

EUROCONTROL

European Organisation for the Safety of Air Navigation

STAFF REGULATIONS

governing officials
of the EUROCONTROL Agency

STAFF REGULATIONS

governing officials
of the EUROCONTROL Agency

N.B. Where reference is made to the EUROCONTROL Convention and the Statute of the Agency, "the EUROCONTROL International Convention relating to Co-operation for the Safety of Air Navigation as amended at Brussels in 1981" and "the Statute of the Agency" constituting Annex 1 thereto are meant respectively.

STAFF REGULATIONS GOVERNING OFFICIALS OF THE EUROCONTROL AGENCYChecklist of updates

Updatings (1) to (18) are incorporated in the text of this issue.

Nr. *	Amendments published by Office Notice		Article(s) amended	Effective date
	Nr.	Date		
19	14/90	10.12.90	Article 68, Annex III, Annex IV - Article 6	01.07.89
20	6/91	25.03.91	Article 68, Annex III, Annex IV - Article 6	01.07.89
21	6/91	25.03.91	Article 63, 68, Annex III, Annex IV - Article 6	01.07.90
22	11/91	27.06.91	Appendix IIIa	01.01.91
	21/91	19.12.91	Article 7	01.01.92
	5/92	18.06.92	Article 56	01.01.92
	12/92	09.09.92	Article 68, Annex III, Annex IV - Article 6	01.07.90
23	12/92	09.09.92	Article 63, 68, Annex III, Annex IV Article 6	01.07.91
			Article 65a, Annex VI	31.12.91
			Article 66a	01.10.92
			Article 83.2	01.01.93
24	7/93	12.05.93	Article 63, 68, Annex III, Annex IV Article 6	01.07.92
25	12/93	24.06.93	Annex IV, Articles 11, 12	01.06.93
26	5/94	21.04.94	Article 63, 68, Annex III, Annex IV Article 6	01.07.93
27	22/94	15.11.94	Annex IV, Article 12bis	01.09.94
	24/94	01.12.94	Annex V, Articles 3 and 4	01.01.95
28	11/95	07.06.95	Article 63, 68, Annex III, Annex IV, Art. 6	01.07.94
			Annex V, Article 2, 3 and 4	01.01.95
29	18/95	20.12.95	Annex V, Article 3 and 4	01.01.95
				01.01.96
30	3/96	02.04.96	Article 63, 68, Annex III, Annex IV - Article 6	01.07.95
			Annex V, Article 2, 3 and 4	01.01.96
31	4/97	25.02.97	Article 36, Article 69b, Annex I	01.05.95
32	7/97	10.04.97	Articles 63, 68, Annex III, Annex IV - Article 6, Annex V - Articles 3, 4	01.07.96
			Annex VII	01.05.97
33	11/97	30.04.97		01.05.97
	7/98	07.04.98	Articles 63, 68, Annex III, Annex IV - Article 6, Annex V - articles 3, 4	01.07.97
34	23/98	07.12.98	Amendments to the Staff Regulations resulting from early implementation of the revised Convention: art. 1, 2, 3, 6, 7, 13, 15, 18, 22, 25, 28, 30, 31, 32, 33, 34, 36, 39, 40, 41, 45, 48, 49, 50, 51, 53, 54, 55, 55a, 56, 64,65, 66a, 67, 69a, 72, 78, 82, 83, 89, 91, 92, 93, 100 Annex II a, art. 2, Annex IV, art. 8, 39 Annex VI, art. 1, 2, Appendix I, art. 4	07.12.98
			Annex I, Annex VIII (new)	07.09.98
35	18/98	07.09.98		07.09.98
36	8/99	26.04.99	Articles 63, 68, Annex III, Annex IV, Article 6, Annex V, articles 3, 4	01.07.98
			Transition to the euro : art. 41, 63, 66a, 68, 74, 82	01.01.99
37	2/99	06.01.99	Annex III ; Annex IV, art. 6 Annex V, art. 3,4 ; Annex VII	01.01.99
			Articles 68, Annex III, Annex IV - Article 6, Annex V -articles 3, 4	01.07.99
38	10/00	25.05.00		01.07.99
39	17/00	01.09.00	Annex I, Annex VIII	01.07.00
	6/01	27.04.01	Article 7	27.04.01

* This reference also figures next to the number of the article amended.

UPDATE N° 26
(1/8/06)

Nr. *	Amendments published by Office Notice		Article(s) amended	Effective date
	Nr.	Date		
41	8/01	09.05.01	Article 68, Annex III, Annex IV - Article 6, Annex V - Articles 3, 4	01.07.00
42	17/01	05.11.01	Article 66a, Annex VI - Article 5	05.11.01
43	3/02	06.02.02	<u>Corrigendum</u> Article 68, Annex III, Annex IV - Article 6, Annex V - Articles 3, 4	01.07.00
44	12/02	30.04.02	<u>New Employment Policy</u> Articles 1, 3, 9, 10, 49, 51 ; Annex VII, Article Unique ; Annex IX, Annex X and Annex XI	01.05.02
45	18/02	07.06.02	Article 68, Annex III, Annex IV, Article 6, Annex V, articles 3, 4	01.07.01
46	18/03	15.05.03	Article 68, Annex III, Annex IV, Article 6, Annex V, articles 3, 4	01.07.02
47	29/03	19.12.03	Article 5, Article 69ter, Annex I, Categories A and B	01.01.04
48	3/04	11.03.04	<u>Corrigendum</u> Article 68, Annex III, Annex IV, Article 6, Annex V, articles 3, 4	01.07.02
49	7/04	26.07.04	Article 68, Annex III, Annex IV, Article 6, Annex V, articles 3, 4 Annex VI, Articles 2 and 5	01.07.04
50	24/04	30.11.04	Articles 66a and 83.2 Article 7	01.08.04
51	25/04	06.12.04	Article 83	01.12.04
52	4/05	09.05.05	Article 68, Annex III, Annex IV, Article 6, Annex V, articles 3, 4	01.01.05
53	11/05	20.06.05	<u>Pensions Reform</u> Articles 52, 69, 72, 77, 78, 79 79a, 80, 81, 81a, 82, 83, 83a, 85, 86, 87a Annex II - Sole Article Annex IV - Articles 3, 4, 5, 7, 8, 9, 9a, 11, 12, 13, 14, 15, 16, 17, 17a, 18, 18a, 19, 21, 22, 24, 25, 26, 27, 28, 29, 31, 34, 35, 36, 39, 40, 42, 45, 46 Annex VI - Title, Articles 1 to 5 Annex XII (new) - Articles 1 to 14 Annex XIII (new) - Articles 1 to 6	01.07.05
54	11/06	07.07.06	Article 68, Annex III, Annex IV, Article 6, Annex V, articles 3, 4	01.07.05

* This reference also figures next to the number of the article amended.

CONTENTS

	<u>Articles</u>	<u>Page</u>
TITLE I : GENERAL PROVISIONS	1 - 10a	5
TITLE II : RIGHTS AND OBLIGATIONS OF OFFICIALS	11 - 26	9
TITLE III : CAREER OF OFFICIALS		
Chapter 1 : Recruitment	27 - 36	15
Chapter 2 : Administrative status	37	18
Section 1 : Active employment	38	19
Section 2 : Secondment	39	19
Section 3 : Leave on personal grounds	40	20
Section 4 : Non-active status	41	21
Section 5 : Leave for military service	42	23
Chapter 3 : Reports, Advancement to a higher step and promotion	43 - 46	23
Chapter 4 : Termination of service	47	24
Section 1 : Resignation	48	25
Section 2 : Compulsory resignation	49	25
Section 3 : Retirement in the interests of the service	50	26
Section 4 : Dismissal for incompetence	51	26
Section 5 : Retirement	52 - 53	27
Section 6 : Honorary rank	54	27
TITLE IV : WORKING CONDITIONS OF OFFICIALS		
Chapter 1 : Hours of work	55 - 56	28
Chapter 2 : Leave	57 - 60	29
Chapter 3 : Public holidays	61	30
TITLE V : EMOLUMENTS AND SOCIAL SECURITY BENEFITS OF OFFICIALS		
Chapter 1 : Emoluments		
Section 1 : Remuneration	62 - 69b	31
Section 2 : Expenses	70	35
Section 3 : Flight test allowances	71	35

	<u>Articles</u>	<u>Page</u>
Chapter 2 : Social benefits		
Section 1 : Social security benefits	72 - 76	36
Section 2 : Pensions	77 - 84	39
Section 3 : Application of national schemes	85	42
Section 4 : Severance grant	86	43
Chapter 3 : Recovery of undue payment	87	44
Chapter 4 : Subrogation in favour of the Agency	87a	44
TITLE VI : DISCIPLINARY MEASURES	88 - 91	45
TITLE VII : APPEALS	92 - 93	47
TITLE VIII : TRANSITIONAL AND FINAL PROVISIONS		
Chapter 1 : Transitional provisions	94 - 99	49
Chapter 2 : Final provisions	100 - 103	51
<u>Annexes</u>		
Annex I : Basic posts and corresponding career brackets in each category and in the Language Service as provided for in Article 5 (3) of the Staff Regulations		53
Annex II : Allowance under Articles 41 and 50 of the Staff Regulations		55
Annex IIa : Half-time work		57
Annex III : Scale of basic monthly salaries (Article 66 of the Staff Regulations)		58
Annex IV : Pension scheme		59
Annex V : Determination of the amount and method of levy of the tax on EUROCONTROL staff remuneration.		73
Annex VI : Arrangements for the adjustment of the remuneration and pensions components		76

	<u>Page</u>
Annex VII : Temporary social allowance	76a
Annex VIII : Military Expert Service	76d
Annex IX : Temporary provisions of the Staff Regulations relating to the conversion of limited-term appointments valid on 1.5.2002 into appointments for an unlimited period	76f
Annex X : Special provisions of the Staff Regulations applicable to officials appointed for an undetermined or limited period from 1.5.2002	76g
Annex XI : Provisions of the Staff Regulations relating to the application of Article 51 of the Staff Regulations	76o
Annex XII : Rules for implementing Article 83a of the Staff Regulations	76p
Annex XIII : Transitional measures applicable to officials	76u-z
Appendix I : Coordinating provisions relating to the assignment of officials and servants to authorized Agency posts not falling under the staff regulations governing their original post	
Section 1 : General provisions	77
Section 2 : Inter-regulations secondment for the temporary filling of a post	78
Section 3 : Permanent assignment	80
Section 4 : Transitional provisions	81
Section 5 : Final provisions	82
Appendix II : Transitional provisions having the force of service regulations relating to the amendments to Articles 85 and 86 of the Staff Regulations, and to Articles 84a and 85 of the General Conditions of Employment, approved on 5 July 1978	83
Appendix III : Transitional provisions having the force of service regulations, relating to the basic salary scales provided for in Article 65 of the Staff Regulations and the General Conditions of Employment	84
Annex to Appendix III : Scale of basic monthly salaries provided for in Article 66 of the Service Regulations	86

Appendix IIIa : Exceptional temporary provisions having the force of service regulations relating to the submission of requests for transfer of retirement pension rights as provided for in Article 12 of Annex IV of the Staff Regulations and the General Conditions of Employment

87

TITLE I

GENERAL PROVISIONS

Article 1 (34) (44)

1. For the purpose of these Staff Regulations, 'official of the Agency' means any person who has been appointed, as provided in these Staff Regulations, to an established post on the staff of the Agency by an instrument issued by the Director General.
2. All provisions of the Staff Regulations shall apply to officials appointed before 1.5.2002, with the exception of the provisions of Annex X.

Officials appointed for a limited or undetermined period after 1.5.2002 shall be subject to all provisions of the Staff Regulations with the exception of those in respect of which there is a derogation or which are supplemented by the provisions of Annex X.

Article 2 (34)

The Director General is empowered to make all appointments to all posts. However, the appointment of officials to Grades A1 and A2 are subject to adoption by the Provisional Council and approval by the Permanent Commission.

Article 3 (34) (44)

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

Article 4

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

Article 5 (47)

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

Category A shall comprise eight grades, involving administrative and advisory duties which require university education or equivalent professional experience. Grades A5, A6 and A7 shall constitute a single career bracket.

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

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

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

2. Posts of translators and interpreters shall be grouped in a Language Service designated by the letters L/A, comprising six grades equivalent to Grades 3 to 8 of Category A and divided into career brackets ordinarily containing two grades each.
3. Posts of EUROCONTROL military experts shall be grouped in a Military Expert Service, comprising four grades equivalent to Grades 3 to 6 of Category A and divided into three distinct career brackets. Specific conditions of employment for this Service are set out in Annex VIII of the present Staff Regulations.
4. Posts of air traffic flow controllers shall be grouped in an Air Traffic Flow Controller Service. The basic posts within this Service shall be divided into two categories, A and B. The grades relating to these posts shall be divided into several distinct career brackets.
5. A table showing basic posts and corresponding career brackets is given in Annex I.

By reference to this table, the Director General shall define the duties and powers attaching to each type of post.

Article 6 (34)

The list of posts appended to the budget of the Agency shall indicate, for each category and each service, the number of posts in each grade.

Article 7 (22) (34) (40) (50)

The Director General shall, acting solely in the interests of the service, assign each official by appointment or transfer to a post in his category or service which corresponds to his grade.

An official may ask to be transferred within the Agency to a post governed by the Staff Regulations, or in the case of an A grade official to any post of his grade governed by the General conditions of employment.

Notwithstanding the previous subparagraph, the Director General may transfer, with the consent of the official concerned, a category A official who is subject to the Staff Regulations and currently assigned to Maastricht (to an operational staff management post or operational support post), to a category A post in the Operations Division (Annex I, Table II of the General Conditions of Employment).

The list of staff affected by this measure shall be drawn up by the Director General.

Article 8

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

Temporary postings shall be restricted to one year except where their purpose is, directly or indirectly, to replace an official seconded to another post in the interests of the service, called up for service in the armed forces or absent on protracted sick leave.

Article 9 (44)

1. There shall be set up:

- 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;
- an Invalidity Committee;
- possibly a Reports Committee;
- an Appointments Review Board.

The composition and procedure of these bodies shall be determined by a ruling of the Director General.

2. A list of the members of these bodies shall be published by the Agency.

Article 10 (44)

1. The Staff Committee shall represent the interests of the staff vis-à-vis the Agency and maintain continuous contact between the Agency 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 Agency 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 Agency 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 Director General in the interests of its staff. It may, with the consent of the Director General set up such welfare services.

2. In addition to the functions assigned to them by these Staff Regulations and under the Rules for their application, the Joint Committee or Committees may be consulted by the Director General or by the Staff Committee on questions of a general nature which either of the latter thinks fit to submit.
3. Apart from their intervention in disciplinary matters the opinion of the Disciplinary Board(s) shall be sought in the cases provided for in Articles 22 and 51 of these Regulations.
4. The Invalidity Committee shall exercise the powers conferred on it by these Regulations and the Rules laid down for their application.
5. The opinion of the Reports Committee shall be sought on action following completion of probationary service.
6. The opinion of the Appointments Review Board shall be sought:
 - on the dismissal for incompetence measures provided for in Article 51 of the Staff Regulations.
 - on the termination of service measures provided for in Annex X to the Staff Regulations.

Article 10a

The Agency shall fix the time-limit within which the Staff Committee or the Joint Committee must give the opinions requested of them. This time-limit may not be less than fifteen working days. If the comments are not given within the time-limit, the Agency shall issue its decision.

TITLE II

RIGHTS AND OBLIGATIONS OF OFFICIALS

Article 11

An official shall carry out his duties and conduct himself solely with the interests of the Agency in mind; he shall neither seek or take instructions from any government, authority, organisation or person outside the Agency.

On accepting service with the Agency, an official shall undertake, unconditionally, to refrain from any act which might jeopardise the safety of air navigation; he shall be bound to ensure the continuity of the service and shall not cease to exercise his functions without previous authorisation.

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

Article 12

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

He may neither keep nor acquire, directly or indirectly, in undertakings or businesses likely to benefit from his activity in the service of the Agency, any interest of such kind or magnitude as might impair his independence in the performance of his duties.

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

Article 13 (34)

If the spouse of an official is in gainful employment, the official shall inform the Director General. 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 specific period, the Director General shall, after consulting the Joint Committee, decide whether the official shall continue in his post, be transferred to another post or be required to resign.

Article 14

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

Article 15 (34)

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

The Director General shall consider the case of any official elected to such office and shall, having regard to the importance of the office and the duties it entails for the holder, decide whether the official should continue in active employment or should apply for leave on personal grounds.

In the latter case, the duration of the leave shall be equal to the term for which the official has been elected.

Article 16

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

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

During these three years any official who has held such a post shall be required to inform immediately the Director General of the duties or assignments which he may be called upon to carry out.

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

Article 17

An official shall exercise the greatest discretion with regard to all facts and information coming to his knowledge in the course of or in connection with the performance of his duties; he shall not disclose to any unauthorised person any document or information, in any manner whatsoever, not already made public; in particular an official shall comply with any Security Provisions of the EUROCONTROL Organisation agreed between the Contracting Parties to the Convention and EUROCONTROL, and with any rules of application relating thereto which have been communicated to him by the Director General, in so far as such provisions are applicable to him. He shall continue to be bound by this obligation after leaving the service.

An official shall not, whether alone or together with others, publish or cause to be published any matter dealing with the work of the Agency, without the permission of the Director General. Permission shall be refused only when the proposed publication is liable to prejudice the interests of the Agency or States which are parties to the EUROCONTROL Convention. The Agency shall have the right to compulsorily acquire the author's rights in such publication.

Article 18 (34)

All rights in any writings or other work done by an official in the performance of his duties shall be the property of the Agency.

Any invention or discovery made by an official in the course of or in connection with the performance of his duties shall be the undisputed property of the Agency. The Agency may, at its expense and in its name, apply for and obtain patents therefor in all countries. Any invention or discovery dealing with the work of the Agency made by an official during the year following the expiration of his term of duty shall, prima facie, 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(s) of the inventor(s) shall be stated.

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

Article 19

Without prejudice to the application of any national legislations relating to professional secrets, an official shall not, without permission from the Director General, 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 when the interests of the Agency 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 Disciplinary Board of the Agency or in a law-suit opposing the Agency to a person governed by these Regulations and concerning the non-observance of the provisions of these Regulations as regards either the form or the substance.

Article 20

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

Article 21

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

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

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

Article 22 (34)

1. An official may be required to make good, in whole or in part, any damage suffered by the Agency 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 Director General having regard to the opinion of the Disciplinary Board.

2. In view of the financial responsibility assumed by the Accountants and Authorising Officers they may be required to take out insurance policies to cover the risks inherent to this responsibility.

Article 23

The privileges and immunities enjoyed by officials in pursuance of the provisions of Article 22 of the EUROCONTROL Convention are accorded solely in the interests of the Agency. Subject to these provisions, officials shall not be exempt from fulfilling their private obligations from complying with the laws and police regulations in force.

When privileges and immunities are in dispute, the official concerned shall immediately inform the Director General.

Article 24

The Agency shall in a proper case assist any official in its service, 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 and duties.

It shall 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.

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

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

Article 24a

Officials shall have the right of association; they may inter alia belong to the trade union or professional organisations of European officials.

Article 25 (34)

Officials may submit requests to the Director General.

Any decision relating to a specific individual which is taken under the Staff Regulations shall at once be communicated in writing to the official concerned. Any decision adversely affecting an official shall state the reasons 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 by the Agency.

Article 26

The personal file of an official shall contain:

- a) all documents concerning his administrative status 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 Agency 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 or, failing that, shall be effected by registered letter.

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

There shall be only one personal file for each official.

If his administrative situation is in question, any official shall have the right, even after leaving the service, to acquaint himself with all the documents in his file.

The personal file shall be confidential and may be consulted only in the offices of the Agency. It may, however, be forwarded to a Tribunal called upon to decide in a law-suit between the official and the Agency, involving non-observance in substance or in form of the provisions of these Regulations.

TITLE III

CAREER OF OFFICIALS

CHAPTER 1

RECRUITMENT

Article 27

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

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

Article 28 (34)

An official may be appointed only on condition that:

- a) he is a national of one of the signatory States of the EUROCONTROL Convention, unless within the framework of the agreements provided for in Article 2.3 of the Convention or, in exceptional cases, following a duly justified decision by the Director General, 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 32, passed a competition based on either qualifications or tests - or both qualifications and tests-, as provided in a ruling by the Director General;
- e) he is physically fit to perform his duties;
- f) a security clearance certificate is, on request, issued in his name by the National Authorities of the country of which he is a national; and
- g) he accepts, in writing, the terms of a letter of appointment.

Article 29

The letter of appointment shall specify that the appointment made is subject to the provisions of these Staff Regulations and the Rules which complete them, including any amendment which may be made to them. It shall be of a standard type and shall state in particular:

- a) the category or the division into which the candidate is recruited, the grade to which he is appointed, the post to which he is assigned, his salary step and the monthly monetary value of this step;
- b) the length of the probationary period if the establishment is to be dependent on one and also the compensation to be paid in the event of non-establishment;
- c) the special security conditions which the candidate undertakes to observe in the performance of his duties.

Article 30 (34)

1. Before filling a vacant post, the Director General shall inform the Agency staff and the States party to the EUROCONTROL Convention.

The selection of candidates shall be based on qualifications or, for certain posts provided for in Article 28, paragraph d), on examination or on qualifications and examination in accordance with the conditions laid down in paragraph 2 below.

2. For each competition, a selection board shall be appointed by the Director General. This Board shall draw up a list of suitable candidates, in order of merit and without distinction of nationality.

The Director General shall decide which of these candidates to appoint to the vacant posts.

In the event of a selection being made which is not in conformity with the list drawn up by the selection board, reasons for the appointment shall be given in consequence.

3. The procedure laid down in paragraphs 1 and 2 above may also be adopted with a view to constituting a reserve for future recruitment.

Article 31 (34)

In the event of the application of the provisions of Article 30 above not enabling the Agency to obtain a sufficient number of qualified staff to fill its needs, it may proceed to direct recruitment by means of competitions, selection being made according to a procedure similar to that described in Article 30.

For posts in Category C and the Language Service, recruitment may be made directly without prior notification of the States parties to the Convention.

Article 32 (34)

Procedures other than by competition may be adopted by the Director General for the recruitment of officials in Grades A1 and A2.

Article 33 (34)

1. The candidates selected shall be appointed to the basic grade corresponding to the posts for which they have been recruited.
2. However, the Director General may make exceptions to this rule within the limits of one third in the case of posts falling vacant, and half in the case of newly created posts.

This position shall be applied by groups of six posts to be filled in each grade for the purpose of this provision.

Article 34 (34)

1. An official shall be recruited at the first step in his grade.
2. However, the Director General may, taking account of the training and special experience for the post of the person concerned allow special seniority to count as service in his grade; this allowance shall not exceed seventy-two months in Grades A1 to A4, L/A3 and L/A4 and forty-eight months in other grades.

Article 35

Before appointment, a successful candidate shall be medically examined by one of the Agency's medical officers in order that the Agency 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, request that his case be submitted for the opinion of a medical committee composed of three doctors chosen by the Agency. 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 36 (31) (34)

1. Officials other than those in Grades A1 and A2 shall serve a probationary period before they can be established. The probationary period for officials in Category A, the Language Service and Category B shall be nine months and six months for other officials.

However officials falling under the Air Traffic Flow Management Service may only be established where the duration of the period of training is at least as long as 9 months. If the period of training is shorter, it must be supplemented by a probationary period equal to the difference between nine months and that period.

When the training has not been completed after 9 months, establishment will be postponed accordingly until the official has finally completed is training.

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

2. Not less than one month before the expiry of this probationary period, a report shall be made on the ability of each 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. An official on probation whose work has not proved adequate for establishment in his post shall be dismissed.

In the event of patent inaptitude of the probationer a report may be drawn up at any time during the probationary period. This report shall be communicated to the person concerned who shall have the right to comment in writing. On the basis of this report the Director General may decide to discharge the official on probation before his probationary period expires subject to one month's notice. In such cases the duration of service shall not exceed the normal probationary period.

Unless the official on probation is able to resume his duties with his parent administration immediately he shall receive compensation equal to two months' basic salary if he has completed at least six months' service and to one month's basic salary if he has completed less than six months' service.

The provisions of this paragraph do not apply to an official who resigns before expiry of his probationary period.

CHAPTER 2

ADMINISTRATIVE STATUS

Article 37

The status of every official shall be that of

- a) Active employment;
- b) Secondment;
- c) Leave on personal grounds;

- d) Non-active status;
- e) Leave for military service;
- f) The status referred to in Article 90 of these Regulations.

Section 1

ACTIVE EMPLOYMENT

Article 38

An official having active status is one who is performing the duties pertaining to the post to which he has been appointed or temporarily assigned as provided in Title IV.

Section 2

SECONDMENT

Article 39 (34)

1. An official on secondment is an established official who in the interests of the service has been directed to serve temporarily in a post outside the Agency.

An official on secondment shall continue to enjoy all his rights under the conditions provided in paragraph 2 below and shall remain subject to all his obligations as an official of the Agency.

2. Secondment shall be governed by the following rules:
 - a) the decision on secondment shall be taken by the Director General after hearing the official;
 - b) the duration of secondment shall be determined by the Director General;
 - c) at the end of every six months, the official concerned may request that this secondment be terminated;
 - d) an official on secondment shall be entitled to a salary differential where the total remuneration carried by the post to which he is seconded is less than that carried by his grade and step in the Agency; he shall likewise be entitled to reimbursement of all additional expenses entailed by his secondment;

- e) an official on secondment 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 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.

Section 3

LEAVE ON PERSONAL GROUNDS

Article 40 (34)

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

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

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

- to bring up a child who is under five years old and considered as a dependant of the official; or
- to bring up a child considered to be a dependant of his and who suffers from a serious mental or physical handicap recognised by the medical officer of the Agency and who requires constant care or supervision,

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

If an official applies for such leave in order to be able to accompany his or her spouse, the latter also being an official or other servant required in the course of his or her duties to establish his or her habitual residence at such a distance from the place of employment of the applicant official that the establishment of their conjugal home in such a place would inconvenience the applicant official in the performance of his or her duties, leave may be extended annually five times, provided that, at the time of each extension, the conditions which warranted the grant of the leave obtain. An official may benefit from the latter provision on the extension of leave only once in his or her career.

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

However, an official who provides evidence that he cannot be covered by any other public scheme of insurance against the risks referred to in Articles 72 and 73 may, not later than one month following that in which his leave on personal grounds begins, apply to continue to be covered in accordance with those Articles, provided that he bears half the cost of the contributions referred to in Article 72.1 and 73.1 for the first year of the leave on personal grounds and the full cost during the remainder of such leave; the contributions shall be calculated by reference to the official's last basic salary. Moreover, the official who proves that he cannot acquire pension rights for another pension scheme may apply to continue to acquire further pension rights for a maximum of one year, provided that he bears the cost of the contribution equal to three times the rate laid down in Article 83.2; the contributions shall be calculated by reference to the basic salary for the official's grade and step.

4. Leave on personal grounds shall be governed by the following rules:
 - a) it shall be granted at the request of the official concerned by the Director General;
 - b) application for extension shall be made two months before the leave expires;
 - c) another person may be appointed to the post occupied by the official;
 - d) on the expiry of his leave an official must be reinstated in the first post corresponding to his grade which falls vacant in his category or service provided that he has the requisite aptitude for the post. If he declines the post offered to him, he shall retain his right to reinstatement on the same condition when the next vacancy corresponding to his grade occurs in his category or service; if he declines a second time, he may be compulsorily retired after the Joint Committee has been consulted. While awaiting reinstatement, he shall remain on leave on personal grounds.

Section 4

NON-ACTIVE STATUS

Article 41 (34) (37)

1. An official with non-active status is one who has become supernumerary by reason of reduction in the number of posts in the Agency.
2. Reductions in the number of posts in a particular grade shall be decided by the appropriate budgetary authority under the budgetary procedure.

The Director General shall, after consulting the Joint Committee, decide what types of posts are to be affected by such measures.

The Director General 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 declared to have non-active status by decision of the Director General.

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

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

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

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 this income, and the allowance, exceeds the remuneration last received by the official based on the salary scale in force on the first day of the month for which the compensation is to be paid.

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

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

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

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

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

4. At the end of the period of entitlement to the allowance the official shall be required to resign. He shall, where appropriate, receive a retirement pension as provided in the pension scheme.
5. An official who before expiry of the two-year period specified in paragraph 3 above 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 the benefit of 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 national 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 continue to enjoy retirement pension rights in respect of his period of service in the armed forces if, after completing it, he pays up his pension contributions.

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 pay.

CHAPTER 3

REPORTS, ADVANCEMENT TO A HIGHER STEP AND PROMOTION

Article 43

The ability, efficiency and conduct in the service of each official, with the exception of those in Grades A1 and A2, shall be the subject of a periodical report made at least once every two years as provided by the ruling of the Director General.

Article 44

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

Article 45 (34)

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

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

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

Article 46

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

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

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

CHAPTER 4

TERMINATION OF SERVICE

Article 47

Services 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 (34)

An official wishing to resign shall state unequivocally in writing his intention to leave the service of the Agency definitively.

The Director General shall give his decision confirming the definitive resignation within one month of receiving the letter of resignation. The Director General may, however, refuse the resignation if a disciplinary procedure has been initiated against the official before the date on which the letter of resignation is received or if such a procedure is initiated within thirty days following receipt.

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

Section 2

COMPULSORY RESIGNATION

Article 49 (34) (44)

An official shall be required to resign where he ceases to fulfil the conditions laid down in Article 28 a), or in the cases covered by Articles 13, 40 and 41 (4) and (5), and by Article 14 second subparagraph of Annex IV. Reasoned decisions requiring officials to resign shall be taken by the Director General after consulting the Joint Committee and hearing the official concerned.

In the case of appointment for a limited period taken before 1.5.2002, expiry of the period of this appointment or of the period of extension shall have the same effect as compulsory resignation.

Section 3

RETIREMENT IN THE INTERESTS OF THE SERVICE

Article 50 (34)

An official holding a post in Grades A1 and A2 may be retired in the interests of the service by decision of the Director General, subject to approval by the Permanent Commission.

Such retirement shall not constitute a disciplinary measure.

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

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 based on the salary scale in force on the first day of the month for which compensation is to be paid.

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

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

Section 4

DISMISSAL FOR INCOMPETENCE

Article 51 (34) (44)

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

The Director General may, however, offer to classify the official in a lower grade.

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

The reasoned decision shall be taken by the Director General after consulting the Appointments Review Board.

3. Annex XI and a Rule of Application set out the arrangements for the application of this Article.

Section 5

RETIREMENT

Article 52 (53)

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,
- 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 IV.

The second sentence of the second subparagraph of Article 48 (1) shall apply by analogy.

However, on an exceptional basis, an official may at his own request and only in the case where the Director General 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 (34)

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 Director General recognises his permanent incapacity to perform his duties.

Section 6

HONORARY RANK

Article 54 (34)

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

No pecuniary benefits shall attach to such honorary rank.

TITLE IV

WORKING CONDITIONS OF OFFICIALS

CHAPTER 1

HOURS OF WORK

Article 55 (34)

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

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

Article 55a (34)

In exceptional cases and for duly justified reasons, the Director General may authorise an official to work half-time if he considers that such a measure also corresponds to the real interests of the Agency.

The rules governing such authorisation are laid down in Annex IIa.

An official who is authorised to carry out his activity half-time shall, in accordance with the provisions laid down by the authority empowered to make appointments, work each month for a period equal to half of the normal working hours.

Article 56 (22) (34)

An official may not be required to work overtime except in cases of urgency or exceptional pressure of work; night work and all work on Sundays or public holidays, may be authorized only in accordance with the procedure laid down by the Director General. An official may not be asked to do more than 150 hours of actual overtime per six calendar months.

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

As provided in a ruling of the Director General overtime worked by officials in Category C shall entitle them either to compensatory leave or remuneration where requirements of the service do not allow compensatory leave during the month following that in which the overtime was worked.

Notwithstanding the provisions of the 2nd paragraph, the working conditions including compensation or remuneration for overtime of Category A, B and C staff serving at the CFMU and who have to perform specific duties or ensure the continuous operation of certain services by a system of shifts worked in rotation, may be laid down by a Rule of the Director General subject to the Provisional Council's approval.

CHAPTER 2

LEAVE

Article 57

Officials shall be entitled to annual leave of not less than twenty-four working days nor more than thirty working days per calendar year.

Apart from this annual leave an official on application, may exceptionally be granted special leave.

The rules relating to granting such leave are laid down in a ruling of the Director General.

Article 58 ^(*)

Pregnant women shall, in addition to the leave provided for in Article 57, be entitled on production of a medical certificate to maternity leave starting six weeks before the probable date of confinement shown in the certificate, and ending ten weeks after the date of confinement; such leave shall in no case be for less than sixteen weeks.

Article 59

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

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

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

The Director General may refer to the Invalidity Committee the case of any official whose sick leave totals more than twelve months in any period of three years.

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

(*) see Office Notice 1/00 of 7.2.2000, applicable on 7.2.2000

3. Cases in dispute shall be referred to the Invalidity Committee for an opinion.
4. Officials shall undergo any medical check-up required by the Agency, to be carried out either by a medical practitioner designated by the Agency or by a medical practitioner chosen by the official concerned.

In the latter case, the practitioner's fees shall be payable by the Agency up to a maximum fixed annually by the Director General.

Article 59a

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

Article 60

Except in case of sickness or accident, an official may not be absent without prior permission from his immediate superior. Without prejudice to any disciplinary measures that may apply, any 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 sick leave elsewhere than at the place where he is employed he shall obtain prior permission from the Director General.

CHAPTER 3

PUBLIC HOLIDAYS

Article 61

A list of public holidays shall be drawn up by the Director General for each service country.

TITLE V

EMOLUMENTS AND SOCIAL SECURITY BENEFITS OF OFFICIALS

CHAPTER I

EMOLUMENTS

Section 1

REMUNERATION

Article 62

In accordance with a ruling of the Director General and save as otherwise expressly provided, 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:

- 1) basic salary;
- 2) family allowances;
- 3) expatriation allowance;
- 4) other allowances, inter alia travelling and housing allowances.

Article 62a

An official's remuneration shall be subject to an internal tax for the benefit of the Organisation pursuant to the provisions of Annex V.

Article 63 (19) (20) (21) (23) (24) (26) (28) (30) (32) (33) (36) (37)

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

Remuneration paid in a currency other than euro shall be calculated on the basis of the exchange rates on 01.01.1999, as published in the Official Journal of the European Communities.

This date shall be changed, at the time of the annual review of remuneration provided for in Article 65. Without prejudice to the application of Article 64, the cost-of-living weightings, whenever the above date is changed, be adjusted to correct the effect of the variation in the euro with respect to the rates referred to in the second paragraph.

Article 64 (34)

An official's remuneration expressed in the currency of the country where the Agency has its headquarters shall, after the compulsory deductions set out in these Staff Regulations or in any implementing provision, be subject to adjustment to take account of the taxation system applicable and of the living conditions in the relevant country of posting.

The weightings reflecting living conditions in the various countries of posting shall be fixed by the Provisional Council on the proposal of the Director General. The procedure governing the aforesaid adjustment shall be prescribed in a rule laid down by the Director General.

Article 65 (34)

On the instigation of the Director General, the Provisional Council shall periodically examine the adjustments to salaries and allowances which it deems necessary. It shall take particular account of any variations in public service salaries in the different member countries and of the recruitment needs of the Agency.

These adjustments shall be made by modifying the basic salaries as defined in Annex III or elements of the salaries and allowances as defined in Article 62.

They shall be submitted to the Commission for approval in accordance with the provisions of Article 12, paragraph 1, of the Statute of the Agency.

Article 65a (23)

The rules for implementing Articles 64 and 65 shall be as defined in Annex VI.

Article 66

Basic monthly salaries are classified in 18 levels corresponding to the 24 grades defined in Article 5. There shall be steps for each salary level in accordance with the scale given in Annex III.

Article 66a (23) (34) (37) (42) (49)

1. By way of derogation from Article 62a and Annex V of the existing Staff Regulations, a temporary measure regarding remuneration paid by the Agency to officials in active employment, to be known as a "special levy", shall be applied from 1.8.2004 to 31.12.2012.

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

From 1.8.2004 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:
 - social security and pension contributions and a sum equivalent to the tax applicable at the European Community, before deduction of the special levy, payable by an official in the same grade and step without dependants entitling him to the allowance provided for by paragraph 1b) of Article 67 of the existing Staff Regulations;
 - a sum equivalent to the minimum subsistence figure as defined in Article 6 to Annex IV to the existing Staff Regulations.
- b) The components used to determine the base for the special levy shall be expressed in euros and weighted at 100.
4. The special levy shall not be applied if it would bring salaries below the net amounts paid prior to its application (*).

The part of the contribution not applied during a given year as a result of the provision contained in the first sub-paragraph shall be added to the contribution for the following year.
5. The special levy shall be deducted monthly at source and the proceeds entered as revenue in the Agency's budget.

(*) The net amounts paid prior to application of the special levy shall be understood to mean the income received corresponding to the annual adjustment at 1.7.02.

Article 67 (34)

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 the provisions of these Regulations.
3. The dependent child allowance may be doubled by special reasoned decision of the Director General 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. An official in receipt of allowance under Article 41 or 50 shall receive the family allowances mentioned in paragraph 1 above, from which deductions shall be made in accordance with the provisions of paragraph 2.
5. Where such family allowances are paid to a person other than the official, these allowances shall be paid in the currency of the country in which that person is resident, calculated where applicable on the basis of the exchange rates referred to in the second paragraph of Article 63. They shall be subject to the weighting for the country in question or, in the absence of such a weighting, a weighting of 100.

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

Article 67a

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

Article 68

(19) (20) (21) (22) (23) (24) (26) (28) (30) (32) (33) (36) (37) (38) (41) (43) (45) (46) (48) (49) (52) (54)

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 455.69 per month.

Article 69 (53)

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

Article 69a (34)

Officials assigned by the Director General to teaching duties under the further training and instruction scheme provided for in the third paragraph of Article 24 may be granted an allowance on the conditions laid down in Article 62 of these Regulations.

Article 69b (31) (47)

Officials in the Air Traffic Flow Controller Service appointed to the post of Deputy Team Leader shall be paid a function allowance in accordance with the conditions laid down by a ruling of the Director General.

Section 2

EXPENSES

Article 70

An official shall be entitled, in accordance with a ruling of the Director General, to reimbursement of expenses incurred by him on taking up appointment, transfer, or leaving the service, and also to expenses incurred by him in the course of or in connection with the performance of his duties.

Section 3

FLIGHT TEST ALLOWANCES

Article 71

In accordance with a ruling of the Director General, an official who is called upon to take part in flight tests shall be entitled to an hourly allowance, fractions of flight hours being paid on a proportional basis.

CHAPTER 2

SOCIAL BENEFITS

Section 1

SOCIAL SECURITY BENEFITS

Article 72 (34) (53)

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 Rule No. 7, are insured against sickness up to 80% of the expenditure incurred, pursuant to the provisions of a rule of the Director General. 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 Director General as of comparable seriousness, and for early detection screening and in cases of confinement. However, reimbursement at 100% shall not apply in the case of occupational disease or accident having given rise to the application of Article 73.

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

- 1a. An official whose service terminates and who provides evidence that he 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 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 Director General, taken after consulting the Agency's medical officer, the period of one month for making application and the six months' limit specified in the preceding paragraph shall not apply where the person concerned is suffering from a serious or protracted illness which he contracted before leaving the service and of which he notified the Agency 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 Agency.

- 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 Rule No. 7 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 Agency 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 above after he has left the service. The amount of the contribution shall be calculated by reference to the amount of his pension or allowance.

Those benefits shall also apply to the recipient of a survivor's pension following the death of an official who was in active employment or who remained in the service of the Agency until the age of 63 years, or the death of a person in receipt of 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 left the service of the Agency before reaching the age of 63 years;
 - ii) persons entitled to survivor's pension as a result of the death of a former official who left the service of the Agency before reaching the age of 63 years.

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 IV to the Staff Regulations.

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

- 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 C5.
- 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 twelve months exceeds half the official's basic monthly salary or pension, special reimbursement shall be allowed by the Director General, account being taken of the family circumstances of the person concerned, in manner provided 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 reimbursement provided for in paragraph 1 above, 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 expenditure which is not reimbursable by the sickness insurance scheme of the Agency.

Article 73

1. An official is, from the date of his entry into the service, insured against the risk of occupational disease or accidents - subject to the rules provided for in Article 72. He shall contribute to the cost of insuring against non-occupational risks up to 0.1% of his basic salary.

Such rules shall specify which risks are not covered.

2. The benefits payable shall be as follows:

- a) In the event of death:

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

- to the deceased official's spouse and children in accordance with the law of succession governing the official's estate; the amount payable to the spouse shall not, however, be less than 25% of the lump sum;
- where there are no persons of the category above, to the other descendants in accordance with the law of succession governing the official's estate;
- 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 Agency;

- b) In the event of total permanent invalidity:

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

- c) In the event of partial permanent invalidity:

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

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

The benefits listed above may be paid in addition to the benefits provided for in Section 2.

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

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

Article 74 (37)

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 the ruling provided for in Article 62 of these Regulations.

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 Agency, the grant shall be paid once only.

Article 75

In the event of the death of an official, an official's spouse or dependent child, or any other dependent person who lived as part of the official's household, the Agency 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 Agency shall bear the costs involved in transporting the body from the place where death occurs to the official's place of origin.

Article 76

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

Section 2

PENSIONS AND INVALIDITY ALLOWANCE (53)

Article 77

An official who has completed at least ten years' service shall be entitled to a retirement pension. He shall, however, be entitled to such pension, irrespective of length of service, if he is over 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 4 of Annex IV.

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 (34) (53)

An official shall be entitled, in the manner provided in Chapter 3 of Annex IV, to an invalidity allowance in the case of total permanent invalidity rendering him incapable of performing the duties corresponding to a post in his career bracket

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 Organisation.

Article 79 (53)

The surviving spouse of an official or former official shall be entitled, in the manner provided in Chapter 4 of Annex IV, to a survivor's pension equal to 60% of the retirement pension or invalidity allowance which was paid to the deceased spouse, 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 37 shall be neither less than the minimum subsistence rate 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 last paragraph of Article 78.

Article 79a (53)

Article 79a is deleted.

Article 80 (53)

Where an official or the 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 Rule No. 7 at the time of his death shall be entitled to an orphan's pension in accordance with Article 21 of Annex IV.

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 Rule No. 7 shall be entitled to orphan's pension in accordance with Article 21 of Annex IV; 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 Rule No. 7, 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 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 under these regulations. In such an eventuality, he shall be paid the highest pension.

Article 81 (53)

A person entitled to a retirement pension, or to an invalidity allowance, or to a survivor's pension shall be entitled, subject to the conditions laid down in Rule No. 7, 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 (53)

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 a sum equivalent to the tax applicable at the European Communities and other compulsory deductions under these Staff Regulations to the surviving spouse 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 37, 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 the sum equivalent to the tax applicable at the European Communities and other compulsory deductions under these Staff Regulations;
 - 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 a sum equivalent to the tax applicable at the European Communities and other compulsory deductions under these Staff Regulations;
 - 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, 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 (34) (37) (53)

1. The pension 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 the currency of the country where the Agency has its headquarters shall, after the compulsory deductions set out in these Staff Regulations or in any implementing provision have been made, be weighted at a rate above, below or equal to 100%, depending on the income tax system specific to the country inside or outside the territory of the Member States where the recipient proves he has his residence

If the recipient of the pension establishes his residence in a country for which it has not been possible to fix a weighting, the weighting shall be calculated on the basis of the income tax system specific to the country where the Agency has its Headquarters.

The weightings shall be fixed by the Provisional Council on the proposal of the Director General. The procedure governing the aforesaid adjustment shall be prescribed in a rule laid down by the Director General.

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

2. Where the Commission, in accordance with Article 65, 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 (23) (34) (49) (51) (53)

1. The payment of the benefits provided for in the present pension scheme shall constitute a charge on the Agency's budget. Member States shall jointly guarantee payment of such benefits.
2. Officials shall contribute one third of the cost of financing this pension scheme. The contribution shall be 10% 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.

Article 83a (53)

1. The scheme shall be kept in balance in accordance with the detailed rules set out in Annex XII.
2. 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 Commission shall decide on the rate of contribution and any change to the pensionable age.
3. Each year the Director General shall present to the Commission 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 Commission shall consider whether the rate should be adapted, in accordance with the arrangements laid down in Annex XII.

Article 84

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

Section 3

APPLICATION OF NATIONAL SCHEMES

Article 85 (53)

1. The provisions of the present Staff Regulations shall in no way affect the national regulations governing the obligation or right to contribute to a national social security scheme.

Where an official of the Agency is required to contribute to a national social security scheme, the contributions paid into the national scheme shall be defrayed as provided in paragraph 2 below.

An official engaged for a limited period shall have the right to request the Agency to effect the payments necessary to establish or maintain his pension rights in his country of origin or an Agency Member State if he has acquired pension rights there. Such payments shall be defrayed as provided in paragraph 2 below.

2. The contributions paid by the Agency or by an official of the Agency to a national social security scheme under paragraph 1, second and third sub-paragraphs, of the present Article, shall be deducted from the contributions referred to in Articles 72.1, 73.1 and 83.2.

The total amount of contributions paid to a national social security scheme may not exceed the total amount of the contributions referred to in Articles 72.1, 73.1 and 83.2.

For the purposes of this paragraph the amount of the contribution referred to in Article 83.2 shall be increased by an amount corresponding to the Agency's contribution.

3. Any person entitled to sickness and/or accident benefits under Articles 72 and 73 of these Regulations shall be required to declare any reimbursements of expenditure from a national social security scheme to which contributions have been paid in accordance with 2 above. Where the benefits from a national scheme together with those from the Agency's scheme exceed the total benefits under Articles 72 and 73 of these Regulations, the difference shall be deducted from the amount(s) payable by the Agency under Articles 72 and 73.
4. Where an official's contributions to the Agency's pension scheme are reduced under the provisions of 2 above, the benefits or pensions under Articles 74 to 84 of these Regulations payable to the official or his dependants, who also receive, for the same period of service, benefits or pensions under a national pension scheme, shall be reduced by the amount of benefit or pension received from the national scheme in respect of the same period.

Section 4

SEVERANCE GRANT

Article 86 (53)

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 12 of Annex IV, to payment of a severance grant equal to three times the amounts withheld from his basic salary in respect of his pension contributions;
 - b) in other cases, to the benefits provided under Article 11 of Annex IV or to the payment of the actuarial equivalent of such benefits to a private insurance company or pension fund of his choice, on condition that 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 survivor's 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) to iii) above
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 his service for the Agency.

The above payments shall be reduced by the amount of the contributions paid into a national pension scheme in accordance with Article 85.2 and deducted from contributions to the Agency's pension scheme or borne by the Agency.

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 88.2.f) of the Staff Regulations.
4. However, officials over 60 years and having not completed ten years of service, provided they have not benefited from Article 12 of Annex IV, and who are entitled to an immediate or deferred retirement pension shall be able to opt for payment of the severance grant referred to in paragraph 1.a) of this Article.

CHAPTER 3

RECOVERY OF UNDUE PAYMENT

Article 87

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

CHAPTER 4

SUBROGATION IN FAVOUR OF THE AGENCY

Article 87a (53)

1. Where the death, accidental injury or sickness of a person covered by these Staff Regulations is caused by a third party, the Agency shall, in respect of the obligations incumbent upon it 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 of the official during the period when he is temporarily unfit to work,
 - payments effected in accordance with Article 69 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 in Article 75,
 - supplementary family allowances paid in accordance with Article 67 (3) and with Article 2 (3) and (5) of the ruling referred to in Article 62 of these Staff Regulations 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 neither an official, nor a servant subject to the General Conditions of Employment,
 - orphan's pensions 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 Agency 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 Agency.

TITLE VI

DISCIPLINARY MEASURES

Article 88

1. Any failure by an official or former official to comply with his obligations under these Staff Regulations, whether intentionally or through negligence on his part, shall make him liable to disciplinary action.
2. Disciplinary measures shall take one of the following forms:
 - a) written warning;
 - b) reprimand;
 - c) deferment of advancement to a higher step;
 - d) relegation in step;
 - e) downgrading;
 - f) removal from post and, when appropriate, by reduction of withdrawal of entitlement to retirement pension but the consequences of this measure shall not affect dependents of the official.
 - g) where the official has left the service, withdrawal in whole or part either temporarily or permanently, of entitlement to retirement pension; this provision shall not apply so as to affect those under him.
3. A single offence shall not give rise to more than one disciplinary measure.

Article 89 (34)

The Director General and, by delegation, the Directors shall have the right to issue a written warning or a reprimand without consulting the Disciplinary Board, on a proposal from the official's immediate superiors or on their own initiative. The official concerned shall be heard before such action is taken.

Other measures shall be ordered by the Director General on the advice of the Disciplinary Board. The rules of procedure for the Board shall be fixed by a ruling of the Director General. This procedure shall be initiated by the Director General after hearing the official concerned.

Disciplinary proceedings may be re-opened by the Director General on his own initiative or at the request of the official concerned, if fresh facts become known which are capable of proof by relevant evidence.

Article 90

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

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

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

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

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

Article 91 (34)

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

The Director General shall, after consulting the Disciplinary Board in cases where the Board has taken part in the case in point, decide whether to grant the official's request; if he decides to do so, the file as constituted following such deletion, shall be communicated to him.

TITLE VII

APPEALS

Article 92 (34)

1. Any person to whom these Staff Regulations apply may submit to the Director General, a request that he takes a decision relating to him. The Director General shall notify the person concerned of his 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 Director General a complaint against an act adversely affecting him, either where the Director General has taken a decision or where he 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 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 in paragraph 1.

The Director General shall notify the person concerned of his 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 93.

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

Article 93 (34)

1. Any dispute between the Agency and one of the persons referred to in the present Staff Regulations involving non-observance, in substance or in form, of the provisions of the present Regulations, shall be referred to the Administrative Tribunal of the International Labour Office, in the absence of a competent national jurisdiction.
2. A complaint to the Tribunal shall lie only if:
 - the Director General has previously had a complaint submitted to him pursuant to Article 92 (2) within the period prescribed therein, and
 - the complaint has been rejected by express or by implied decision.
3. Complaints 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 complaint concerns an implied decision rejecting a complaint submitted pursuant to Article 92 (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 a complaint shall start to run afresh.
4. By way of derogation from paragraph 2, the person concerned may, after submitting a complaint to the Director General pursuant to Article 92 (2) immediately file an appeal with the Tribunal, 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 Tribunal shall then be suspended until such time as an express or implied decision rejecting the complaint is taken.
5. Appeals shall be investigated and heard as provided in the Rule of Procedure of the Tribunal.

TITLE VIII

TRANSITIONAL AND FINAL PROVISIONS

CHAPTER 1

TRANSITIONAL PROVISIONS

Article 94

1. A servant of EUROCONTROL who is occupying a post provided for in the establishment table annexed to the Budget of the EUROCONTROL Association, when these Staff Regulations enter into force may, by decision of the appointing authority, be appointed as an official of the Agency and established in the grade and at the step and in the scale of remuneration laid down by these Staff Regulations corresponding to the grade and step expressly or impliedly accorded him before these Staff Regulations were applied to him, provided that:
 - as regards every such servant, he satisfies the requirements of Article 28, (a), (b), (c), (e), (f) and (g);
 - as regards every such servant, save the Deputy Directors:
 - a) he has been in the service of the Association for more than six months when these Staff Regulations enter into force; a servant of EUROCONTROL who does not satisfy this requirement may be appointed for a probationary period and be established as an official as provided in Article 36;
 - b) have not been the subject of any unfavourable report by the Establishment Board provided for in the following subparagraph.

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

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

2. Any such servant on whom the Establishment Board reports unfavourably shall not be granted establishment in the Agency. The appointing authority may, however, offer such person establishment in a lower grade and at a lower step in the scale of remuneration laid down by these Staff Regulations than those attained whether expressly or impliedly accorded him previously.

Article 95

Pensions acquired previously shall be modified as from 1 July 1972 on the basis of the new provisions of the Staff Regulations which enter into force on that date.

However, neither the rate nor the amount of the pensions acquired prior to 1 July 1972 shall be less than those which would result from the application of the provisions in force at the time when they were acquired.

Article 96

An official who at the date of 30 June 1972 was governed by the Staff Regulations shall retain the benefit of the current payments made by virtue of the provisions of those Staff Regulations insofar as these provisions result in higher benefits than those which the person concerned would be entitled to under the new provisions which take effect on 1 July 1972.

The provisions of Article 36 in force on 30 June 1972 shall remain applicable to probationers in active service on that date. The time-scale laid down in Articles 92 and 93 in force on 30 June 1972 shall remain applicable to request and claims introduced by this date at the latest.

Article 96a

1. A person entitled to a pension or allowance whose pecuniary entitlements are reduced by reason of the application of the new provisions of the Staff Regulations adopted by the Permanent Commission on 15 July 1986 shall receive an allowance, calculated monthly, equal to the difference between the net amounts received by that person prior to the entry into force of the said provisions and the net amounts received by that person pursuant to the new provisions.

For the purpose of calculating the net amounts received by that person prior to the entry into force of the said provisions, the recipient shall be deemed to have been in the same circumstances with regard to dependants as apply at the time of calculation of the allowance.

For the purpose of calculating the net amounts referred to in the first and second subparagraphs, weightings shall be disregarded.

This allowance shall be weighted and paid in accordance with the conditions laid down in Article 82 (1) of the Staff Regulations.

2. The provisions of this Article shall also apply to persons entitled to a survivor's pension under Annex IV to the Staff Regulations as in force prior to the Regulations referred to in paragraph 1.

Article 97

An official to whom these Staff Regulations have been applied in accordance with these transitional provisions shall be credited with his pension rights as from the date of his entering the service of the EUROCONTROL Association in any capacity.

Article 98

1. An official to whom these Staff Regulations have been applied in accordance with these transitional provisions and who furnishes evidence of having been obliged by reason of his entering the service of the Agency to forfeit in whole or in part the pension rights which have accrued to him in his country of origin and of being unable to obtain the actuarial equivalent of such rights shall be credited, for the purpose of his retirement pension in the Agency and without payment of arrears of contributions with annual contributions corresponding to the number of years of pensionable service accrued in his country of origin.
2. The number of years of pensionable service thus credited shall be determined by the Director General and shall not exceed:
 - the number of years of actual service which it will be possible for the official to complete up to the age of 65 years;
 - half the number of years of service which upon his attaining the age of 65 years would be required for him to complete 35 years of pensionable service.
3. An official to whom the foregoing provisions apply shall pay to the Agency proportion of the sums paid to him in settlement of his pension rights in his country of origin which do not correspond to the actuarial equivalent of those rights; that proportion should be equal to the rates between the number of years' pensionable service with which he is credited by the Agency and the number of years of pensionable service forfeited by him in his country of origin.
4. Save in the event of death or where Article 41 or 50 is applied, an official who leaves before the age of 65 years shall not be so credited.
5. On the death of an official to whom the provisions of the preceding paragraphs apply, the total number of years of pensionable service with which he would have been credited if he had attained the age of 65 years shall be credited forthwith to those entitled under him for purposes of calculation of their pension rights.
6. An official to whom the provisions of the preceding paragraphs apply shall, if affected by either of the measures in Articles 41 and 50, be credited upon starting to draw requirement pension with a proportion of the number of years of pensionable service with which he would have been credited if he had attained the age of 65 years. That proportion shall be equal to the ratio between the number of years of pensionable service reckoned in calculating his pension rights and the number of years of pensionable service he could have earned up to the age of 65 years.

Article 99

An official to whom these Staff Regulations have been applied in accordance with these transitional provisions shall, if he leaves his service at the age of 65 years and has not, at that time, completed the ten years' service prescribed in Article 77, first paragraph, have the right of option as between the payment of an allowance calculated in accordance with the terms of Article 86, and a proportionate pension calculated in accordance with the terms of Article 77, second paragraph.

CHAPTER 2

FINAL PROVISIONS

Article 100 (34)

The general provisions for giving effect to these Staff Regulations shall be determined by Rules of Application, instructions and office notices of the Director General, who, in the case of Rules of Application, shall notify the Provisional Council.

Individual provisions for giving effect to the Staff Regulations shall be decided either by the Director General or, by delegation of powers, by the official(s) responsible for staff management.

Article 101

1. These Regulations shall apply to the established civilian staff of the Headquarters of the Organisation in Brussels, of the EUROCONTROL Experimental Centre at Brétigny, the EUROCONTROL Institute for Air Navigation Services in Luxembourg and to officials appointed to Category-A posts at the EUROCONTROL Centre at Maastricht for the upper airspace control of the Benelux-Federal Republic of Germany Region.

These Regulations shall also apply to the civilian personnel of the Agency seconded to the national authority of a Member State or of a non-member State that has concluded an agreement with the Agency.

2. They may also apply to military personnel posted to the same places of employment, throughout the period of their employment with the Agency. The decision to apply them shall be made by the national Administrations concerned.

In the event of non-application of the said regulations the position of military personnel with regard to the Agency shall be determined by means of a bilateral agreement between the Director General acting on behalf of the Agency and the military Administration of the country concerned.

3. The extension of the application of these regulations to other categories of staff and any future modifications of these regulations shall be subject to the procedure laid down in Article 12, paragraph 1, of the Statute of the Agency.

Article 102

1. These Staff Regulations shall come into force on 1 September 1963.
2. However, the provisions of Article 93 shall enter into force on the day of the approval (1) by the Administrative Board of the International Labour Organisation of the declaration referred to in Article 11 (5), of the Statute of the Administrative Tribunal of this Organisation. This declaration shall be addressed to the Director General of the International Labour Office by the Director General of the Agency.

Article 103

In the case of any inconsistency, the text in the French language shall prevail.

(1) 13 June 1964

ANNEX I (31) (35) (39) (47)

**BASIC POSTS AND CORRESPONDING CAREER BRACKETS
IN EACH CATEGORY AND SERVICE AS PROVIDED FOR IN ARTICLE 5(5)
OF THE STAFF REGULATIONS**

Category A

		Military Expert Service	
A 1	Director or Advisor, Head of Service	MA/3	Head of Military Expert Service
A 2	Director or Deputy Director	MA/4	Principal Military Expert
A 3	Head of Division	MA/5 } MA/6 }	Military expert
A 4	Principal Expert		
A 5 }	Expert	Air Traffic Flow Controller Service	
A 6 }		A5 }	Air Traffic Flow Controller / Team
A 7 }		A6 }	Leader
A 8	Assistant Expert	A6 } A7 }	Air Traffic Flow Controller / Network administrator

Category B

B1	Principal Administrative Assistant	B1	Air Traffic Flow Controller / Deputy Team Leader
B2) Senior Administrative Assistant 1 st class) Senior Technical Assistant 1 st class ⁽¹⁾) Senior Secretarial Assistant 1 st class ⁽¹⁾ {	B1 B2	Principal Air Traffic Flow Controller Air Traffic Flow Controller 1 st class
B3) Senior Administrative Assistant 2 nd class) Senior Technical Assistant 2 nd class ⁽¹⁾) Senior Secretarial Assistant 2 nd class ⁽¹⁾ {	B3	Air Traffic Flow Controller
B4) Administrative Assistant 1 st class) Technical Assistant 1 st class ⁽¹⁾) Secretarial Assistant 1 st class ⁽¹⁾ {		
B5) Administrative Assistant 2 nd class) Technical Assistant 2 nd class ⁽¹⁾) Secretarial Assistant 2 nd class ⁽¹⁾ {		

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

Category C

- C 1 Executive Secretary
Principal Secretary
Principal clerical officer
Chief Draughtsman
Master Craftsman

- C 2 } Secretary/Shorthand-typist 1st class
| Clerical Officer 1st class
} Draughtsman 1st class
| Skilled Worker 1st class
|

- C 3 } Secretary/Shorthand-typist 2nd class
Clerical Officer 2nd class
Draughtsman 2nd class
Skilled Worker 2nd class

- C 4 } Typist 1st class
| Clerical Assistant 1st class
} Worker 1st class
|

- C 5 } Typist 2nd class
Clerical Assistant 2nd class
Worker 2nd class

Language Service

- L/A 3 Head of the Language Service

- L/A 4 Reviser 1st class

- L/A 5 } Reviser 2nd class
| Translator 1st class
} Interpreter 1st class
|

- L/A 6 } Translator 2nd class
Interpreter 2nd class

- L/A 7 } Assistant Translator 1st class
| Assistant Interpreter 1st class
}

- L/A 8 } Assistant Translator 2nd class
Assistant Interpreter 2nd class

ANNEX II

ALLOWANCE UNDER ARTICLES 41 AND 50 OF THE STAFF REGULATIONS

Sole Article (53)

1. An official to whom Article 41 or Article 50 of the Staff Regulations is applied shall be entitled:
 - a) for three months, to a monthly allowance equal to his basic salary;
 - b) for a period varying with his age and length of service in accordance with the table shown in paragraph 1, 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 period for which the official is to receive the allowance provided for in Article 41 or 50 of the Staff Regulations shall be determined by multiplying his length of service by the appropriate percentage for his age as shown in the following table; this period shall, where requisite, be rounded off to the month next below.

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

3. 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 II a

HALF-TIME WORK

Article 1

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

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

Article 2 (34)

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

The Director General may likewise, on application by the official concerned, withdraw the authorisation before expiry of the period for which it was granted.

Article 3

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

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

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

ANNEX III

(19) (20) (21) (22) (23) (24) (26) (28) (30) (32) (33) (36) (37) (38) (41) (43) (45) (46) (48) (49) (52) (54)

**SCALE OF BASIC MONTHLY SALARIES PROVIDED FOR IN ARTICLE 66
OF THE STAFF REGULATIONS**

(expressed in euros)

Grades	Echelons/Steps							
	1	2	3	4	5	6	7	8
A1	13.087,84	13.783,08	14.478,32	15.173,55	15.868,79	16.564,02		
A2	11.614,40	12.277,82	12.941,24	13.604,66	14.268,08	14.931,50		
A3/LA3	9.618,82	10.199,12	10.779,42	11.359,72	11.940,03	12.520,33	13.100,63	13.680,93
A4/LA4	8.080,83	8.533,77	8.986,71	9.439,65	9.892,59	10.345,53	10.798,47	11.251,41
A5/LA5	6.662,23	7.056,92	7.451,61	7.846,29	8.240,98	8.635,66	9.030,35	9.425,04
A6/LA6	5.757,42	6.071,56	6.385,70	6.699,84	7.013,99	7.328,13	7.642,27	7.956,41
A7/LA7	4.955,98	5.202,59	5.449,20	5.695,81	5.942,42	6.189,03		
A8/LA8	4.383,11	4.559,88						
B1	5.757,42	6.071,56	6.385,70	6.699,84	7.013,99	7.328,13	7.642,27	7.956,41
B2	4.988,36	5.222,23	5.456,09	5.689,95	5.923,82	6.157,68	6.391,55	6.625,41
B3	4.184,20	4.378,66	4.573,11	4.767,57	4.962,02	5.156,48	5.350,94	5.545,39
B4	3.618,96	3.787,61	3.956,26	4.124,91	4.293,57	4.462,22	4.630,87	4.799,52
B5	3.234,88	3.371,35	3.507,83	3.644,31				
C1	3.691,20	3.840,04	3.988,89	4.137,73	4.286,57	4.435,42	4.584,26	4.733,11
C2	3.210,56	3.346,97	3.483,37	3.619,78	3.756,19	3.892,59	4.029,00	4.165,41
C3	2.994,85	3.111,70	3.228,56	3.345,41	3.462,27	3.579,13	3.695,98	3.812,84
C4	2.706,08	2.815,70	2.925,32	3.034,94	3.144,56	3.254,18	3.363,80	3.473,42
C5	2.495,16	2.597,41	2.699,66	2.801,92				

Note: The above scale is applicable effective 1 July 2005

ANNEX IV

PENSION SCHEME

Chapters	Contents	Articles	Pages
1	General provisions	1 and 2	59
2	Retirement pension	3 to 12a	60 to 63
3	Invalidity allowance	13 to 16	63 and 64
4	Survivor's pension	17 to 29	64 to 68
5	Provisional pensions	30 to 33	69
6	Pension increases in respect of dependent children	34 and 35	69a
7	Section 1: Funding of the pension scheme	36 to 39	70
	Section 2: Calculation of Pension	40 to 44	71
	Section 3: Payment of benefits	45 to 47	72

CHAPTER 1

GENERAL PROVISIONS

Article 1

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

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

Article 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

Article 3 (53)

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 in Article 4 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 4 (53)

Provided that the officials 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 3:

- a) the period of service as an official of the Agency in one of the administrative statuses set out in Article 37a), b) and e) of the Staff Regulations and, on the conditions laid down in the last sentence of the second sub-paragraph of Article 40.3 of the Staff Regulations, the administrative status referred to in Article 37 c) of the Staff Regulations;
- b) periods of entitlement to the allowance under Article 41 and 50 of the Staff Regulations, up to a maximum of five years;
- c) periods of service as a member of the Staff of the EUROCONTROL Association, provided that the servant concerned has paid his share of the pension contribution in respect of such periods of service;
- d) periods of entitlement to an invalidity allowance.

Article 5 (53)

Notwithstanding the provisions of Article 3 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 paragraph 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

(19) (20) (21) (22) (23) (24) (26) (28) (30) (32) (33) (36) (37) (38) (43) (45) (46) (48) (49) (52) (54)

The minimum subsistence figure for the purpose of calculating pension benefits shall correspond to 90.4303% of the basic salary of an official in Grade C5, step one^(*).

Article 7 (53)

Article 7 is deleted.

Article 8 (34) (53)

"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 (53)

1. An official leaving the service before reaching the age of 63 years may request that his retirement pension:
 - be deferred until the first day of the calendar month following that in which he reaches the age of 63; or
 - 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.

^(*) 90.4303 of EUR 2495.16 = EUR 2256.38 per month

2. In the interests of the service, on the basis of objective criteria and transparent procedures determined by the Commission and of a proposal of the Director General, the Commission may decide not to apply the above reductions to the officials concerned. The total number of officials and servants, who retire without any reduction of their pension each year, shall not be higher than 10% of the officials and servants who retired the previous year. The number of officials concerned is fixed by the appropriate budgetary authority, under the budgetary procedure.

Article 9a (53)

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 (25) (53)

An official who leaves the service of the Agency to:

- enter the service of a government administration or a national or international organisation which has concluded an agreement with the Agency,
- engage in an employed or self-employed activity under which pension rights are acquired by him in a scheme whose management bodies have concluded an agreement with the Agency,

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

Article 12 (25) (53)

1. An official who enters the service of the Agency 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, if the regulations or the contract to which he was subject in his previous post so allow, 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 Agency 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 Agency 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 Agency 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.

2. Paragraph 1 shall also apply to an official who is reinstated following expiry of a period of leave on personal grounds under Article 40 of the Staff Regulations.

Article 12bis (27)

For the purposes of applying the provisions of Articles 11 and 12 above relating to agreements that may be concluded between the Organisation and pension schemes governed by Member State legislation, the provisions of agreements concluded in this regard between the European Communities and a Community Member State which is also a member of EUROCONTROL shall be applicable *mutatis mutandis* as from their date of entry into force, once the State concerned has advised EUROCONTROL of its formal acceptance of this procedure.

CHAPTER 3

INVALIDITY ALLOWANCE

Article 13 (53)

1. Subject to the provisions of Article 1, an official aged less than sixty-five 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 Agency shall be entitled, for so long as such incapacity persists, to the invalidity allowance referred to 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 Director General. 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 the Agency of any factor that may affect entitlement to the allowance.

Article 14 (53)

The right to receive payment of an 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 or service subject to the same proviso; if he declines a second time, he may be required to resign; in that case the provisions of Article 16 of Annex IV shall apply.

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

Article 15 (53)

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

Article 16 (53)

Article 16 is deleted.

CHAPTER 4

SURVIVOR'S PENSION

Article 17 (53)

Where an official dies having one of the administrative statuses set out in Article 37 of the Staff Regulations, the surviving spouse shall be entitled, provided that the couple were married for at least one year at the time of death and subject to the provisions of Article 1 and Article 22, to a 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 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 an accident.

Article 17a (53)

Subject to Article 1 and Article 22, the surviving spouse of a former official who was removed from his post and who died whilst in receipt of a monthly allowance under Article 50 of the Staff Regulations shall be entitled, provided that the couple were already married before the official left the service of the Agency 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 above-mentioned 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 or she left the service, provided that the surviving spouse maintains or has maintained such dependent children within the meaning of Article 2(2) of Rule No. 7.

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 (53)

Where a former official was in receipt of a retirement pension, the surviving spouse shall be entitled, provided that the couple were already married before the official left the service of the Agency 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 the spouse was receiving at the time of his/her death. The minimum survivor's pension shall be 35% of the last basic salary; the amount of the surviving spouse's pension shall in no case, however, exceed the amount of the retirement pension which the spouse was receiving at the date of his death.

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

Article 18a (53)

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 or she reached the age of 63 years shall be entitled, provided that the couple were already married before the official left the service of the Agency 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 surviving spouse maintains or has maintained those children.

Article 19 (53)

Where a former official was in receipt of an invalidity allowance the surviving spouse shall be entitled subject to the provisions of Article 22, provided that the couple were married when he 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 his 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 his death.

Article 20

For purposes 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 (53)

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 the relevant provisions of the Staff Regulations.

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

Article 22 (53)

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 Rule No. 7 of 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 Rule No. 7 of 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

Article 23 is deleted

Article 24 (53)

The right to receive payment of a survivor's pension shall have effect from the first day of the calendar month following that in which the official or former official in receipt of a retirement or invalidity allowance died. However, were the payment provided for in Article 69 of the Staff Regulations is made on the death of the official or of the person entitled to a pension, such right shall take effect on the first day of the fourth month following that in which death occurred.

The right to receive payment of survivor's pension shall cease at the end of the calendar month in which the recipient of the pension dies or ceases to satisfy the requirements for payment of the pension. 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 Rule No. 7 to the Staff Regulations.

Article 25 (53)

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

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

Article 26 (53)

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 the survivor's pension, provided that the second paragraph of Article 80 of the Staff Regulations does not apply.

Article 27 (53)

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 or 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 and enforced 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. The provisions of Article 26 shall apply in the event of remarriage after the death of the former spouse.

Article 28 (53)

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/her share, his/her share shall accrue to the shares of the other persons, except where there are orphans' rights under the second paragraph of Article 80 of the Staff Regulations.

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

Article 29 (53)

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

The spouse or persons recognised as dependants of an official having one of the statuses listed in Article 37 of the Staff Regulations whose whereabouts are unknown for more than one year may provisionally receive the survivor's pension to which they would be entitled under this Annex.

Article 31 (53)

The spouse or persons recognised as dependants of a former official in receipt of a retirement 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

The spouse or persons recognised as dependants of a former official within the meaning of Article 18a of Annex IV, or of a former official entitled to an allowance under Article 50 of the Staff Regulations may, if the former official's whereabouts are unknown for more than one year, provisionally receive a survivor's pension which they would be entitled under this Annex.

Article 32

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.

Article 33

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 (53)

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

The provisions of 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 (53)

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

CHAPTER 7

Section 1

FUNDING OF THE PENSION SCHEME

Article 36 (53)

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

Article 37

An official on secondment shall continue to pay the contribution referred to in the preceding Article on the basis of the salary carried by his step and grade. This shall also apply, up to a maximum of five years as provided in Article 4, to officials receiving the allowance provided for in respect of non-active status or retirement in the interest 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 concerned or those entitled under him.

Article 39 (34) (53)

Article 39 is deleted.

Section 2

CALCULATION OF PENSION

Article 40 (53)

The Agency shall be responsible for calculating the amount of retirement, 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 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 by the Agency 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 within the Agency or within other bodies or undertakings created by the Organisation.

Article 41

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

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

Article 42 (53)

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 death of the official or former official in receipt of a retirement pension or invalidity allowance, they shall lose their entitlement, save where "force majeure" is duly established.

Article 43

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 Agency of any facts liable to affect their entitlement.

Article 44

Where an official has been deprived, in whole or in part, of his pension rights under Article 88 of the Staff Regulations, he shall be entitled to claim reimbursement in proportion to the amount by which his pension has been reduced of the pension contributions he has paid.

Section 3

PAYMENT OF BENEFITS

Article 45 (53)

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

These benefits shall be provided by the Agency.

Benefits shall be paid in euro into a bank in the country of residence.

For pensioners residing outside the territory of the Members States, pensions may by way of exception be paid in euros into a bank in the country where the Agency has its Headquarters, or in foreign currency in the country of residence of the pensioner, converted on the basis of the quarterly exchange rates used for the implementation of the Agency budget.

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

Article 46 (53)

Any sums due from an official or former official in receipt of a retirement or invalidity allowance to the Agency 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

Article 47 is deleted

ANNEX V

DETERMINATION OF THE AMOUNT AND METHOD OF LEVY OF THE TAX ON EUROCONTROL STAFF REMUNERATION

Article 1

The tax on salaries and emoluments instituted by Article 1 of the Protocol amending the Additional Protocol shall be determined and collected under the conditions and according to the procedure laid down in this Annex.

Article 2 (28)

The Director General of the Agency and the staff members of the Organisation shall be liable to tax for the benefit of the Organisation.

Article 3

(27) (28) (29) (30) (32) (33) (36) (37) (38) (41) (43) (45) (46) (48) (49) (52) (54)

1. The salaries and other emoluments subject to the tax (basic taxable amount) shall include all remuneration, benefits and allowances received by persons liable in the performance of official duties, as well as the allowances payable in the event of assignment to non-active status or retirement in the interests of the service and the interim allowance payable to a former Director General, with the exception of monies and allowances, whether lump sums or not, which represent reimbursement of expenses actually incurred in the performance of the said duties.
2. The following shall be deducted from the basic taxable amount:
 - a) contributions in respect of pensions and social security;
 - b) the following allowances and benefits:
 - i) household allowance
 - ii) dependent child allowance
 - iii) education allowance
 - iv) expatriation allowance
 - v) installation allowance
 - vi) resettlement allowance
 - vii) birth grant
3. The following shall not be included in the basic taxable amount:
 - a) reimbursement in respect of medical expenses and funeral expenses;
 - b) lump-sum payments in the event of death or total or partial permanent invalidity;
 - c) payments by way of compensation for damage suffered in the cases mentioned in Article 24 of the Staff Regulations.
4. The amount obtained by applying the preceding provisions shall be subject to an abatement of 5% for occupational expenses, up to a maximum of EUR 86.76 per month.

Article 4

(27) (28) (29) (30) (32) (33) (36) (37) (38) (41) (43) (45) (46) (48) (49) (52) (54)

1. The tax shall be levied each month at source. The amount of tax shall be rounded down to the nearest whole unit of currency. The tax shall be calculated on the taxable amount obtained in pursuance of Article 3, disregarding a first slice not exceeding EUR 190.23 by applying the following rates:

10% to the slice between	EUR	190.23	and	EUR	380.49
20% to the slice between	EUR	380.49	and	EUR	570.73
25% to the slice between	EUR	570.73	and	EUR	760.96
30% to the slice between	EUR	760.96	and	EUR	1141.45
37% to the slice between	EUR	1141.45	and	EUR	1521.92
45% to the slice between	EUR	1521.92	and	EUR	1902.41
50% to the slice between	EUR	1902.41	and	EUR	2473.11
52% to the slice between	EUR	2473.11	and	EUR	3043.84
54% to the slice between	EUR	3043.84	and	EUR	3804.79
56% to the slice between	EUR	3804.79	and	EUR	4565.75
58% to the slice between	EUR	4565.75	and	EUR	5326.71
60% to amounts in excess of				EUR	5326.71

With effect from 1.7.05 the above amounts are subject to a weighting factor of 2.280519, based on the level of remuneration at 1.7.05.

Where salaries and emoluments are weighted for cost of living, the taxable amount referred to above shall be determined irrespective of increases or reductions due to the application of the weightings, but the amount of tax thus arrived at shall be weighted accordingly.

2. Notwithstanding the provisions of paragraph 1 above,

a) remuneration in respect of overtime (whether lump sums or not), and

b) remuneration in respect of unusual working hours,

shall be assessed for the purpose of taxation at the average rate applied to the other taxable items of remuneration paid to the person concerned in the month preceding that of payment.

Article 5

Where the taxable amount relates to a period of less than one month, the rate of tax shall be that applicable to a corresponding amount for a full month.

Where the taxable amount relates to a period of more than one month, the tax shall be calculated as if this amount were spread evenly over the months to which it relates.

Corrective payments not relating to the month during which they are paid shall be subject to the tax to which they would have been subject had they been made at the proper time.

Article 6

Each person liable shall receive before 1st March each year a slip showing the amount of his taxable salary and emoluments for the past financial year and the amount of tax levied for the benefit of the Organisation. At the same time a duplicate of this slip shall be communicated by the Organisation direct to the central taxation authorities of the country of residence of each person concerned.

Article 7

The tax proceeds shall be entered as revenue in the budget of the Organisation.

Article 8

This Regulation shall enter into force on the date laid down by the Permanent Commission and shall apply to payments made from that date.

ANNEX VI (23)

ARRANGEMENTS FOR THE ADJUSTMENT OF THE REMUNERATION AND PENSIONS COMPONENTS

Article 1 (34) (53)

The Director General shall submit to the first Provisional Council session of each year a report on remuneration and pensions trends at 1 July of the year preceding that in which the review is carried out.

The reference period for the review of the components shall comprise the twelve months preceding the 1 July from which the adjustment takes effect.

Article 2 (34) (49) (53)

The trend in the remuneration adjustment criteria for the reference period defined above shall comprise the trend in the cost of living in each country of posting (Article 64) or country of residence (Article 82), the trend in purchasing power in the national public services (Article 65) and the economic parities between the different countries of posting or country of residence.

The trend in the remuneration and pensions adjustment criteria for the reference period defined above shall be determined according to the remuneration and pensions adjustment method which is the subject of Annex XI to the Staff Regulations of Officials of the European Communities, applicable as from 1/7/04.

The Director General's report shall inform the Provisional Council of the decisions taken by the Council of the Communities and any other policy decision relating to salaries taken in the course of this periodic review at the European Communities.

Article 3 (53)

The Director General's recommendations shall be examined and approved by the Organisation's competent bodies in accordance with Articles 64, 65 and 82 provisions of the Staff Regulations.

Article 4 (53)

Interim adjustments of remuneration and pensions shall be examined with a view to adoption *mutatis mutandis* as provided in Article 4 of the aforementioned Annex XI.

Article 5 (42) (49) (53)

This Annex shall enter into force on 1/7/04 for a period expiring on 31/12/12 and shall apply to the remuneration and pensions review at 1/7/04 in respect of the reference period 1/7/03 to 30/6/04.

ANNEX VII (32) (37) (44)

TEMPORARY SOCIAL ALLOWANCE

Sole Article

1. A former official appointed for a limited or undetermined period who is unemployed when his/her service has been terminated either pursuant to the provisions of Article 51 or pursuant to the provisions of Annex X to the Staff Regulations:

- who is not in receipt of a retirement or invalidity pension from EUROCONTROL,
 - who has been established following a probationary period,
- and
- who is resident in a EUROCONTROL Member State or in the State of which he/she is a national,

shall be eligible for a temporary social allowance under the conditions laid down below.

Where he/she is entitled to unemployment benefits under a national scheme, he/she shall be obliged to declare this to EUROCONTROL. In such cases, the amount of those benefits will be deducted from the allowance paid under paragraph 3 of the present Article.

2. To be eligible for this temporary social allowance, a former official shall:

- a) be registered as seeking employment with the employment authorities of the Member State (or of the State of which he/she is a national) in which he/she establishes his/her residence, subject to the provisions of the penultimate subparagraph of this paragraph;
- b) fulfil the obligations laid down by the law of that State for persons seeking employment or those in receipt of unemployment benefits under that law;
- c) forward every month to the Agency a certificate issued by the competent national employment authority stating whether or not he/she has fulfilled the obligations and conditions referred to in a) and b).

The allowance shall nevertheless be granted if the former official is unable to register as seeking employment in the absence of any competent national authority or if his/her application is rejected by a national authority. In such cases, he/she shall not be required to forward every month the certificates referred to under c). The allowance may also be granted or maintained, 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.

3. The Director General shall lay down in a Rule of Application such provisions as he deems necessary for applying this paragraph.

The temporary social allowance shall be fixed with reference to the basic salary reached by the former official at the time of the termination of service. This allowance shall be fixed at:

- 60% of the basic salary for an initial period of 12 months,
- 45% of the basic salary from the 13th till the 18th month,
- 30% of the basic salary from the 19th till the 24th month.

The amounts thus defined shall not be lower than 50% of the minimum subsistence figure provided for in Article 6 of Annex IV, or higher than that figure.

4. The temporary social allowance shall be paid to the former official for a maximum of 24 months from the date of termination of service. If, however, during that period the former official ceases to fulfil the conditions laid down in paragraphs 1 and 2 of the present Article, payment of the temporary social allowance shall be suspended. Payment shall be resumed if before the expiry of that period the former official again fulfils the said conditions and has not acquired the right to national unemployment benefit.
5. A former official who is eligible for the temporary social 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 temporary social allowance; the minimum amount provided for in Article 1 of Rule No. 7 shall still apply.

The person concerned shall be obliged to declare any allowances of the same kind paid from other sources to himself/herself or to his/her spouse; such allowances shall be deducted from those to be paid on the basis of this Article.

A former official who is eligible for the temporary social 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 cost-of-living weighting for the Organisation Member State or other State in which a former official proves that he/she is resident shall be applied to the temporary social allowance and the family allowances.

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

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

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

7. An official appointed for a limited or undetermined period shall contribute a third to the financing of the unemployment insurance scheme.
That contribution shall be fixed at 0.5% of the basic salary of the person concerned, not taking into account the adjustment provided for in Article 64 of the Staff Regulations. That contribution shall be deducted monthly from the salary of the person concerned and paid, together with the remaining two thirds to be borne by the Agency, into an Unemployment Fund. The Agency shall pay its contribution each month, no later than eight days after the payment of remunerations.

8. The temporary social allowance paid to a former official who is unemployed shall be subject to the provisions of Annex V to the Staff Regulations relating to the "determination of the amount and method of levy of the tax on EUROCONTROL staff remuneration".
9. The national departments with responsibility for employment and unemployment, acting in accordance with their national legislation, and the Agency shall cooperate with each other in an effective manner in order to ensure that the present provisions are properly applied.
10. One year after the introduction of this unemployment insurance scheme and every two years thereafter, the Director General shall submit a report on the financial situation of the scheme to the Permanent Commission. Independently of this report, the Director General may submit to the Permanent Commission proposals adjusting the contributions provided for in paragraph 7 of the present Article if the application of the scheme so requires. The Permanent Commission shall act on these proposals in accordance with the conditions laid down in the final subparagraph of paragraph 3 of the present Article.
11. The provisions of this Article shall also apply to officials appointed for a limited period before 1.5.2002, and to Grade A1 and A2 officials.

ANNEX VIII (35) (39)

Military Expert Service

The following provisions derogate from or specify the scope of the articles of the Staff Regulations to which they refer:

Article 2 (appointment)

EUROCONTROL Military Experts shall be appointed by the Director General pursuant to the conditions of this Annex and following application of the relevant provisions of the Staff Regulations. The maximum age on appointment shall be 52.

Article 3 (period of appointment)

EUROCONTROL Military Experts shall be appointed for a period of not less than 3 years and not more than 5 years. Such appointments shall not in principle be renewable. In the event of renewal, the total period of employment as EME at EUROCONTROL shall not exceed 5 years.

Article 5 (creation of a specific Service)

Posts of EUROCONTROL Military Experts shall be grouped in a Military Experts Service designated by the letters MA, comprising Grades MA3 (Head of Military Expert Unit) equivalent to Grade 3 of category A, MA4 (Principal Military Expert), equivalent to Grade 4 of category A, and Grade MA5/MA6 (Military Expert), equivalent to Grade 5/6 respectively in category A. All provisions applicable to A grades are applicable, except where otherwise specified, within the scope of the present Annex.

Article 7 (no possibility of transfer to a different post)

By way of derogation from the provisions of Article 7.2, the EUROCONTROL Military Expert shall be assigned to a post in his Service and may not be transferred to any other post within the Agency.

Article 31 (appointment to another post)

During the period of their appointment, Military Experts may apply for a post, at a grade which is equivalent to or higher than their current grade, in another service under the Staff Regulations. Such applications shall be examined in accordance with the provisions of Article 31 of the said Staff Regulations.

Article 36 (probationary period)

The EUROCONTROL Military Expert shall serve a probationary period of three months before he can be established. The time-limits provided for by Article 36.2 shall not apply.

Article 42

When a EUROCONTROL Military Expert is called up for reserve training or recalled to serve in the armed forces, his remuneration or mission expenses will not be paid by EUROCONTROL during this period.

Article 66

A 25th , 26th , 27th and 28th grade shall be added to those defined in Article 5 of the Staff Regulations.

ANNEX IX (44)

TEMPORARY PROVISIONS OF THE STAFF REGULATIONS RELATING TO THE CONVERSION
OF LIMITED-TERM APPOINTMENTS VALID ON 1.5.2002 INTO APPOINTMENTS FOR AN
UNLIMITED PERIOD

Sole Article

1. An official appointed for a limited period which has not expired on 1.5.2002 may be granted an appointment for an unlimited period, provided that his performance is satisfactory and that the duties associated with his post are not of a temporary nature.
If the Director General does not intend to convert the appointment of an official appointed for a limited period, he shall consult the Joint Committee.
2. Limited-term appointments shall be converted to appointments for an unlimited period at the grade and step reached at the time of the decision to convert such appointments.
3. Decisions relating to conversion shall be taken within six months of the date on which these amendments enter into force.

ANNEX X (44)

**SPECIAL PROVISIONS OF THE STAFF REGULATIONS APPLICABLE TO OFFICIALS
APPOINTED FOR AN UNDETERMINED OR LIMITED PERIOD FROM 1.5.2002**

Chapter	Contents	Articles	Pages
1	General provisions	1 to 3	76h
2	Special provisions of the Staff Regulations relating to appointments for an undetermined period		
	Section 1 Conditions governing the award of appointments for an undetermined period	4	76h
	Section 2 Procedure and notice applicable in the event of termination of service	5	76i
	Section 3 Compensation in the event of termination of service	6-8	76j-k
3	Special provisions of the Staff Regulations relating to limited-term appointments		
	Section 1 Conditions governing the award and duration of limited-term appointments	9	76l
	Section 2 Procedure and notice applicable in the event of termination of service	10	76m
	Section 3 Compensation in the event of termination of service	11-12	76m-n

CHAPTER 1

GENERAL PROVISIONS

Article 1

1. The purpose of this Annex is to determine the special procedures governing inter alia appointments, termination of service and compensation in the event of termination of service which apply to the officials referred to in Article 1.2, last indent, of the Staff Regulations. These special provisions shall in some cases derogate from, and in others supplement, certain provisions of the Staff Regulations
2. The principle governing the duration of the appointments of the officials referred to in Article 1.2, last indent, of the Staff Regulations shall be as follows:
 - where the duties are of a lasting nature, the official shall be appointed for an undetermined period, subject to the conditions set out in Chapter 2 below;
 - where the duties are not of a lasting nature or where the relevant unit is in the process of being set up, the official shall be appointed for a limited period, subject to the conditions set out in Chapter 3 below.

Grade A1 and A2 officials are not covered by the provisions of this Annex.

Article 2

The status provided for in Article 37d) ("non-active status") shall not apply to the officials referred to in this Annex.

Article 3

Granting leave on personal grounds pursuant to the provisions of Article 40 of the Staff Regulations may not result in the extension of the duration of a limited-term appointment, the renewal of such an appointment, or the suspension of the date on which the notice provided for in Articles 5.4 and 10.3 of this Annex starts to run.

CHAPTER 2

SPECIAL PROVISIONS OF THE STAFF REGULATIONS RELATING TO APPOINTMENTS FOR AN UNDETERMINED PERIOD

Section 1

CONDITIONS GOVERNING THE AWARD OF APPOINTMENTS FOR AN UNDETERMINED PERIOD

Article 4

The official shall be appointed for an undetermined period where the duties corresponding to the post for which he is applying are of a lasting nature.

Section 2

PROCEDURE AND NOTICE APPLICABLE IN THE EVENT OF TERMINATION OF SERVICE OF AN OFFICIAL APPOINTED FOR AN UNDETERMINED PERIOD

Article 5

1. The Director General may terminate the service of an official appointed for an undetermined period where the duties the official performs cease or are substantially changed, with or without deletion of the budgetary post.
2. Prior to taking such a decision, the Director General shall explore all the options for reassigning the official to a different post, at the same or a lower grade, including if necessary retraining measures. Any termination of service proposal shall adduce the reasons therefor and be communicated to the official concerned. The official shall be entitled to make any comments thereon which he considers relevant. The reasoned decision shall be taken by the Director General after consulting the Appointments Review Board.
3. Where an official is appointed in accordance with the provisions of paragraph 2 above to a post carrying a lower grade than his previous post, the decision by the Director General shall specify his new grade, his step and his seniority in the step.
In such cases, and if the official would not reach, one year before his retirement, a grade and step with a basic salary at least equal to the grade and step he had reached prior to his appointment to the lower grade, the pension rights provided for in Article 77 of the Staff Regulations shall be calculated in proportion to the number of months' service completed prior to and following his appointment to the lower grade. The basic salary taken into account in this calculation for each of the two periods of service shall be:
 - for the period worked prior to the official's appointment to the lower grade, the salary attaching to the last grade and step reached prior to that appointment,
 - for the period worked following the official's appointment to the lower grade, the salary attaching to the last grade and step reached at least one year prior to retirement.
4. The length of the period of notice for termination of service shall be six months plus one month per five-year period of service completed with the Agency as an official or servant.
The notice shall begin to run on the first day of the month following that in which the reasoned decision to terminate service is notified to the official.
The period of notice shall not, however, begin to run during maternity leave or sick leave, provided such sick leave does not exceed three months. The notice shall be suspended during maternity leave, and, subject to a limit of three months, during sick leave.
For the duration of the period of notice, the Director General shall grant the official concerned the time needed to find new employment and make private arrangements in connection with his resettlement.
5. An official appointed for an undetermined period shall be required to resign:
 - either at the end of the period of notice for officials covered by the provisions of Article 7 below;
 - or at the age of 60 at the latest for officials covered by the provisions of Article 8 below.

Section 3

COMPENSATION IN THE EVENT OF TERMINATION OF SERVICE OF AN OFFICIAL APPOINTED FOR AN UNDETERMINED PERIOD

Article 6

An official whose service is terminated pursuant to Article 5 above shall be entitled to compensation as provided for in Articles 7 and 8 below.

Article 7

1. An official aged less than 55 years shall receive compensation proportionate to his years of service with the Agency, calculated as follows:
 - less than ten years' service: six months' basic salary, plus one month for each full year of service;
 - at least 10 but less than 15 years' service: seven months' basic salary, plus one month for each full year of service;
 - at least 15 but less than 20 years' service: eight months' basic salary, plus one month for each full year of service;
 - 20 years' service or more: nine months' basic salary, plus one month for each full year of service;
2. Compensation shall be paid on expiry of the period of notice in the form of a sum incorporating the cost-of-living weighting of the last place of employment, which sum shall be subject to the internal tax provided for in Annex V of the Staff Regulations. In order to calculate the internal tax applicable to the compensation, each basic monthly salary payable shall be taxed individually on the basis of the internal tax scale.

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 during which the compensation is payable.

The compensation shall be expressed and paid in euros.

The compensation shall not be payable if the official has refused to be appointed, prior to expiry of the period of notice, to another Agency post of the same grade.

Article 8

1. An official aged 55 years or more shall receive a monthly allowance equivalent to 60% of the total of the basic salary for the grade and step held at the time of departure, determined by reference to the table set out in Article 66 of the Staff Regulations in force on the first day of the month for which the allowance is payable.

The total duration of entitlement to this allowance is fixed in paragraph 6 below.
He may, however, opt for the compensation for termination of service provided for in Article 7 above, which is calculated on the basis of his actual age.

2. The allowance shall be subject to the adjustment laid down in Article 64 of the Staff Regulations, applicable by analogy, and weighted at the rate fixed for the country situated inside or outside the Member States of the Organisation where the recipient proves he has his residence.
If the recipient of the allowance establishes his residence in a country for which no weighting has been fixed, the weighting of 100 shall be applied
The allowance shall be expressed in euros and paid in the currency of the country of residence of the recipient. However, if it is subject to the weighting of 100 in accordance with the provisions of the preceding subparagraph, it shall be paid in euros.
Allowances paid in a currency other than the euro shall be calculated at the exchange rates specified in the second paragraph of Article 63 of the Staff Regulations.
Gross income accruing to the official from any new employment shall be deducted from the allowance, in so far as that income plus that allowance exceed the total gross remuneration last received by the official, determined by reference to the salary scales in force on the first day of the month for which the allowance is payable. That remuneration shall be weighted as provided for in the first paragraph above.
Gross income and total gross remuneration last received, as referred to above, mean sums paid after deduction of social security contributions and before deduction of tax.
The official concerned shall provide the written proof required by the Agency when the annual return of gross income accruing to him from any new employment is requested and shall in the interval between annual requests notify the Agency of any factor which may affect his right to the allowance.
3. Under the conditions referred to in Article 67 of the Staff Regulations and Articles 1, 2 and 3 of Rule of Application No. 7 to the Staff Regulations, an official entitled to an allowance under this Article shall receive family allowances; the household allowance shall be calculated by reference to that allowance.
4. The allowance and other various allowances received shall be subject to the internal tax provided for in Annex V of the Staff Regulations, which shall be applicable by analogy, as well as Rule of Application No 27.
5. Recipients of the allowance shall be entitled, in respect of themselves and persons covered by their insurance, to benefit under the sickness insurance scheme provided for in Article 72 of the Staff Regulations on condition that they pay the relevant contribution, calculated on the basis of the allowance, and that they cannot be covered by any other public scheme against the same risks. For the purposes of Article 72, the official shall be treated in the same way as an official who has remained in service until the age of 60.
6. During the period for which he is entitled to receive the allowance, the official shall continue to acquire further rights to retirement pension based on the salary attaching to his grade and step, subject to payment during that period of the contribution provided for in the Staff Regulations by reference to that salary and those allowances, and provided that the total amount of pension rights does not exceed 70%.
The allowance shall cease on the last day of the month in which the official reaches the age of 60.
At that point the official shall automatically receive a retirement pension, which shall take effect on the first day of the month following the month in which the allowance was paid for the last time.
However, an official may, at any time, request that his allowance be converted into a retirement pension calculated on the basis of the pension rights acquired in the EUROCONTROL pension scheme at the date of effect of his request.

7. The relevant provisions of the Staff Regulations shall continue to apply for the purposes of calculation and payment of the retirement pension and the survivor's pension.

Subject to the provisions of Annex IV to the Staff Regulations, the surviving spouse of an official who dies while in receipt of the allowance shall be entitled, provided that they had been married for at least one year when the official left the service of the Agency, to a survivor's pension equal to 60% of the retirement pension which, irrespective of length of service or age, would have been payable to the official if he had qualified for it at the time of death.

The amount of the survivor's pension referred to in the previous subparagraph shall not be less than the amounts specified in the second paragraph of Article 79 of the Staff Regulations. However, in no case may the total amount payable to the widow, or widower and other entitled persons by way of survivor's pension plus family allowances less a sum equivalent to the tax applicable at the European Community and other compulsory deductions under the Staff Regulations, exceed the amount of the retirement pension to which the official would have been entitled had he survived and been granted a retirement pension when he ceased to be eligible for the allowance, subject to the allowances and deductions mentioned above.

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

On the death of the official in receipt of the allowance provided for in Article 2, dependent children within the meaning of Article 2 of Rule of Application No 7 of the Staff Regulations shall be entitled to an orphan's pension under the conditions set out by Article 80 of the said Staff Regulations and in Article 21 of Annex IV to the Staff Regulations.

CHAPTER 3

SPECIAL PROVISIONS OF THE STAFF REGULATIONS RELATING TO LIMITED-TERM APPOINTMENTS

Section 1

CONDITIONS GOVERNING THE AWARD AND DURATION OF LIMITED-TERM APPOINTMENTS

Article 9

1. Where an official is recruited to perform tasks which are of limited duration, the duration of the appointment shall correspond to the duration of the tasks, but may not exceed five years. The appointment may be renewed in order to allow the official to complete the tasks under way, but the total length of the appointment, including its renewal period, may not exceed seven years.
2. Where the official is recruited to a unit which is in the process of being set up or to perform tasks the future of which is not yet certain, the duration of his appointment shall, as a general rule, be limited to five years. In exceptional circumstances, the appointment may be renewed, but its total duration, including the renewal period, may not exceed seven years.

Where a post is of a lasting nature, the appointment may be converted into an appointment for an undetermined period, provided that the performance of the official in question is satisfactory.

3. During his period of appointment, the official may apply for and be recruited to a post for which appointment is for an undetermined period.

Section 2

PROCEDURE AND NOTICE APPLICABLE IN THE EVENT OF TERMINATION OF SERVICE OF AN OFFICIAL APPOINTED FOR A LIMITED-TERM PERIOD

Article 10

1. In principle, an official appointed for a limited period shall perform his duties until the date provided for in his act of appointment or its renewal, subject to the conditions set out in Article 9 above.
2. In exceptional circumstances, however, the Director General may terminate an appointment for a limited period where the duties performed cease or are fundamentally changed, with or without deletion of the budgetary post. Prior to taking such a decision, the Director General shall explore all the options for reassigning the official to a different post, at the same or a lower grade, including if necessary retraining measures. Any termination of service proposal shall adduce the reasons therefor and be communicated to the official concerned. The official shall be entitled to make any comments thereon which he considers relevant. The reasoned decision shall be taken by the Director General after consulting the Appointments Review Board.
3. In the case of officials coming under the provisions of paragraph 2 above, the length of the period of notice for termination of service shall be six months, plus one month if the official has completed at least five years' service with the Agency in that capacity. The notice shall begin to run on the first day of the month following that in which the reasoned decision to terminate service is notified to the official.
The period of notice shall not, however, begin to run during maternity leave or sick leave, provided such sick leave does not exceed three months. The notice shall be suspended during maternity leave, and, subject to a limit of three months, during sick leave.
For the duration of the period of notice, the Director General shall grant the official concerned the time needed to find new employment and make private arrangements in connection with his resettlement.
4. On expiry of the period for which he was appointed, and no later than seven years after commencement thereof, the official shall be required to resign. He shall also be required to resign upon expiry of the period of notice provided for in paragraph 3 above.

Section 3

COMPENSATION IN THE EVENT OF TERMINATION OF SERVICE OF AN OFFICIAL APPOINTED FOR A LIMITED-TERM PERIOD

Article 11

An official whose service is terminated in accordance with the provisions of Article 10, paragraph 2 above, shall be entitled to compensation proportionate to his years of service with the Agency equal to six months' basic salary, plus one month for each full year of service.

Article 12

Compensation shall be paid on expiry of the period of notice in the form of a sum incorporating the cost-of-living weighting of the last place of employment, which sum shall be subject to EUROCONTROL internal tax. In order to calculate the internal tax applicable to the compensation, each basic monthly salary payable shall be taxed individually on the basis of the internal tax scale.

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 during which the compensation is payable.

The compensation shall be expressed and paid in euros.

The compensation shall not be payable if the official has refused to be appointed, prior to expiry of the period of notice, to another Agency post of the same grade.

ANNEX XI (44)

PROVISIONS OF THE STAFF REGULATIONS RELATING TO THE APPLICATION
OF ARTICLE 51 OF THE STAFF REGULATIONS

Sole Article

1. As regards the application of the first subparagraph of Article 51.1 of the Staff Regulations, the word "incompetent" shall be interpreted as meaning that the performance of the official is not satisfactory. Incompetence shall be assessed with reference to the following: description of the post, determination of the objectives of the job, periodical report appraising performance and professional development.
2. Where an official's performance is not considered satisfactory, his manager shall immediately take remedial measures to allow the official to achieve a satisfactory level of performance.
3. If, despite such remedial measures, the official does not succeed in achieving a satisfactory level of performance by the deadline set, a dismissal procedure may be initiated, subject to the conditions laid down in a Rule of Application.

ANNEX XII (53)

RULES FOR IMPLEMENTING ARTICLE 83A OF THE STAFF REGULATIONS

CHAPTER 1

GENERAL PRINCIPLES

Article 1

1. In order to determine the contribution of officials to the pension scheme referred to in Article 83(2) of the Staff Regulations, the Director General shall, every five years starting on 1 July 2005, carry out the actuarial assessment of the balance of the pension scheme referred to in Article 83a(2) 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(3) of the Staff Regulations, the Director General 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 Agency's officials as defined in Article 11 of this Annex.
3. The assessment and updates shall be carried out 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

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.

CHAPTER 2

ASSESSMENT OF THE ACTUARIAL BALANCE

Article 3

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

1. The actuarial balance shall be assessed on the basis of the method for calculation set out in this chapter.
2. In accordance with this method, the “actuarial value” of pension rights
 - acquired prior to 1 January 2005 shall represent the obligation in respect of past service prior to this date,
 - acquired between 1 January 2005 and the date of calculation shall represent the obligation in respect of the periods of service between these two dates,
 - acquired after the date of calculation shall represent the obligation in respect of future service.
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 (projected salaries);
 - b) the pension rights earned before 1 January 2005 (the past service liability) shall not be taken into account.
 - c) pension rights acquired after 1 January 2005 shall be taken into account.
5. All the relevant provisions provided for in these Staff Regulations (particularly in Annexes IV 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 Agency. 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

1. The basis of the contribution formula shall be as follows:

Contribution rate = actuarial value of obligations subsequent to 1 January 2005/actuarial value of projected salaries
2. Officials' contributions to the cost of financing the pension scheme shall be calculated as being equal to one third of the result of the formula set out in paragraph 1 above.
3. The cost of the liabilities shall be the sum of:
 - a) the cost of the retirement liabilities (detailed in Article 6 of this Annex), i.e. the actuarial value of the pension rights that will be earned since 1 January 2005, 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 cost of the invalidity liabilities (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 after the date of calculation; and
 - c) the cost of the survivor's liabilities (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 after 1 January 2005.
4. The evaluation of the cost of the liabilities 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 IV shall be taken into account.

Article 6

1. In order to calculate the value of retirement pensions, the pension rights acquired since 1 January 2005 shall be calculated for each servant in active service by multiplying his/her projected basic salary at the age of retirement by the percentage of pension rights acquired since 1 January 2005.
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.

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 acquired by a given servant, the actuarial value of those pension rights (and of the associated survivor's pensions) shall be calculated by multiplying the pension rights as defined above by the appropriate annuities as laid down in Annex XII to the Staff Regulations of Officials of the European Communities.
4. The calculation of the cost for retirement liabilities shall take into account the reduction coefficient for officials leaving the service before the pensionable age.

Article 7

1. In order to calculate the value of invalidity allowances, the number of such allowances expected to become payable as from 1 January 2005 shall be measured by applying to each active official the probability that he could become an invalid during one year after 1 January 2005. 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 payable as from 1 January 2005, reference shall be made to the appropriate annuities as laid down in Annex XII to the Staff Regulations of Officials of the European Communities.

Article 8

1. The value of the pension rights that will become payable to survivors after 1 January 2005 shall be measured by applying to each active official the probability that he might die during one year after 1 January 2005. That probability shall then be multiplied by the amount of spouse's pension that will become payable. 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 after 1 January 2005, an immediate annuity shall be used. This annuity shall be multiplied by the probability that the official is married, pursuant to the formula referred to in Annex XII of the staff regulations of officials of the European Communities.

CHAPTER 3

SYSTEM OF COMPUTATION

Article 9

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 Director General.

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

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 of the European Union 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

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 of the Staff Regulations of officials of the European Communities.
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

The rate in Article 8 of Annex IV 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

The actuarial assessments referred to in Article 1 may be entrusted by the Director General to one or more qualified independent experts or bodies.

CHAPTER 5

REVISION CLAUSE

Article 14

1. The provisions of Articles 9, 10, 11 and 12 of this Annex shall be applied for ten years.
2. On the occasion of the five-yearly actuarial assessments and by way of exception in order to remedy any imbalances, this Annex and the method of calculation referred to in Article 3 may be reconsidered by the Commission on the basis of a reasoned proposal from the Director General.
3. By way of derogation from Article 83a of the Staff Regulations and paragraph 1 of this Article, the second assessment, a report and, if necessary, a proposal from the Director General shall be submitted to the Commission by the end of 2008.

ANNEX XIII (53)

TRANSITIONAL MEASURES APPLICABLE TO OFFICIALS

Article 1

1. The pensions of officials who retire before 1 July 2005 shall be subject to the correction coefficient referred to in point (b) of Article 3(5) of Annex XI to the Staff Regulations of officials of the European Communities for EUROCONTROL 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 IV, 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 July 2005 until 1 July 2010, pensions determined before 1 July 2005 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 of officials of the European Communities, 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 st July 2005	1 st July 2006	1 st July 2007	1 st July 2008	1 st July 2009
%	80% Officials 20% Pensions	60% Officials 40% Pensions	40% Officials 60% Pensions	20% Officials 80% Pensions	100% Pensions

When at least one of the coefficients is modified, the average is modified with effect on the same date.

3. For officials recruited before 1 July 2005 not receiving a pension as at 1 July 2005, 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 4 of Annex IV, except for years of pensionable service acquired after 1 July 2005 for officials recruited before that date and aged less than 35 years at that date, and
 - b) to years of pensionable service resulting from a transfer under Article 12 of Annex IV concerning the pension rights acquired under the system of origin before 1 July 2005 by the official in service before 1 July 2005.

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 Rule No. 8. However, for family or medical reasons, officials receiving a pension may exceptionally request the Director General 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 IV, 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. 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 2

Notwithstanding the second sentence of the second paragraph of Article 77, officials who entered the service before 1 July 2005 shall be entitled to 2% of the salary referred to therein for every year of pensionable service calculated in accordance with Article 4 of Annex IV.

Article 3

1. Officials aged 50 or over or with 20 or more years' service on 1 July 2005 shall become entitled to a retirement pension when they reach the age of 60.

Officials aged between 30 and 49 years on 1 July 2005 shall become entitled to a retirement pension at the age shown in the table below:

<u>Age on</u> <u>1 July 2005</u>	<u>Pensionable</u> <u>age</u>	
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	
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	
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 July 2005 shall become entitled to a retirement pension at the age of 63 years.

For officials in service before 1 July 2005 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 3 of Annex IV, officials who enter the service before 1 July 2005 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 paragraph of Article 77 of the Staff Regulations.

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.

For officials aged 35 years or over, 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 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% 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 Director General shall propose appropriate compensation measures to the Commission.
4. Officials who entered service before 1 July 2005 and who, after Articles 3, 4 and 12 of Annex IV 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 Director General 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 Agency. The Director General shall adopt these general implementing provisions.

The officials concerned may qualify under this arrangement for five years after 1 July 2005, subject to a maximum period of contributions of: three months in the case of officials aged 45 to 49 on 1 July 2005; 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 4

1. Notwithstanding Article 52 of the Staff Regulations, application of the first paragraph, second indent, of Article 9 of Annex IV may be requested by officials who enter the service before 1 July 2005 and who leave the service before the age at which they would have become entitled to a retirement pension in accordance with Article 3 of this Annex:
 - a) from the age of 50 for those aged at least 45 or with 20 or more years' service on 1 July 2005;
 - b) from the age determined in accordance with the table below for officials aged up to 45 years on 1 July 2005:

<u>Age on 1 July 2005</u>	<u>Age when drawing an immediate pension</u>
45 years and older	50 years
44 years	50 years 6 months
43 years	51 years
42 years	51 years 6 months
41 years	52 years
40 years	52 years 6 months
39 years	53 years
38 years	53 years 6 months
37 years	54 years
36 years	54 years 6 months
35 years and younger	55 years.

2. In such cases, in addition to the reduction in retirement pension rights referred to in Article 9 of Annex IV 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 5

1. In the case of a pension determined before 1 July 2005, 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, correction coefficients in force as from 1 July 2005 shall apply immediately without prejudice to the application of Article 1 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 July 2005.

2. When these provisions enter into force, the nominal amount of net pension received before 1 July 2005 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 July 2005 and 31 December 2008, 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 July 2005, 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 July 2005.

For officials who retire between 1 July 2005 and 31 December 2008, 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 July 2005 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 after 1 July 2005, 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. However, their retirement pensions shall be determined in accordance with the rules in force on the date on which their payment commences.

Article 6

1. When the actuarial equivalent referred to in Article 11 and Article 86, paragraph 1.b of the Staff Regulations is calculated, the official shall be covered, for the portion of his rights relating to periods of service before 1 July 2005, 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 Agency in accordance with Article 12 of Annex IV to the Staff Regulations, plus compound interest at the rate of 3.5% a year.
2. However, where officials 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 88.2.f) to the Staff Regulations.
 3. Unless they have benefited from Article 12(1) or (2) of Annex IV to the Staff Regulations, officials in service on 1 July 2005 and who would, for lack of a transfer option under Article 11, have been entitled to payment of a severance grant in accordance with the Staff Regulations rules in force before 1 July 2005, shall retain the right to payment of a severance grant calculated in accordance with the rules in force before that date.

4. However, officials appointed prior to 1st July 2005, who are over 60 years of age and have not completed ten years, provided they have not benefited from Article 12 of Annex IV, and who are entitled to an immediate or deferred retirement pension shall be able to opt for payment of the severance grant calculated in accordance with the provisions applicable prior to that date.

APPENDIX I

COORDINATING PROVISIONS RELATING TO THE ASSIGNMENT OF OFFICIALS AND SERVANTS TO AUTHORIZED AGENCY POSTS NOT FALLING UNDER THE STAFF REGULATIONS GOVERNING THEIR ORIGINAL POST

Section 1

GENERAL PROVISIONS

Article 1

The object of the present provisions is to lay down the conditions under which officials and servants established in grades in categories B or C may be assigned permanently or temporarily to authorized Agency posts not falling under the Staff Regulations governing their original appointment.

Article 2

Any assignment to a post under the present provisions shall invariably be effected in such a way that the post is filled in accordance with the Staff Regulations governing such post, except as otherwise provided hereunder.

Article 3

The permanent assignment of officials and servants to posts not falling under their original Staff Regulations shall be subject to recruitment procedure following an application from the person concerned.

However, posts may be temporarily filled by the system of inter-regulations secondment. In such cases the provisions of Article 39 of the General Conditions of Employment shall apply, as amended or supplemented by the provisions of Articles 4 to 7 below.

Section 2

INTER-REGULATIONS SECONDMENT FOR THE TEMPORARY FILLING OF A POST

Article 4 (34)

1. Inter-regulations secondment as provided for in Article 3 above shall be effected to posts carrying either a grade equivalent to that attaching to the post from which the person concerned is seconded or a higher grade, but then temporarily within the meaning of Article 8 of the Staff Regulations or of Article 8 of the General Conditions of Employment and in accordance with the provisions relating to duration contained in paragraph 3 of the present Article.
2. Officials or servants on inter-regulations secondment may not be permanently substituted in their old post, nor may they be permanently allotted the grade attaching to their new post.
3. Inter-regulations secondment orders shall be issued by the Director General for a period not exceeding one year; where posts cannot be filled by the end of this period, the secondment may, by way of exception, be extended to a maximum of eighteen months.

The prior and explicit agreement of the person concerned shall be required where the period of secondment is to exceed three months or is to be extended by a further period of more than three months.

Article 5

1. While on inter-regulations secondment officials and servants shall continue to enjoy all their rights and shall remain subject to all the obligations issuing from their original Staff Regulations.
2. However, officials and servants on inter-regulations secondment shall also be governed by the provisions set out below:
 - 1) Where officials or servants cannot continue to reside at home on account of their secondment, the extra expenditure incurred in consequence shall be covered exclusively by payment throughout the period of their secondment of the daily subsistence allowance granted to officials and servants after recruitment or relocation pending removal of their household to their place of employment.

However, where the secondment order contains the explicit requirement that the official or servant take up permanent residence in his new place of work, the person concerned shall, for the purposes of determining his entitlement to allowances and reimbursement of expenses, be assimilated to an official or servant transferred to another Agency establishment and unable to continue living in his original place of residence.

- 2) Officials and servants on inter-regulations secondment shall be subject to the conditions of work and shall enjoy the allowances or other compensations attaching to the post to which they are seconded.
- 3) Officials and servants on inter-regulations secondment shall continue to pay pension fund contributions on the basis of the salary attaching to their grade and incremental level under their original Staff Regulations.
- 4) Officials and servants on inter-regulations secondment shall retain the rights to step advancement and promotion provided for in their original Staff Regulations.
- 5) On expiry of their period of inter-regulations secondment, officials and servants shall be reinstated as of right in a vacant post appropriate to their specialism and carrying their grade at their original Agency establishment.

Article 6

All budgetary expenditure resulting from inter-regulations secondment shall be allocable to the section of the budget providing for the post thus filled.

Article 7

Inter-regulations secondment shall be subject to a two-fold limitation in respect of each professional category provided for in the Staff Regulations and the General Conditions of Employment, viz.,

- 1) the number of officials or servants put on inter-regulations secondment may not exceed one tenth of the budgetary establishment;
- 2) not more than 10% of the posts may be filled by inter-regulations secondment.

Section 3

PERMANENT ASSIGNMENT

Article 8

In the case of recruitment as referred to in the first paragraph of Article 3 above, the applications of officials and servants shall, like those of other candidates, be examined in accordance with the Staff Regulations providing for the selection test.

Article 9

Except where the provisions of Articles 33 and 34 of the Staff Regulations or Articles 34 and 35 of the General Conditions of Employment are more advantageous, officials and servants shall be appointed:

- 1) in the case of recruitment for a post of equivalent grade, at the incremental level giving a basic salary equal to that enjoyed in the previous post; in such cases the person concerned shall retain the seniority acquired at his incremental level;
- 2) in the case of recruitment for a post carrying a higher grade, at the incremental level giving a basic salary equal to, or failing that, immediately above, that received in the previous post; in such cases the person concerned shall, where appropriate, retain his seniority as calculated in accordance with the provisions of Article 46 of the Staff Regulations or Article 47 of the General Conditions of Employment.

Article 10

The officials and servants in question shall, on the day of their appointment, be permanently allotted the grade to the new post, where the latter comprises duties of the same nature and of the same level as those they were discharging or which they could have been called upon to discharge by virtue of promotion under their original staff regulations.

Otherwise, the grade shall not be permanently allotted until the person concerned has successfully completed the training or probationary periods to which appointment to the new post or establishment in the grade in question is subject; permanent allotment of grade shall, however, have retroactive effect from the date of appointment to the new post.

Article 11

The order issued by the Director General to the effect that the official or servant has been permanently allotted the grade concerned shall, in addition to the date of appointment to the new post, state the rank of the person concerned upon being appointed and the effective date of his establishment in the grade attaching to his previous Agency post. A new personal file shall not be opened.

Article 12

1. Officials or servants shall not be definitively subject to the provisions of their new Staff Regulations until the date on which they are permanently allotted one of the grades provided for therein.
2. Throughout the training or probationary periods referred to in the second paragraph of Article 10 above, the provisions relating to secondment contained in the original Staff Regulations of the official or servant concerned shall apply analogously under the terms of Articles 5 and 6 above.

Article 13

For matters relating to the acquisition, restitution or liquidation of the various rights provided for by the Staff Regulations to which the person concerned is subject, the latter shall, unless expressly provided otherwise, be considered as having been subject to the said regulations throughout his service with the Agency.

Article 14

Notwithstanding Article 13 above, officials and servants shall continue to enjoy the rights granted them under Articles 97, 98 and 99 of the Staff Regulations of the Permanent Staff or in pursuance of Article 94 of the General Conditions of Employment.

Section 4

TRANSITIONAL PROVISIONS

Article 15

Officials or servants who, on account of urgent service requirements, have been transferred before the present provisions come into force to a post falling under the other set of Staff Regulations shall be permanently allotted the grade and incremental level attaching to the post as from the effective date of their transfer.

Section 5

FINAL PROVISIONS

Article 16

In the event of any dispute concerning the implementation of the present provisions, the legal remedies provided for in the Staff Regulations and the General Conditions of Employment shall be used.

Article 17

The general or individual measures for giving effect to the present provisions shall be determined in accordance with Article 100 of the Staff Regulations and Article 95 of the General Conditions of Employment.

Article 18

1. The present provisions shall come into force on 1st May 1970.
2. However, the provisions of Article 16 shall come into force on the day of acceptance by the Governing Body of the International Labour Organisation of the declaration referred to in Article 11, paragraph 5, of the Statute of the Administrative Tribunal of this Organisation.

This declaration shall be addressed to the Director General of the International Labour Office by the Director General of the Agency.

Article 19

In case of any inconsistency between the texts of the present provisions, the text in the French language shall prevail.

APPENDIX II

TRANSITIONAL PROVISIONS HAVING THE FORCE OF SERVICE REGULATIONS
RELATING TO THE AMENDMENTS TO ARTICLES 85 AND 86 OF THE STAFF
REGULATIONS, AND TO ARTICLES 84a AND 85 OF THE GENERAL CONDITIONS
OF EMPLOYMENT, APPROVED ON 5 JULY 1978

Sole article

Where a national pension scheme allows retrospective payments, the provisions of Articles 85 and 86 of the Staff Regulations, and of Articles 84a and 85 of the General Conditions of Employment, may be implemented in the case of officials and other servants whose appointments have been limited in respect of the period from the date they took up duty until 22 June 1978.

APPENDIX III

TRANSITIONAL PROVISIONS HAVING THE FORCE OF SERVICE REGULATIONS RELATING TO THE BASIC SALARY SCALES PROVIDED FOR IN ARTICLES 65 OF THE STAFF REGULATIONS AND THE GENERAL CONDITIONS OF EMPLOYMENT

Article 1

The basic salary scales provided for in Article 65 of the Staff Regulations governing Officials of the EUROCONTROL Agency and the General Conditions of Employment governing Servants at the EUROCONTROL Maastricht Centre are replaced by the basic salary scales annexed hereto.

Article 2

1. In the case of officials or other servants as well as persons entitled to a pension or allowance under Article 41 of the General Conditions of Employment or Article 50 of the Staff Regulations, whose entitlements are reduced by reason of Article 1 of the present provisions:
 - a) no part of the amounts paid during the period between 1 July 1979 and the date on which the present provisions enter into force shall be required to be repaid;
 - b) as a transitional measure, the amounts payable to the persons concerned after the date of entry into force of the present provisions shall be calculated each month by reference to the remuneration paid on 30 June 1979 on the basis of their grade and step and their circumstances as to dependants for the month in question; such calculations shall also take into account any new factor justifying new or changed entitlements; where new weightings are fixed after 30 June 1979, the weighting to apply to the sums referred to above shall be calculated on the following basis: the cost-of-living component in the weighting shall be equal to the difference between the part of the weighting corresponding to the increase in the cost of living for the State concerned and the part of the weighting corresponding to the increase in the cost of living for the State where the increase is lowest;
 - c) allowances calculated by reference to the basic salary scales which are paid as a lump sum (Articles 70 and 73 of the Staff Regulations and the General Conditions of Employment) shall continue to be determined by reference to the salary scales in force on 30 June 1979 for as long as the allowances calculated on the basis of such scales are higher than the corresponding allowances calculated on the basis of the scales referred to in Article 1.

2. The rules for the calculation of salaries defined at 1 b) shall cease to apply:
 - from the month in which calculation based on the basic salary scales established under these provisions produces, for the person concerned, a sum at least equal to that calculated on the basis of the scales in force on 30 June 1979,
 - or six years from the entry into force of these provisions, whichever shall be the earlier.
3. However, where a retirement or invalidity pension becomes payable to an official or other servant to whom the first indent of paragraph 2 has been applied before he leaves the service and to whom application of the scales in force on 30 June 1979 would have given a net pension higher than the net amount obtained from the scales that entered into force on 1 July 1979, the amount to be paid shall be calculated in the same manner prescribed by paragraph 1 b. The same shall apply to survivor's pensions paid to persons entitled under an official or servant to whom the first indent of paragraph 2 was applied before his death.
4. Paragraph 1 b. and c. shall not apply to officials and other servants who enter service after 1 February 1980 and whose offer of employment is dated later than 29 February 1980.

Article 3

These provisions shall enter into force on 1 February 1980. They shall apply from 1 July 1979.

SCALE OF BASIC MONTHLY SALARIES PROVIDED FOR IN ARTICLE 66
OF THE SERVICE REGULATIONS

(in Belgian francs)

Grades	Echelons							
	1	2	3	4	5	6	7	8
A 1	190.408	200.549	210.690	220.831	230.972	241.113		
A 2	168.921	178.596	188.271	197.946	207.621	217.296		
A3/LA3	139.808	148.273	156.738	165.203	173.668	182.133	190.598	199.063
A4/LA4	117.375	123.982	130.589	137.196	143.803	150.410	163.624	163.624
A5/LA5	96.656	102.418	108.180	113.942	119.704	125.466	131.228	136.990
A6/LA6	83.435	88.024	92.613	97.202	101.791	106.380	110.969	115.558
A7/LA7	71.757	75.355	78.953	82.551	86.149	89.747		
A8/LA8	63.410	65.986						
B 1	83.435	88.024	92.613	97.202	101.791	106.380	110.969	115.558
B 2	72.234	75.645	79.056	82.467	85.878	89.289	92.700	96.111
B 3	60.504	63.341	66.178	69.015	71.852	74.689	77.526	80.363
B 4	52.265	54.724	57.183	59.642	62.101	64.560	67.019	69.478
B 5	46.672	48.661	50.650	52.639				
C 1	53.318	55.489	57.660	59.831	62.002	64.173	66.344	68.515
C 2	46.315	48.304	50.293	52.282	54.271	56.260	58.249	60.238
C 3	43.174	44.877	46.580	48.283	49.986	51.689	53.392	55.095
C 4	38.960	40.559	42.158	43.757	45.356	46.955	48.554	50.153
C 5	35.893	37.382	38.871	40.360				

Note: The above scale is applicable with effect from 1 July 1979

APPENDIX IIIa (22)

EXCEPTIONAL TEMPORARY PROVISIONS HAVING THE FORCE OF
SERVICE REGULATIONS RELATING TO THE SUBMISSION OF REQUESTS FOR
TRANSFER OF RETIREMENT PENSION RIGHTS AS PROVIDED FOR IN
ARTICLE 12 OF ANNEX IV TO THE STAFF REGULATIONS AND
THE GENERAL CONDITIONS OF EMPLOYMENT

Article 1

The provisions relating to the transfer of pension rights to the Agency laid down in Article 12 of Annex IV to the Staff Regulations and the General Conditions of Employment shall remain applicable, subject to the transitional formal derogations under Articles 2 and 3 below.

Article 2

An established official or other servant who wishes to transfer to the Agency retirement pension rights acquired in his previous employment, under the terms of Article 12 of Annex IV to the Staff Regulations governing Officials of the EUROCONTROL Agency and to the General Conditions of Employment, may, exceptionally, submit his request within six months of the effective date of the present provisions or of the date on which such a transfer is rendered possible, whichever is later.

Article 3

The derogation provided for under Article 2 above may be applied to an official or other servant who has already received the actuarial equivalent or sums repaid in respect of his retirement pension rights acquired in previous employment; the necessary formalities in pursuance of the aforementioned Article 12 will in such cases be carried out between the official or other servant himself and the Agency.