions of which shall apply by analogy.

Title III
Auxiliary staff

Chapter 1: General provisions

Article 51(96)

The contracts of auxiliary staff shall be concluded for a fixed period; they shall be renewable.

Article 52 (91) (96)

The actual period of employment of auxiliary staff, including any period of renewal, shall not exceed three years or extend beyond 31 December 2007. No new auxiliary staff may be engaged after 31 December 2006.

Article 53 (77) (96)

Auxiliary staff shall be devided into four categories, subdivided into groups corresponding to the duties to be performed.

Within each group, auxiliary staff shall be graded in four classes. This grading shall take account of the qualifications and experience of the persons concerned.

The basic posts and corresponding groups are as shown in the following table:

Category	Group	Post
A	I	Researcher with a high degree of experience in one of more fields; Experienced reviser of translations; Interpreter with special experience.
	II	Researcher with some degree of experience; Reviser of translations; Experienced translator or interpreter.
	III	Researcher; Translator or interpreter.
B	IV	Staff doing difficult work (drafting, correcting, bookkeeping or of a technical nature).
	V	Staff doing simple work (drafting, bookkeeping or of a technical nature).
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.

Article 1d of the Staff Regulations concerning equality of treatment for officials shall apply by analogy.

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 Communtities 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) (96)

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 except Article 55a(2)(d) and (e).

Article 58

Auxiliary staff shall be entitled to paid leave at the rate of two working days per month of service; any period of less than 15 days' or half a month's service shall carry no leave entitlement.

Where it has not been possible, owing to the requirements of the service, for a member of the auxiliary staff to be given leave as provided for in the preceding paragraph during his employment, any days of leave not taken shall be paid for as extra days worked.

In addition to such leave, a member of the auxiliary staff may, in exceptional circumstances and at his own request, be granted special leave in accordance with rules laid down by the institution on the basis of the principles set out in Article 57 of the Staff Regulations and in Article 6 of Annex V to the Staff Regulations.

Article 59 (46)

Article 16, concerning sick-leave, shall apply to auxiliary staff. Paid sick-leave shall not, however, exceed one month or the length of time worked by a member of the auxiliary staff, where the latter period is longer. Article 58 of the Staff Regulations, concerning maternity leave, shall apply by analogy.

Article 60

Articles 60 and 61 of the Staff Regulations, concerning unauthorized absence and public holidays, shall apply by analogy.

Chapter 5
Remuneration and expenses

Article 61

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

Auxiliary staff shall remain throughout the term of their contact in the salary class specified in their contract.

Article 62

Auxiliary staff shall be paid by the day or by the month.

In the case of auxiliary staff paid by the day, only days actually worked shall be paid.

Article 63

(1) (2) (4) (5) (9) (11) (12) (13) (19) (20) (23) (27) (30) (31) (32) (35) (36) (37) (38) (41) (42) (43) (45) (47) (48) (49) (53) (54) (56) (57) (58) (59)(60) (65) (66)(68)(70)(71)(72)(74)(76)(78)(80) (81) (84)(87)(89)(90)(92)(93)(95)

The scale of basic salaries shall be provided for in the following table:

1.01.20004		**Classes**			
Catégories	**Groupes**	**1**	**2**	**3**	**4**
A	**I**	5.970,70	6.710,28	7.449,86	8.189,44
	II	4.333,44	4.755,70	5.177,96	5.600,22
	III	3.641,57	3.803,78	3.965,99	4.128,20
B	**IV**	3.498,21	3.840,67	4.183,13	4.525,59
	V	2.747,79	2.928,92	3.110,05	3.291,18
C	**VI**	2.613,34	2.767,19	2.921,04	3.074,89
	VII	2.339,03	2.418,62	2.498,21	2.577,80
D	**VIII**	2.114,12	2.238,63	2.363,14	2.487,65
	IX	2.035,98	2.064,34	2.092,70	2.121,06

Article 63a (34)

The provisions of Article 66a of the Staff Regulations shall apply by analogy.

Article 64

Articles 63, 64 and 65 of the Staff Regulations, concerning the currency in which remuneration is to be expressed and adjustments to such remuneration, shall apply by analogy.

Article 65 (10) (24) (96)

With the exception of Article 67(1)(c), Article 67 and Article 69 of the Staff Regulations and Articles 1, 2 and 4 of Annex VII to the Staff Regulations, concerning the payment of family and expatriation allowances, shall apply by analogy.

Article 66 (96)

Where a servant is paid by the day, the remuneration due for each day's work payable shall be one twentieth of the monthly remuneration. Remuneration shall be paid at the end of the current week.

Article 67 (96)

Articles 7, 11, 12, 13 and 13a 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.

Article 68 (96)

In the case of servants paid by the month, the remuneration shall be paid no later than the last working day of the month.

Where remuneration is not due in respect of a complete month, the amount shall be divided into 30ths, and

(a) where the actual number of days payable is 15 or less, the number of 30ths due shall equal the actual number of days payable;

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

Where entitlement to family allowances and the expatriation allowance commences after the date of entering the service, servants shall receive them from the first day of the month in which such entitlement commences. On cessation of such entitlement, servants shall receive them up to the last day of the month in which entitlement ceases.

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 (96)

1. So that auxiliary staff are insured against sickness, accident, invalidity, unemployment 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 or unemployment insurance 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 (96)

Apart from cessation on death, the employment of auxiliary staff shall cease:

(a) on the date stated in the contract;

(b) at the end of the month in which the servant reaches the age of 65 years;

(c) at the end of the period of notice specified in the contract giving the servant or the institution the option to terminate earlier. The period of notice shall not be less than one month per year of service, subject to a minimum of one month and 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. 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;

(d) where the servant no longer satisfies the conditions laid down in Article 55(1), point (a), subject to the possibility of authorising an exception under that provision. Should the exception not be authorised, the period of notice referred to in point (c) of this Article shall apply.

Article 75 (96)

The employment of auxiliary staff:

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)(d). However, his contract may be terminated only if he is entitled to an invalidity allowance;

(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 (86) (96)

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.

The same conditions of recruitment and remuneration applied to conference interpreters engaged by the European Parliament shall apply to auxiliary staff engaged by the Commission as conference interpreters on behalf of the Community institutions and bodies.

The provisions of this Article shall apply until 31 December 2006, the date from which the staff concerned shall be subject to the conditions laid down according to the procedure referred to in Article 90.

Title IV: Contract staff

Chapter 1
General provisions

Article 79 (96)

1. Contract staff shall be paid from the total appropriations for the purpose under the section of the budget relating to the institution.

2. Each institution shall adopt general implementing provisions governing the use of contract staff in accordance with Article 110 of the Staff Regulations, as necessary.

3. The Commission shall provide a yearly report on the use of contract staff including numbers of staff, level and type of posts, geographical balance and budgetary resources per function group.

4. The institutions, agencies and other entities using contract staff shall provide indicative yearly forecasts for the use of contract staff per function group in the context of the budget procedure.

Article 80 (96)

1. Contract staff shall be subdivided into four function groups corresponding to the duties to be performed. Each function group shall be subdivided into grades and steps.

2. The types of duties and corresponding function groups shall be as shown in the following table:

Function group	Grades	Duties
IV	13 to 18	Administrative, advisory, linguistic and equivalent technical tasks, performed under the supervision of officials or temporary staff.
III	8 to 12	Executive tasks, drafting, accountancy and other equivalent technical tasks, performed under the supervision of officials or temporary staff.
II	4 to 7	Clerical and secretarial tasks, office management and other equivalent tasks, performed under the supervision of officials or temporary staff.
I	1 to 3	Manual and administrative support service tasks, performed under the supervision of officials or temporary staff.

3. Based on this table each institution or body referred to in Article 3a shall, after consulting the Staff Regulations Committee, define the powers attaching to each type of duties.

4. Article 1e of the Staff Regulations, on measures of a social nature and working conditions shall apply by analogy.

Chapter 2
Rights and obligations

Article 81(96)

Article 11 shall apply by analogy.

Chapter 3
Conditions of engagement

Article 82 (96)

1. Contract staff shall be selected on the broadest possible geographical basis from among nationals of Member States and without distinction as to racial or ethnic origin, political, philosophical or religious beliefs, age or disability, gender or sexual orientation and without reference to their marital status or family situation.

2. Recruitment as a member of the contract staff shall require at least:

(a) in function group I, successful completion of compulsory education;

(b) in function groups II and III:

(i) a level of post-secondary education attested by a diploma, or

(ii) a level of secondary education attested by a diploma giving access to post-secondary education, and appropriate professional experience of at least three years, or

(iii) where justified in the interest of the service, professional training or professional experience of an equivalent level;

(c) in function group IV:

(i) a level of education which corresponds to completed university studies of at least three years attested by a diploma, or

(ii) where justified in the interest of the service, professional training of an equivalent level.

3. A member of the contract staff may be engaged only on condition that he:

(a) is a national of one of the Member States, unless an exception is authorised by the authority referred to in the first paragraph of Article 6, and enjoys his full rights as a citizen;

(b) has fulfilled any obligations imposed on him by the laws concerning military service;

(c) produces the appropriate character references as to his suitability for the performance of his duties;

(d) is physically fit to perform his duties; and

(e) produces evidence of a thorough knowledge of one of the languages of the Community and of a satisfactory knowledge of another language of the Community to the extent necessary for the performance of his duties.

4. In the initial contract, 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 fulfils the conditions in points (a), (b) and (c) of paragraphs 2 and 3 where his engagement is for not more than three months.

5. The European Communities Personnel Selection Office shall, at their request, provide assistance to the different institutions with a view to the selection of contract staff, in particular by defining the contents of the tests and organising the selection procedures. The Office shall ensure the transparency of selection procedures for contract staff.

6. Each institution shall adopt general provisions on the procedures for engagement of contract staff in accordance with Article 110 of the Staff Regulations, as necessary.

Article 83 (96)

Before being engaged, a member of the contract 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 82(3)(d).

Article 33 of the Staff Regulations shall apply by analogy.

Article 84 (96)

1. A member of the contract staff whose contract is concluded for a duration of at least one year shall serve a probationary period for the first six months of his period of employment if he is in function group I and the first nine months if he is in any other function group.

2. Where during his probationary period a member of the contract staff is prevented by sickness or accident from performing his duties for one month or more, the authority referred to in the first paragraph of Article 6 may extend his probationary period by the corresponding length of time.

3. Not less than one month before the expiry of the probationary period, a report shall be made on the ability of the member of the contract staff to perform the duties pertaining to his post and also on his conduct and efficiency in the service. The report shall be communicated to the person concerned, who shall have the right to submit his comments in writing. A member of the contract staff whose work has not proved adequate to justify retention in his function shall be dismissed. However, the authority referred to in the first paragraph of Article 6 may, in exceptional circumstances, extend the probationary period for a maximum of six months, and possibly assign the member of the contract staff to another department.

4. A report on the probationary member of the contract staff may be made at any time during the probationary period if his work is proving obviously inadequate. The report shall be communicated to the person concerned, who shall have the right to submit his comments in writing. On the basis of the report, the authority referred to in the first paragraph of Article 6 may decide to dismiss the member of the contract staff before the end of the probationary period by giving him one month's notice.

5. A dismissed member of the contract staff shall be entitled to compensation equal to one third of his basic salary per month of probation completed.

Chapter 4
Special provisions for members of the contract staff referred to in Article 3a

Article 85 (96)

1. The contracts of contract staff referred to in Article 3a may be concluded for a fixed period of at least three months and not more than five years. They may be renewed not more than once for a fixed period of not more than five years. The initial contract and the first renewal must be of a total duration of not less than six months for function group I and not less than nine months for the other function groups. Any further renewal shall be for an indefinite period.

Periods covered by a contract as a member of the contract staff referred to in Article 3b shall not be counted for the purposes of the conclusion or renewal of contracts under this Article.

2. By way of derogation from the last sentence of the first sub-paragraph of paragraph 1, the Appointing Authority may decide that only the fourth renewal of a contract for a member of function group I shall be for an indefinite period, provided that the total duration of his engagement for a fixed period does not exceed ten years.

3. Contract staff in function group IV shall before renewal of a contract for an indefinite period be required to demonstrate the ability to work in a third language among those referred to in Article 314 of the EC Treaty. The common rules on access to training and the modalities of the assessment mentioned in Article 45(2) of the Staff Regulations shall apply by analogy.

4. Contract staff must have served a probationary period in accordance with Article 84 before renewal of a contract for an indefinite duration.

Article 86 (96)

1. Contract staff referred to in Article 3a shall only be recruited

(i) in grades 13, 14, or 16 for function group IV,

(ii) in grades 8, 9 or 10 for function group III,

(iii) in grades 4 or 5 for function group II,

(iv) in grade 1 for function group I.

The grading of such contract staff within each function group shall take account of the qualifications and experience of the persons concerned. To address specific needs of the institutions, labour market conditions prevailing in the Community may also be taken into account. Within their grade, such contract staff shall be recruited in the first step.

2. Where a member of the contract staff referred to in Article 3a moves to a new post within a function group, he shall not be classified in a lower grade or step than in his former post.

Where a member of such contract staff moves to a higher function group, he shall be classified at a grade and step such that his remuneration is at least equal to that to which he was entitled under the preceding contract.

The same provisions shall apply where the member of such contract staff concludes a new contract with an institution or body immediately following a preceding contract for such contract staff with a different institution or body

Article 87 (96)

1. The first paragraph of Article 43 of the Staff Regulations, concerning reports, shall apply by analogy to contract staff referred to in Article 3a engaged for a period of not less than one year.

2. A member of the contract staff referred to in Article 3a who has been at one step in his grade for two years shall automatically advance to the next step in that grade.

3. In the case of contract staff referred to in Article 3a, classification in the next higher grade in the same function group shall be by decision of the authority referred to in the first paragraph of Article 6. It shall be effected by classifying such contract staff in the first step of the next higher grade. Such advancement shall be exclusively by selection from among contract staff referred to in Article 3a with a contract of at least three years who have completed a minimum period of two years in their grade, after consideration of the comparative merits of such contract staff eligible for advancement to a higher grade and of the reports on them. The last sentence of Article 45(1) of the Staff Regulations shall apply by analogy.

4. A member of the contract staff referred to in Article 3a may change to a higher function group only through participation in a general selection procedure.

Chapter 5
Special provisions for members of the contract staff referred to in Article 3b

Article 88 (96)

In the case of contract staff referred to in Article 3b:

(a) contracts shall be concluded for a fixed period; they shall be renewable;

(b) the actual period of employment within an institution, including any period under renewal, shall not exceed three years.

Periods covered by a contract as a member of the contract staff referred to in Article 3a shall not be counted for the purposes of the conclusion or renewal of contracts under this Article.

Article 89 (96)

1. Contract staff referred to in Article 3b may be recruited to any grade of function groups II, III and IV as referred to in Article 80, taking into account the qualifications and experience of the persons concerned. To address specific needs of the institutions, labour market conditions prevailing in the Community may also be taken into account. Within their grade, such contract staff shall be recruited in the first step.

2. A member of the contract staff referred to in Article 3b who has been at one step in his grade for two years shall automatically advance to the next step in that grade.

Article 90 (96)

By way of derogation from the provision of this title, conference interpreters engaged by the European Parliament or engaged by the Commission on behalf of the Community institutions and bodies shall be subject to the conditions laid down in the Agreement of 28 July 1999 between the European Parliament, the Commission and the Court of Justice, on behalf of the institutions, on the one hand, and the associations representing the profession, on the other.

Amendments to that Agreement required by the entry into force of Council Regulation (EC, Euratom) No …/2004 [(1)] shall be adopted before 31 December 2006 in accordance with the procedure laid down in Article 78. Amendments to that Agreement after 31 December 2006 shall be adopted by agreement between institutions.

Chapter 6
Working conditions

Article 91 (96)

Articles 16 to 18 shall apply by analogy.

Chapter 7
Remuneration and expenses

Article 92 (96)

Articles 19 to 27 shall apply by analogy subject to the amendments set out in Articles 93 and 94.

Article 93 (96)

The scale of basic salaries shall be as provided for in the following table:

(1) This Regulation was adopted by the Council on 22 March 2004. A reference to publication in the Official Journal can be found on the Internet: http://europa.eu.int/eur-lex/

		Step						
	Grade	1	2	3	4	5	6	7
FG iV	18	5.109,81	5.216,07	5.324,55	5.435,28	5.548,31	5.663,69	5.781,47
	17	4.516,18	4.610,10	4.705,97	4.803,84	4.903,74	5.005,71	5.109,81
	16	3.991,52	4.074,53	4.159,26	4.245,75	4.334,05	4.424,18	4.516,18
	15	3.527,81	3.601,17	3.676,06	3.752,51	3.830,54	3.910,20	3.991,52
	14	3.117,97	3.182,81	3.249,00	3.316,56	3.385,53	3.455,94	3.527,81
	13	2.755,74	2.813,05	2.871,55	2.931,26	2.992,22	3.054,45	3.117,97
FG III	12	3.527,75	3.601,11	3.676,00	3.752,44	3.830,47	3.910,12	3.991,43
	11	3.117,94	3.182,78	3.248,96	3.316,52	3.385,49	3.455,89	3.527,75
	10	2.755,74	2.813,04	2.871,54	2.931,25	2.992,21	3.054,43	3.117,94
	9	2.435,61	2.486,26	2.537,96	2.590,73	2.644,61	2.699,60	2.755,74
	8	2.152,67	2.197,43	2.243,13	2.289,77	2.337,39	2.385,99	2.435,61
FG II	7	2.435,55	2.486,20	2.537,91	2.590,70	2.644,59	2.699,59	2.755,74
	6	2.152,56	2.197,33	2.243,03	2.289,68	2.337,31	2.385,92	2.435,55
	5	1.902,45	1.942,02	1.982,41	2.023,64	2.065,73	2.108,70	2.152,56
	4	1.681,40	1.716,37	1.752,07	1.788,51	1.825,71	1.863,69	1.902,45
FG I	3	2.071,35	2.114,34	2.158,22	2.203,01	2.248,73	2.295,40	2.343,04
	2	1.831,16	1.869,17	1.907,96	1.947,56	1.987,98	2.029,24	2.071,35
	1	1.618,83	1.652,43	1.686,72	1.721,73	1.757,46	1.793,93	1.831,16

Article 94 (96)

Notwithstanding Article 24(3), the installation allowance provided for in paragraph 1 and the resettlement allowance provided for in paragraph 2 of that Article shall not be less than:

– EUR 734,76 for a member of the contract staff who is entitled to the household allowance; and

– EUR 435,62 for a member of the contract staff who is not entitled to the household allowance.

Chapter 8
Social security benefits

Section A: Sickness and accident insurance, social security benefits

Article 95 (96)

Article 28 shall apply by analogy. However, Article 72(2) and (2a) of the Staff Regulations shall not apply to a member of the contract staff who has remained in the service of the Community until the age of 63, unless he has been employed for more than 3 years as a member of such staff.

Article 96 (96)

1. A former member of the contract staff who becomes unemployed when his service with an institution of the Community is terminated, and:

(a) who is not in receipt of a retirement pension or invalidity allowance from the Community,

(b) whose service is not terminated by resignation or by cancellation of the contract for disciplinary reasons,

(c) who has completed a minimum of six months' service,

(d) who is resident in a Member State,

shall be eligible for a monthly unemployment allowance under the conditions laid down below.

Where he is entitled to unemployment benefits under a national scheme, he shall be obliged to declare this to the institution to which he belonged, which shall immediately inform the Commission thereof. In such cases, the amount of those benefits shall be deducted from the allowance paid under paragraph 3.

2. To be eligible for this unemployment allowance, a former member of the contract staff shall:

(a) be registered, at his own request, as seeking employment with the employment authorities of the Member State in which he establishes his residence;

(b) fulfil the obligations laid down by the law of that Member State for persons in receipt of unemployment benefits under that law;

(c) forward every month to the institution to which he belonged, which shall immediately forward it to the Commission, a certificate issued by the competent national employment authority stating whether or not he has fulfilled the obligations and conditions referred to in (a) and (b).

The allowance may be granted or maintained by the Community, even where the national obligations referred to under (b) have not been fulfilled, in cases of illness, accident, maternity, invalidity or a situation recognised as being similar or where the national authority, competent to meet those obligations, has given a dispensation.

The Commission shall, after obtaining the opinion of a committee of experts, lay down such provisions as it deems necessary for applying this Article.

3. The unemployment allowance shall be set by reference to the basic salary attained by the former member of the contract staff at the time of the termination of his service. The allowance shall be set at:

(a) 60% of the basic salary for an initial period of 12 months,

(b) 45% of the basic salary for the 13th to the 24th month,

(c) 30% of the basic salary for the 25th to the 36th month.

Other than during an initial six-month period, in which the lower limit specified below is applicable but the upper limit is not, the amounts thus calculated may neither be less than EUR 878,64 nor exceed EUR 1 757,28. These limits shall be adjusted, in the same way as the salary scales set out in Article 66 of the Staff Regulations, in accordance with Article 65 of the Staff Regulations.

4. The period during which the unemployment allowance is payable to a former member of the contract staff may not be more than 36 months from the date of termination of service and shall in no case exceed the equivalent of one third of the actual length of service completed. However, if, during that period, the former member of the contract staff ceases to fulfil the conditions laid down in paragraphs 1 and 2, payment of the unemployment allowance shall be suspended. Payment shall be resumed if, before the expiry of that period, the former member of the contract staff again fulfils the said conditions and is not entitled to national unemployment benefit.

5. A former member of the contract staff who is eligible for the unemployment allowance shall be entitled to the family allowances provided for in Article 67 of the Staff Regulations. The household allowance shall be calculated on the basis of the unemployment allowance under the conditions laid down in Article 1 of Annex VII to the Staff Regulations.

The person concerned shall be obliged to declare any allowances of the same kind paid from other sources to himself or to his spouse; such allowances shall be deducted from those to be paid on the basis of this Article.

A former member of the contract staff who is eligible for the unemployment allowance shall be entitled, as provided for in Article 72 of the Staff Regulations, to insurance cover against sickness without having to make any contribution.

6. The unemployment allowance and family allowances shall be paid by the Commission in euro. No correction coefficient shall be applicable.

7. Members of the contract staff shall contribute one third of the financing of the unemployment insurance scheme. That contribution shall be set at 0,81% of the basic salary of the person concerned after deducting a standard allowance of EUR 798,77 and without taking account of the correction coefficients provided for in Article 64 of the Staff Regulations. The contribution shall be deducted each month from the salary of the person concerned and paid, together with the remaining two thirds to be borne by the institution, into a Special Unemployment Fund. This Fund shall be common to the institutions and the latter shall pay their contributions to the Commission each month, no later than eight days after the payment of remunerations. All expenditure arising out of the application of this Article shall be authorised and paid by the Commission in accordance with the provisions of the Financial Regulation governing the general budget of the European Communities.

8. Unemployment allowances paid to former members of the contract staff who are unemployed shall be subject to Council Regulation (EEC, Euratom, ECSC) No 260/68.

9. The national departments with responsibility for employment and unemployment, acting in accordance with their national legislation, and the Commission shall cooperate with each other in an effective manner in order to ensure that this Article is properly applied.

10. The detailed arrangements adopted on the basis of Article 28a(10) shall be applicable for this Article, without prejudice to the provisions of the third subparagraph of paragraph 2 of this Article.

11. One year after the introduction of this unemployment insurance scheme and every two years thereafter, the Commission shall present the Council with a report on the financial situation of the scheme. Independently of this report, the Commission may present to the Council proposals for adjusting the contributions provided for in paragraph 7 if this is necessary in the interests of the balance of the scheme. The Council shall act on the proposals in accordance with paragraph 3.

Article 97 (96)

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

Article 98 (96)

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

Section B: Insurance against the risk of invalidity and death

Article 99 (96)

Contract staff shall be insured in accordance with the following provisions against the risk of death or invalidity occurring during their employment.

The payments and benefits provided for in this Section shall be suspended if the remuneration which a member of such staff receives in respect of his employment is suspended under these conditions of employment.

Article 100 (96)

Where the medical examination made before a member of the contract staff 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 grant him guaranteed benefits in respect of invalidity or death only after a period of five years from the date of his entering the service of the institution.

The contract staff member may appeal against this decision to the Invalidity Committee provided for in paragraph 1(b) of Article 9 of the Staff Regulations.

Article 101 (96)

1. A member of the contract staff who is suffering from total invalidity and who, for that reason, is obliged to suspend employment with the institution shall be entitled, for as long as the invalidity lasts, to an invalidity allowance, the amount of which shall be determined as follows.

Article 52 of the Staff Regulations shall apply by analogy to recipients of an invalidity allowance. If the recipient of an invalidity allowance retires before the age of 65 without having reached the maximum pension entitlement, the general rules on retirement pensions shall be applied. The amount of the retirement pension shall be based on the salary for the grade and step occupied by the member of the contract staff when he became an invalid.

2. The invalidity allowance shall be 70% of the final basic salary of the member of the contract staff. However, it shall not be less than the basic monthly salary of a member of the contract staff in function group I, grade 1, step 1. The invalidity allowance shall be subject to contributions to the pension scheme, calculated on the basis of that allowance.

3. Where the invalidity of the contract staff member 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 life and limb to save another human being, the invalidity allowance shall not be less than 120% of the basic monthly salary of a function group I, grade 1, step 1 contract staff member. In such cases the pension contributions shall be borne by the budget of the former employer.

4. In the case of invalidity deliberately brought about by the contract staff member, the authority referred to in the first paragraph of Article 6 may decide that he should receive only the grant provided for in Article 109.

5. Persons entitled to an invalidity allowance shall also be entitled to the family allowances provided for in Article 67 of the Staff Regulations in accordance with Annex VII to the Staff Regulations; the household allowance shall be determined on the basis of the recipient's allowance.

Article 102 (96)

1. Invalidity shall be established by the Invalidity Committee provided for in point (b) of Article 9(1) of the Staff Regulations.

2. Entitlement to an invalidity allowance shall take effect on the day following that on which the contract staff member's employment is terminated under Articles 47 and 48, which are applicable by analogy.

3. The institution referred to in Article 40 of Annex VIII to the Staff Regulations may require periodic examinations of the recipient of an invalidity allowance to establish that he still fulfils the conditions for payment of that allowance. If the Invalidity Committee finds that these conditions are no longer fulfilled, the contract staff member shall resume service with the institution, providing his contract has not expired.

However, if it proves impossible to employ the person concerned in the service of the Communities, the contract may be terminated subject to payment of an amount corresponding to the remuneration that would have been paid during the period of notice and, where applicable, to the compensation for termination of contract provided for in Article 47. Article 109 shall also apply.

Article 103 (96)

1. The persons entitled under a deceased contract staff member, as defined in Chapter 4 of Annex VIII to the Staff Regulations, shall be entitled to a survivor's pension as provided for in Articles 104 to 107.

2. In the event of the death of a former contract staff member in receipt of an invalidity allowance or a former contract staff member who is in receipt of a retirement pension or who leaves the service before reaching 63 years of age and requests that his retirement pension be deferred until the first day of the calendar month following that in which he reached 63 years of age, the persons entitled under the deceased former contract staff member, as defined in Chapter 4 of Annex VIII to the Staff Regulations, shall be entitled to a survivor's pension as provided for in that Annex.

3. Where the whereabouts of a contract staff member or of a former contract staff member in receipt of an invalidity allowance or retirement pension, or of a former contract staff member who leaves the service before reaching 63 years of age and requests that his retirement pension be deferred until the first day of the calendar month following that in which he reaches 63 years of age, are unknown for more than one year, the provisions of Chapters 5 and 6 of Annex VIII to the Staff Regulations dealing with provisional pensions shall apply by analogy to his spouse and to persons recognised as his dependants.

Article 104 (96)

The right to receive payment of pension shall have effect from the first day of the month following that in which death occurs or, where applicable, on the first day of the month following the period during which the deceased's surviving spouse, orphans or dependants receive his emoluments under Article 70 of the Staff Regulations.

Article 105 (96)

The surviving spouse of a contract staff member shall be entitled to a survivor's pension in accordance with Chapter 4 of Annex VIII to the Staff Regulations. The pension shall not be less than 35% of the final basic monthly salary received by the contract staff member, nor less than the basic monthly salary of contract staff in function group I, grade 1, step 1. Where a contract staff member dies, the amount of the survivor's pension shall be increased to 60% of the retirement pension which the contract staff member would have been paid if he had qualified, irrespective of length of service or of age, for such pension at the time of death.

A person drawing a survivor's pension shall be entitled, on 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 double that provided for in Article 67(1)(b) of the Staff Regulations.

Article 106 (96)

1. Where a contract staff member or person entitled to a retirement pension or invalidity allowance 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.

2. 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.

3. Where a contract staff member or a person entitled to a retirement pension or invalidity allowance dies but the conditions set out in paragraph 1 are not satisfied, the provisions of the third paragraph of Article 80 of the Staff Regulations shall apply.

4. In the event of the death of a former member of the contract staff who leaves the service before reaching 63 years of age and requests that his retirement pension be deferred until the first day of the calendar month following that in which he reaches 63 years of age, children deemed to be his dependants in accordance with Article 2 of Annex VII to the Staff Regulations shall be entitled to an orphan's pension on the same terms as those set out respectively in the foregoing paragraphs.

5. The orphan's pension of a person treated as a dependent child as defined in Article 2(4) of Annex VII to the Staff Regulations may not exceed twice the dependent child allowance. However, entitlement to the pension shall cease if a third party is liable for maintenance under the national laws applicable.

6. No orphan's pension shall be payable where a natural parent who has been replaced by an adoptive parent dies.

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

Article 107 (96)

In the case of divorce or where there is more than one category of survivor who qualifies to claim survivor's pension, such pension shall be apportioned in the manner provided for in Chapter 4 of Annex VIII to the Staff Regulations.

Article 108 (96)

The rules relating to ceilings and apportionment set out in Article 81a of the Staff Regulations shall apply by analogy.

Section C
Retirement pension and severance grant

Article 109 (96)

1. On leaving the service, contract staff shall be entitled to a retirement pension, transfer of the actuarial equivalent or the payment of a severance grant in accordance with Chapter 3 of Title V of, and Annex VIII to, the Staff Regulations. Where the contract staff member is entitled to a retirement pension, his pension rights shall not cover periods corresponding to contributions paid under Article 112 of these Conditions of Employment.

2. Article 11(2) and (3) of Annex VIII of the Staff Regulations shall be applicable by analogy to contract staff.

3. A person who becomes entitled to a retirement pension shall be entitled, if he has been employed for more than three years as a member of the contract staff, to the family allowances provided for in Article 67 of the Staff Regulations; the household allowance shall be calculated on the basis of the recipient's pension.

Article 110 (96)

1. If a member of the contract staff is appointed an official or temporary servant of the Communities, he shall not receive the grant provided for in Article 109(1).

Any period of service on the contract staff of one the 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.

2. Where the institution has exercised the option provided for in Article 112, the contract staff member's retirement pension rights shall be reduced proportionately in respect of the period in which the sums were withdrawn.

3. The preceding paragraph shall not apply to a contract staff member who, in the three months following application of the Staff Regulations to him, asks to be allowed to repay such sums plus compound interest at the rate of 3,5% per year, which may be revised following the procedure laid down in Article 12 of Annex XII to the Staff Regulations.

Section D
Funding of the invalidity and life assurance scheme and of the pension scheme

Article 111 (96)

As regards the funding of the social security scheme provided for in Sections B and C, the provisions of Articles 83 and 83a of the Staff Regulations and Articles 36 and 38 of Annex VIII thereto shall apply by analogy.

Article 112 (96)

In accordance with conditions to be laid down by the institution, a member of the contract staff may request the institution to effect any payments which he is required to make in order to constitute or maintain pension rights, unemployment insurance, invalidity insurance, life insurance and sickness insurance in the country where he has last been covered by such schemes. During the period of these contributions, the contract staff member shall not benefit from the Community sickness insurance scheme. Moreover, for the period corresponding to these contributions, the contract staff member shall not be covered by the Community life assurance and invalidity schemes and shall not acquire rights under the Community unemployment insurance and pension schemes.

The actual period of such payments for any contract staff member shall not exceed 6 months. However, the institution may decide to extend this period to one year. The payments shall be charged to the budget of the Communities. Payments to constitute or maintain pension rights shall not exceed twice the rate provided for in Article 83(2) of the Staff Regulations

Section E
Settlement of claims by contract staff

Article 113 (96)

Articles 40 to 44 of Annex VIII to the Staff Regulations shall apply by analogy.

Section F
Payment of benefits

Article 114 (96)

1. Articles 81a and 82 of the Staff Regulations and Article 45 of Annex VIII thereto, concerning the payment of benefits, shall apply by analogy.

2. Any sums due from a contract staff member to the Communities under this insurance scheme at the date when the benefits are payable shall be deducted from the amount of his benefit or from the benefits payable to those entitled under him in a manner to be determined by the institution referred to in Article 45 of Annex VIII to the Staff Regulations. The deduction may be spread over a number of months.

Section G
Subrogation in favour of the Community

Article 115 (96)

The provisions of Article 85a of the Staff Regulations, relating to subrogation in favour of the Community, shall apply by analogy.

Chapter 9
Recovery of undue payment

Article 116 (96)

The provisions of Article 85 of the Staff Regulations on the recovery of undue payment shall apply.

Chapter 10
Appeals

Article 117 (96)

The provisions of Title VII of the Staff Regulations on appeals shall apply by analogy.

Chapter 11
Special and exceptional provisions applicable to members of the contract staff serving in a third country

Article 118 (96)

The provisions of Articles 6 to 16 and 19 to 25 of Annex X to the Staff Regulations shall apply by analogy to contract staff serving in third countries. However, Article 21 of that Annex shall only apply if the contract is for not less than one year.

Chapter 12
Termination of employment

Article 119 (96)

Articles 47 to 50a shall apply by analogy to contract staff.

In the event of disciplinary proceedings against a contract staff member, the Disciplinary Board referred to in Annex IX to the Staff Regulations and in Article 49 of these Conditions of Employment shall meet with two additional members from the same function group and grade as the contract staff member concerned. These two additional members shall be appointed according to an ad hoc procedure agreed upon by the authority referred to in the first paragraph of Article 6 of these Conditions of Employment and the Staff Committee.

Title V: Local staff

Article 120

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 121

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 122 (69) (96)

Any dispute between the institution and a member of the local staff serving in a third country shall be submitted to an arbitration board on the conditions defined in the arbitration clause contained in the local staff member's contract.

Title VI
Special advisers (18) (96)

Article 123 (96)

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 124 (77) (96)

Articles 1c, 1d, 11, 11a, 12 and 12a, the first paragraph of Article 16, Articles 17, 17a, 19, 22, 22a and 22b, 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 VII
Transitional provisions (96)

Article 125 (96)

Without prejudice to the other provisions of the Conditions of Employment, the Annex hereto lays down the transitional provisions applicable to staff engaged under contract covered by these Conditions of Employment.

Title VIII
Final provisions (96)

Article 126 (96)

Subject to Article 127, the general provisions for giving effect to these conditions of employment shall be adopted by each institution after consulting its Staff Committee and the Staff Regulations Committee provided for in Article 10 of the Staff Regulations.

The administration of the institutions of the Communities shall confer for the purpose of securing uniform application of these conditions of employment.

Article 127

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.

Annex (96)
Transitional provisions applicable to the staff covered by the conditions of employment of other servants

Article 1 (96)

1. The provisions of Annex XIII to the Staff Regulations shall apply by analogy to other servants employed on 30 April 2004.

2. For the period from 1 May 2004 to 30 April 2006, in the Conditions of Employment of other servants:

(a) in the first indent of point (b) of Article 3, "assistants function group (AST)" is replaced by "categories B and C";

(b) in the second indent of point (b) of Article 3, "the administrators' function group (AD)" is replaced by "category A", "AD 16 or AD 15" is replaced by "A*16 or A*15" and "AD 15 or AD 14" is replaced by "A*15 or "A*14".

Article 2 (96)

1. In accordance with the Conditions of Employment of other servants, the authority referred to in the first paragraph of Article 6 of the Conditions of Employment shall offer employment of indefinite duration as a member of the contract staff to any person employed by the Communities on 1 May 2004 under a contract of indefinite duration as a local staff member in the European Union or by virtue of national legislation in one of the agencies and entities referred to in Article 3a(1)(b) and (c) of the Conditions of Employment The offer of employment shall be based on an assessment of the tasks to be performed by the servant as a member of the contract staff. The contract concerned shall take effect at the latest on 1 May 2005. Article 84 of the Conditions of Employment shall not apply to such contract.

2. Should the classification of the staff member accepting the offer of a contract result in a reduction in remuneration, the institution may pay an additional amount taking into account current difference between fiscal, social security and pension legislation of the Member State of employment and the relevant provisions applicable to the contract staff member.

3. Each institution shall adopt general provisions for the implementation of paragraph 1 and 2 in accordance with Article 110 of the Staff Regulations, as necessary.

4. A staff member who does not accept the offer referred to in paragraph 1 may retain his contractual relationship with the institution.

Article 3 (96)

For five years after 1 May 2004, local staff or contract staff of the Secretariat General of the Council who had the status of local staff of that Secretariat General before 1 May 2004 may take part in internal competitions of the Council on the same terms as officials and temporary staff of the institution.

Article 4 (96)

Fixed-term contracts of temporary staff covered by Article 2(d) of the Conditions of Employment current on 1 May 2004 may be renewed. Where the contract has already been renewed once, the new contract shall be for an indefinite period. Current contracts for an indefinite period of temporary staff covered by Article 2(d) of the Conditions of Employment shall be unaffected.

Article 5 (96)

1. Former temporary staff who, on 1 May 2004, are unemployed and are covered by the provisions of Article 28a of these Conditions of Employment applicable before 1 May 2004 shall continue to be covered by those provisions until the end of their period of unemployment.

2. Temporary staff whose contract is ongoing on 1 May 2004 may, at their request, be covered by Article 28a of these Conditions of Employment applicable before 1 May 2004. Such a request must be submitted at the latest 30 calendar days after the date on which their temporary staff contract ends."