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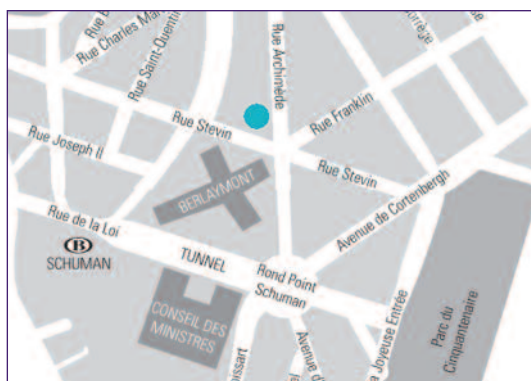
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SUZUKI

Reform of 2014, here are the results...

Dear Members,

Dear Colleagues,

On behalf of our trade union Conf-SFE, I am pleased to present you our magazine "Panoptique", number 108. This issue focuses on the "Reform of our Staff Regulations" and is especially conceived for you use.

This exclusive number explains the rules applicable before and after the Reform. It offers you in detail the changes made to the text of the Staff Regulations and the Conditions of Employment of other agents (CEOS) and provides you with a first analysis by our team. The French version of this Panoptique is published on our website <http://www.conf-sfe.org/fr/panoptique>

As you know, during the last months, all discussions have focused on the "Reform". This change in our Staff Regulations will have a major impact on our daily live and we advise you therefore to keep this number with you as your paper guide to the Reform.

During the social dialogue, the negotiations, if any, were mainly driven by the present economic situation and the increasing "Euroscepticism" in some member states.

How to counter this trend? Difficult, but the Austrian example on pages 5-7 clearly shows the way forward.

Although this reform was expected to adapt some rules to the existing reality (Contract Agents, working hours ...), there was hardly any possibility left to debate key issues that we have requested.

In contrast with what happens in European member states where unions have an important role to play, the social dialogue in our European Institutions was reduced to almost zero.

A sharp dividing line runs between:

- Places of employment and Institutions,
- Officials recruited before and after 2004,
- Contract agents 3a/3b,
- AD and AST,
- Contract agents with indefinite contract in the Commission (delegations) and Agencies
- Function groups (GFI and others),
- Different cultures,
- Believers and non-believers.

And this list is far from being exhaustive.

Points of convergence have been updated in order to move forward in our actions. The participation in the strike was a good barometer to define this situation. More than ever, the definition of "United in the diversity" comes to our mind.

In the final text we note some improvements, including those for our colleagues contractual agents (possibility for CA 3b to work up to 6 years in the Commission, access to

internal competitions, ...). Opinions diverge depending on the subject. Some have found the result not too "worrying"; others, strongly affected by cuts in remuneration, are now desperately looking for solutions.

Conf-SFE was very attentive to your requests and suggestions.

Do not hesitate to contact us if you have any questions left. Our team is always at your service and will continue to defend your rights.

Enjoy reading this magazine!



Giustina
SCIARRABONE
President

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WOODFREE PAPER. PRINTED PAPER THAT HAS BEEN BLEACHED WITHOUT ANY USE OF CHLORINE.

How can we persuade politicians and decision makers to convey a true picture of the EU? – an Austrian example...



Wolfgang
Entmayr

All recent opinion polls (Pew, Gallup etc.) point to a deterioration of European citizens' esteem for the EU. There is an increasing risk, as is already the case in the UK, that the negative opinion of citizens in certain EU member states will increase to the point where politicians will feel obliged to join their electorate in their negative stance; this could lead to increased stalemate at the European

level, or even to some Member States leaving the Union and, as a worst case scenario, to the collapse of the Union. It is obvious that national politicians will go a long way to stay in power. Consequently we must not put too much trust in the vision of national politicians when their power is at stake.

If proof for this theory is needed then let us just look at the examples of the UK, the Netherlands and more recently, Germany and Austria. Under the guise of a request for more subsidiarity, government politicians in these countries are implicitly or even openly advocating a return of competencies back to the national states. While on some issues such a reversal of tendency could be justified, there seems to be a more sinister attempt behind this: to roll back the Community method (i.e. proposal by the Commission, co-legislation between Council and EP and qualified majority voting) towards the national states. Defending narrow national interests is a recipe for disaster. After all, the European Union was created by pooling national sovereignty, precisely to prevent a return to the situation of the first half of the 20th century where Europe was a war-torn continent where nationalism prevailed.

All this is happening against the background of a real lack of knowledge about the EU in the public. Admittedly, the EU is not easy to explain because of its complicated decision making processes and the limited participation of citizens in the process of electing European politicians. However, the low level of knowledge about the EU throughout the Union makes it easier for national politicians to "nationalise success and Europeanise failure" (as also underlined by the Commission President Barroso in his State of the Union address).

There is therefore a need to ensure that the general public has better knowledge about the EU, consequently, national politicians would have less credibility when blaming the EU for certain measures since the public would know that they participated in the decision making process in order to reduce the scapegoating of the EU and to allow the EU full credit for successful policies.

Motivated by these political developments, a couple of months ago some Austrian EU-civil-servants got together and discussed Austria's EU policy and the approach Austrian politicians take towards the EU and consequently agreed to send a letter to the Austrian Chancellor (Prime Minister) and the Minister of Foreign Affairs. Importantly, this letter was signed by about 120 Austrian civil servants from all institutions. Two months later (possibly as a result of pressure from some Austrian MEPs) they received a rather administrative reply where, unfortunately, their main suggestion of a continuous dialogue

between the Austrian EU civil servants and Austrian politicians and officials had not been answered. Unofficial comments were received reproaching Austrian EU civil servants for daring to criticize Austria's official policy towards the EU. Here a simple comment suffices: as long as citizens elect their representatives and politicians, as long they have the right and the duty to comment on the policies undertaken by the elected; this is a question of free democratic expression and self-esteem.

The letter had also been copied to all Austrian MEPs and, after some lobbying, they took up the offer to discuss further possible action. In the meantime the initiators' group had kept all of their Austrian EU colleagues informed (also those who did not sign the original letter) and reflected on further action. In the end the initiators agreed with prominent Austrian MEPs to have a discussion on actions to be taken in an attempt to change the perception of Austria's public towards the EU; a key aim would be to increase public participation in the next European elections. A number of actions were singled out:

- Increase further Austrian participation in the "Back To School" programme
- Increase participation in an action called "Europaschirm" ("European Umbrella"); this is an action where the Federal Economic Chamber of Austria supports local initiatives to discuss EU issues with citizens at a local level and in a "down to earth" way.
- Increased use of electronic social and other media to inform about the European Union
- Attempts to "demystify" EU initiatives which potentially could be wrongly perceived or considered to be sensitive for Austrian citizens.

In a public discussion in the European Parliament organised with Austrian MEPs of the three main political parties the following points were raised (in a very condensed form).

- Bring the EU to the people (actions like "Europaschirm", demystify the EU, break information down to local level, etc. – all these actions will have to be intensified, provide a toolbox to the Austrian EU-colleagues who participate in these discussions...)
- Bring transparency to the discussion in Austria: report about Austria's and Austrian politicians' real positions in Brussels - and not only what they would like their public to believe...
- EU-information has to start at school level ("Back to school"; "bring 1000 teachers to Brussels"; contact with pupils' representatives; make the Europe Day, the 9th May, relevant for all pupils and, very importantly, there has to be a directive from Austria's education ministry on the teaching of EU-matters in Austrian schools!)
- The final objective of all these actions is to raise awareness about the EU in Austria; to create more awareness of EU-



Markus
Holzer

questions – in particular, in the run-up to the European elections in May 2014 which, for the first time and according to the Lisbon Treaty, will decide on a candidate for the Presidency of the European Commission.

Admittedly, there are many issues to be tackled and the initiators don't know yet whether there will be enough time prior to the European elections for most of the points raised. How-

ever, it is also a fact that these actions have already created a collective spirit among the Austrian EU civil servants and have raised some eyebrows in circles which normally consider EU-policies their exclusive domain. We invite colleagues from other Member States to emulate some of these actions.

*Markus Holzer
Wolfgang Entmayr*

Wie können wir Politiker und Entscheidungsträger dazu bringen, ein authentisches EU-Bild zu vermitteln? – ein Beispiel aus Österreich

Alle Meinungsumfragen aus jüngster Zeit (Pew, Gallup usw.) deuten darauf hin, dass die EU bei den Bürgern Europas an Ansehen eingebüßt hat. Es steigt die Gefahr, dass die Einstellung der Bürger zur EU in einigen Mitgliedsstaaten, wie schon jetzt im Vereinigten Königreich, dermaßen kritisch wird, dass einige Politiker es für ratsam halten werden, diese negative Einstellung zu übernehmen. Dies könnte verstärkt zu einem Stillstand auf europäischer Ebene führen oder sogar dazu, dass einige Mitgliedsstaaten die EU verlassen, oder dass schlimmstenfalls die gesamte EU zusammenbricht. Es steht außer Zweifel, dass Politiker in den Mitgliedsstaaten zu vielem bereit sind, um an der Macht zu bleiben. Deshalb dürfen wir den Visionen nationaler Politiker nicht leichtfertig Glauben schenken, da es ja auch immer um ihren Machterhalt geht.

Zur Veranschaulichung des Gesagten seien hier als Beispiele nur das Vereinigte Königreich, die Niederlande und, ganz aktuell, Deutschland und Österreich genannt. Unter dem Deckmantel der Forderung nach mehr Subsidiarität befürworten Regierungsvertreter in diesen Ländern andeutungsweise oder sogar ganz offen die Rückverlagerung von Kompetenzen auf die nationale Ebene. In einigen Bereichen ließe sich eine solche Kehrtwendung vielleicht sogar rechtfertigen. Hier geht es jedoch um mehr: Die Gemeinschaftsmethode (d. h.: Vorschlag durch die Kommission, gemeinsame Gesetzgebung durch Rat und Europäisches Parlament sowie Abstimmung mit qualifizierter Mehrheit) soll aufgegeben und durch autonome Entscheidungen der Nationalstaaten ersetzt werden. Die Verteidigung eng gefasster nationaler Interessen kann aber für eine Europäische Union, die ja gegründet wurde, um durch Zusammenlegung nationaler Souveränität eine Neuauflage der in der ersten Hälfte des 20. Jahrhunderts von Krieg und Nationalismus herbeigeführten Situation zu verhindern, fatale Folgen haben.

All dies geschieht vor dem Hintergrund eines Wissensdefizits der Öffentlichkeit in Sachen EU. In Anbetracht der Komplexität der Entscheidungsprozesse und der begrenzten Einbindung der Bürger in die Wahl von EU-Amtsträgern ist es zugegebenermaßen nicht leicht, die EU den Bürgern zu erklären. Der unionsweit zu verzeichnende niedrige Kenntnisstand der Bevölkerung in Sachen EU macht es den Politikern in den Mitgliedstaaten umso leichter, Erfolge auf dem nationalen Konto zu verbuchen und Misserfolge Europa anzulasten (wie Kommissionspräsident Barroso

unlängst in seiner Rede zur Lage der Union hervorhob).

Deshalb ist dafür zu sorgen, dass die breite Öffentlichkeit besser über die EU Bescheid weiß, damit nationale Politiker, die die EU zu Unrecht für bestimmte Maßnahmen kritisieren, als unglaubwürdig enttarnt werden, weil eine gut informierte Öffentlichkeit darüber im Bilde ist, dass dieselben Politiker die genannten Maßnahmen mitbeschlossen haben. So könnte die EU von ihrer Rolle als Sündenbock erlöst werden und für ihre erfolgreiche Politik die gebührende Anerkennung erhalten.

In Anbetracht dieser politischen Entwicklung haben sich vor ein paar Monaten einige EU-Beamte aus Österreich zusammengesetzt, um über die österreichische Europapolitik und die Haltung ihrer Politiker zur EU zu diskutieren. Sie richteten daraufhin ein Schreiben an den österreichischen Bundeskanzler und den Außenminister, das von 120 österreichischen Beamten aus allen EU-Institutionen unterzeichnet wurde. Zwei Monate später erhielten sie (möglicherweise auch erst infolge des von einigen Abgeordneten des Europäischen Parlaments ausgeübten Drucks) ein Antwortschreiben der Verwaltung, in dem auf ihre Hauptforderung, einen regelmäßigen Dialog zwischen den österreichischen politischen Verantwortungsträgern und den Beamten, leider nicht eingegangen wurde. In inoffiziellen Stellungnahmen wurden die Beamten vielmehr dafür kritisiert, dass sie es wagten, die offizielle österreichische EU-Politik zu kritisieren. Hierzu sei nur Folgendes gesagt: Solange die Bürger ihre Abgeordneten und ihre Politiker wählen, haben sie auch das Recht und die Pflicht, zur Politik der Gewählten Stellung zu beziehen. Dies ist eine Frage der demokratischen freien Meinungsäußerung und der Selbstachtung.

Das Schreiben wurde allen österreichischen Abgeordneten des Europäischen Parlaments in Kopie übermittelt. Auf Vorschlag der Absender nahmen sie das Angebot an, über eine eventuelle weitere Vorgehensweise zu diskutieren. In der Zwischenzeit hatten die Initiatoren alle österreichischen EU-Kollegen (auch diejenigen, die das ursprüngliche Schreiben nicht unterzeichnet hatten) informiert und gemeinsam über das weitere Vorgehen nachgedacht. Letztendlich einigten sich die Initiatoren mit prominenten österreichischen Abgeordneten des Europäischen Parlaments darauf, über die Frage zu diskutieren, welche Maßnahmen geeignet seien, um das Image der EU in der österreichi-

schen Öffentlichkeit zu verbessern, um insbesondere eine höhere Wahlbeteiligung bei den nächsten Europawahlen zu erreichen. Folgende Maßnahmen wurden empfohlen:

- eine verstärkte österreichische Beteiligung am “Back to School”-Programm,
- eine verstärkte Beteiligung am sogenannten “Europaschirm”, einer Maßnahme der österreichischen Wirtschaftskammer zur Förderung von Initiativen, bei denen auf lokaler Ebene “bodenständig” mit den Bürgern über EU-Fragen diskutiert wird,
- eine verstärkte Nutzung elektronischer sozialer und sonstiger Medien, um über die Europäische Union zu informieren,
- Bestrebungen, um EU-Initiativen, die von den österreichischen Bürgern missverstanden oder als sensibel eingestuft werden könnten, zu entmystifizieren.

Bei einer öffentlichen Diskussion mit österreichischen Europaabgeordneten der drei größten Parteien im Europäischen Parlament wurden die folgenden Punkte angesprochen (die hier in verkürzter Form dargestellt sind):

- Bringt die EU den Bürgern nahe! (Maßnahmen wie der “Europaschirm”, Entmystifizierung der EU, Informationsvermittlung auf lokaler Ebene usw.; alle diese Maßnahmen sind zu intensivieren, wobei die österreichischen EU-Kollegen, die sich an den Diskussionen beteiligen, mit geeigneten Handreichungen auszustatten sind.)
- Die Diskussion in Österreich muss transparenter werden! Es sollte über die von Österreich und von österreichi-

schen Politikern in Brüssel vertretenen Positionen berichtet werden – und nicht nur darüber, was die Politiker die Bürger glauben machen wollen!

- EU-Information muss schon in der Schule beginnen! (“Back to School”, “1000 Lehrer nach Brüssel”, Kontakt zu Schülervereinigungen; Gestaltung des Europatags, des 9. Mai, sodass sich alle Schüler angesprochen fühlen; vor allen Dingen sollte das Unterrichtsministerium verfügen, dass EU-Fragen in die Lehrpläne aller österreichischen Schulen aufgenommen werden!)
- Ziel aller genannten Maßnahmen ist, die Bürger Österreichs für EU-Fragen zu sensibilisieren. Dies gilt ganz besonders im Vorfeld der Europawahlen im Mai 2014, wenn auf Basis des Lissabon Vertrages zugleich über die Kandidaten für das Amt des Präsidenten der Europäischen Kommission entschieden wird.

Zugegebenermaßen gibt es noch viel zu tun und die Initiatoren wissen noch nicht, ob ihnen vor den Europawahlen genug Zeit bleibt, um alle Maßnahmen umzusetzen. Während sich unter den österreichischen EU-Beamten bereits ein echter Teamgeist entwickelt, haben die bisherigen Aktionen im Kreis jener, die einen Monopolanspruch auf die Deutungshoheit über EU-Politik erheben, ein gewisses Stirnrunzeln ausgelöst. Angesichts der “Europaverdrossenheit” vieler EU-Bürger, wäre es zu begrüßen, wenn auch Kollegen aus anderen Mitgliedstaaten einige der genannten Aktionen als Anregung nehmen würden.

Markus Holzer
Wolfgang Entmayr



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STAFF REGULATIONS	10	REMUNERATION	35
GENERAL PROVISIONS	10	<i>The correction coefficients</i>	35
<i>The appointing authority</i>	10	<i>Remuneration payment</i>	35
<i>Disability.....</i>	10	<i>Review of the remuneration.....</i>	36
<i>Measures of a social nature</i>	11	<i>Conditions of payment</i>	37
COMMITTEES.....	12	SOLIDARITY LEVY	38
<i>Set up of committees</i>	12	METHOD	39
<i>Staff Regulations Committee</i>	13	<i>Duration and validity of the method</i>	39
<i>Staff committee.....</i>	13	<i>New indicator.....</i>	39
<i>Joint committee.....</i>	13	<i>Sample.....</i>	39
<i>Disciplinary Board</i>	14	<i>A moderation clause</i>	39
<i>Disciplinary procedure.....</i>	14	<i>A new exception clause</i>	39
STAFF REGULATIONS ETHICS	14	<i>The procedure of the method.....</i>	39
<i>Conflict of interest.....</i>	14	<i>Method frozen during two years.....</i>	40
before recruiting and after a leave on personal		<i>Pension contribution</i>	40
grounds	14	TRAVEL.....	40
After leaving the service	15	<i>Travelling time</i>	40
<i>Rights related to writings or other work</i>	16	<i>Travel expenses</i>	41
<i>Notification of irregularities.....</i>	16	Rights for the reimbursement	41
Protection	16	Calculation of km	42
Procedure.....	16	Fixing the place of origin.....	43
RECRUITMENT	17	<i>Annual travel expenses</i>	44
<i>Geographical basis</i>	17	Right to the annual travel expenses	44
<i>Internal competitions</i>	17	PAYMENT OF ANNUAL TRAVEL EXPENSES.....	44
<i>Candidates</i>	18	Others reasons (Leave on personal grounds, ...).....	46
<i>Appointment</i>	19	Place of employment	46
<i>Stages.....</i>	19	<i>mission EXPENSES</i>	46
LEAVE.....	21	REMOVAL	47
<i>Leave on personal grounds</i>	21	TYPE OF PERSONNEL.....	48
Transitional measures.....	21	AD.....	48
<i>Parental leave</i>	22	Correspondence between posts/career	48
<i>Leave in the interests of the service</i>	24	Transitional measures.....	48
<i>Remove job in the interests of the service.....</i>	25	Promotion rate	50
Indemnity provided to articles 41 and 50 of the staff		AST	50
regulations	25	Correspondence between posts/career	50
<i>Professional insufficiency</i>	26	Transitional measures.....	50
<i>Setting to retirement.....</i>	27	Promotion rate	51
<i>Special leave.....</i>	28	transitional measures	51
Leave « premature birth or ... »	28	AST – SC.....	52
CAREER	29	The function groups AST/SC:	52
STAFF REPORTS	29	Promotion rate	52
<i>Promotion</i>	29	Representation of the group AST-SC	53
<i>Step</i>	30	RETIREMENT	53
WORKING CONDITIONS.....	31	<i>Preparation for retirement.....</i>	53
<i>Working hours.....</i>	31	<i>Balance of the pension scheme</i>	54
<i>Part time</i>	32	<i>Pension age</i>	55
Transitional measures.....	32	Transitional measures.....	55
<i>Recovery overtime.....</i>	33	<i>Revision clause – pension age and life expectancy</i>	<i>.....</i>
Transitional measures.....	33	<i>Calculating years</i>	55
<i>Modalities of compensation /remuneration</i>	34	<i>Early retirement</i>	55
<i>Continuous service</i>	34	With /without reduction of pension rights	56
<i>Arduous working conditions.....</i>	35	<i>Reduction of pension rights.....</i>	56
		<i>Pension rights accrual rates</i>	56

<i>Pension determined before the 1st January 2014</i>	57	TEMPORARY AGENT 2F.....	75
Transitional measures.....	57	<i>Secondment in the interests of the service</i>	75
<i>Other agents</i>	57	<i>Leave on personal grounds</i>	75
<i>Pension Bonus</i>	57	<i>Selection procedure</i>	76
SOCIAL SECURITY.....	58	<i>Classification in the next higher grade</i>	76
<i>The dependent child allowance</i>	58	<i>Change of poste</i>	76
<i>Invalidity Allowance</i>	58	<i>General provisions</i>	76
<i>Social security</i>	59	CONTRACT AGENT.....	77
<i>Education allowances</i>	60	<i>Grades</i>	77
<i>Death of a former official</i>	61	<i>Conditions of access to internal competitions</i>	77
<i>Work for the exigencies of the service</i>	61	PROBATIONARY PERIOD.....	79
<i>Right to the pensionable age</i>	62	<i>Contract Agent 3bis or 3a</i>	80
OFFICIALS ASSIGNED TO THE RESEARCH BUDGET	62	Grading.....	80
AGENCIES	63	<i>CA GF IV- renewal of contract</i>	81
GENERAL PROVISIONS (ART. 110).....	63	<i>contract Agent 3ter or 3b</i>	81
DELEGATED ACTS.....	64	Duration of contract.....	81
THE CONDITIONS OF EMPLOYMENT OF OTHER		CA- WORKING CONDITIONS.....	82
SERVANTS(CEOS)	65	CA –SOCIAL COVERAGE.....	82
AUXILIARY AGENT.....	65	<i>Social security</i>	82
TEMPORARY AGENT.....	65	<i>Survivor's pension</i>	83
<i>New category: TA 2F</i>	65	Entitled.....	83
<i>Type of contract</i>	66	<i>Orphan's pension</i>	84
<i>Consultation of medical files</i>	66	CA FROM ALL INSTITUTIONS –GENERAL REQUESTS..	84
<i>Specific decisions + Publication</i>	66	PARLIAMENTARY ASSISTANTS	85
<i>Recruitment</i>	67	INSTALLATION ALLOWANCE.....	85
<i>Probationary period</i>	67	TERMINATION OF EMPLOYMENT.....	85
<i>Grading</i>	68	FINAL PROVISIONS	87
<i>Working conditions</i>	69	TITRE IX.....	87
<i>Unpaid leave</i>	69	TRANSITIONAL MEASURES FOR AGENTS OF RAA.....	87
<i>Remuneration and reimbursement of expenses</i> ..	70	DELEGATIONS – (ANNEX X)	90
<i>Social security</i>	70	ANNUAL LEAVE.....	90
<i>Invalidity</i>	71	<i>When an official takes or ceases to perform duties</i>	
<i>Survivor's pension</i>	71	<i>in a third country</i>	90
Persons entitled.....	71	TAKING THE ANNUAL LEAVE.....	90
Surviving spouse.....	72	REST LEAVE.....	91
<i>Orphan's pension</i>	72	LIVING CONDITION ALLOWANCES.....	91
<i>Cessation of function</i>	72	REMUNERATION.....	93
<i>End of the employment</i>	73	WEIGHTING.....	93
<i>Resignation</i>	74	ACCOMMODATION.....	93
TEMPORARY AGENT 2E.....	75	CONTRACT AGENTS DELEGATIONS- GENERAL REQUESTS.....	94

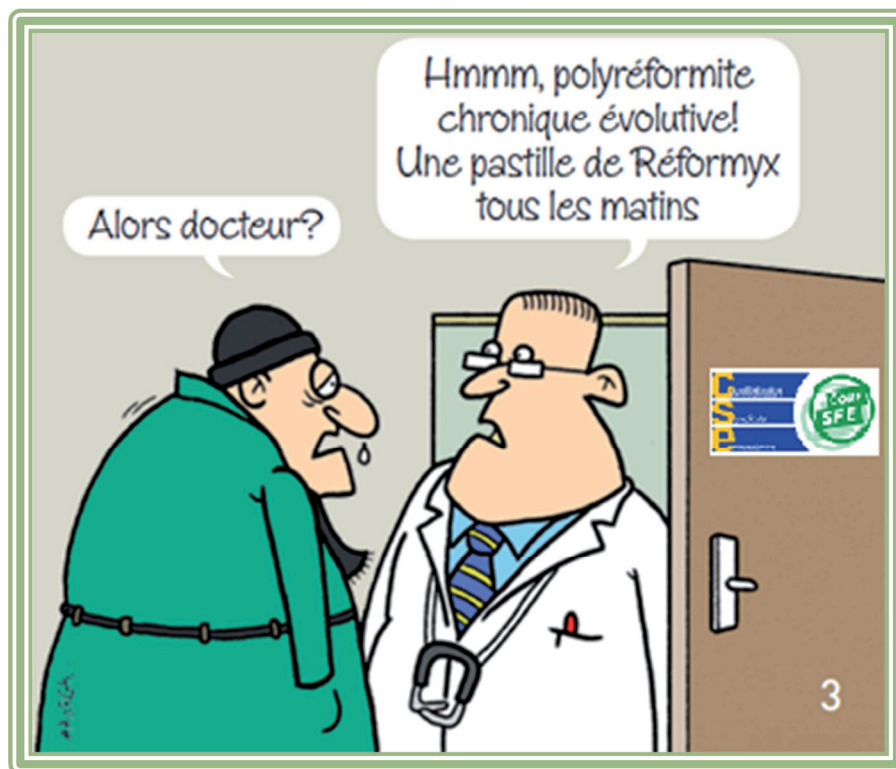
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Underline: text from the old document (BEFORE) to modify or to delete

Bold: new text (AFTER)

Italic: explanation (not in the text from the staff regulations)

Text bubbles: comments from Conf-SFE



STAFF REGULATIONS

GENERAL PROVISIONS

THE APPOINTING AUTHORITY

The word 'institutions' is replaced by 'appointing authorities of the institutions'.

DISABILITY

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

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

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

AFTER : For the purposes of paragraph 1, a person has a disability if he has a **long-term physical, mental, intellectual or sensory impairment which, in interaction with various barriers, may hinder his full and effective participation in society on an equal basis with others**. The impairment shall be determined in accordance with the procedure set out in Article 33.

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

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

New text:

The principle of equal treatment shall not prevent the appointing authorities of the institutions from maintaining or adopting measures providing for specific advantages in order to make it easier for persons with disabilities to pursue a vocational activity or in order to prevent or compensate for disadvantages in their professional careers.



The definition included in the new Staff Regulations has been inspired by the text of the United Nations Convention on the Rights of Persons with Disabilities. CONF-SFE will do its utmost to ensure that the decision of 2004 and the rules of Staff Regulations would not remain a dead letter and that real efforts would be done in order to integrate colleagues having a disability; the authorities (Appointing Authority and AHACC), as well as the services and directorates general, should not content themselves with the minimum as the Staff Regulations say that the principle of equal treatment "shall not prevent"; on the contrary, they should, in cooperation with the medical service which must be given more resources, be open towards all measures allowing persons having a disability to exercise their professional activity and facilitate this exercise: there are various solutions: decrease their workload, quickly provide adequate equipment whenever necessary avoiding delays caused by excessive bureaucracy in implementing solutions, be flexible in schedules, accord more tele-working or part-time work, ensure awareness of colleagues and obtain their collaboration, ensure respect of everyone for others, inform and train. Furthermore, the image of institutions should be positive and serve as an example. Action should be taken and there should be no more self-content with good intentions and projects.

- We encourage you to read the decision of the Commission of 2004, implementing Article 1 d(4), the United Nations Convention on the Rights of Persons with Disabilities, directive 2000/78/EC, the Code of good conduct for employment of people with disabilities.
- Please contact us for information regarded as useful or for getting a copy of the documents.

MEASURES OF A SOCIAL NATURE

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

AFTER : 1. Officials in active employment shall have access to measures of a social nature, **including specific measures to reconcile working life with family life**, adopted by the institutions, and to services provided by the social welfare bodies referred to in Article 9. Former officials may have access to limited specific measures of a social nature.



Balance between working life with family life!

COMMITTEES

SET UP OF COMMITTEES

BEFORE : 1. There shall be set up:

(a) within each institution:

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

b) for the Union:

- an Invalidity Committee,

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

- 1a For the application of certain provisions of these Staff Regulations, a common Joint Committee may be established for two or more institutions.
2. The composition and procedure of these bodies shall be determined by each institution in accordance with the provisions of Annex II ...

AFTER : 1. **Without prejudice to paragraph 1a, there shall be set up within each institution:**

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

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

- 1a For the application of certain provisions of these Staff Regulations, a common Joint Committee may be established for two or more institutions. **The other Committees referred to in paragraph 1 and the Disciplinary Board may be established as common bodies by two or more agencies.**
2. The composition and procedure of these bodies shall be determined by each institution in accordance with the provisions of Annex II ... **The agencies may derogate from the provisions of Article 1 of Annex II regarding membership of Staff Committees to take into account the composition of their personnel. The agencies may decide not to appoint alternate members in the Joint Committee or Committees provided for in Article 2 of Annex II.**

...



Even if there are staff committees / other entities in each agency or jointly in several agencies, their power is limited. Indeed, the changes of the rules (Staff Regulations, RAA, ...) are being negotiated exclusively at the central level between the Commission and the Trade Unions.

STAFF REGULATIONS COMMITTEE

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

AFTER : A table showing types of posts is given in Annex I, Section A. By reference to that table, **the appointing authority of each institution may define in more detail** the duties and powers attaching to each type of post after consulting the Staff Regulations Committee.

STAFF COMMITTEE

BEFORE : Membership of the Staff Committee if it is not organised in local sections, or of the local section if the Staff Committee is organised in local sections shall be such as to ensure the representation of both function groups provided for in Article 5 of the Staff Regulations and also of the servants referred to in the first paragraph of Article 7 of the Conditions of employment of other servants of the Communities. The Central Committee of a Staff Committee organised in local sections shall be validly constituted upon appointment of a majority of its members.

AFTER : Membership of the Staff Committee if it is not organised in local sections, or of the local section if the Staff Committee is organised in local sections shall be such as to ensure the representation **the three** function groups provided for in Article 5 of the Staff Regulations and also of the servants referred to in the first paragraph of Article 7 of the Conditions of employment of other servants of the Communities. The Central Committee of a Staff Committee organised in local sections shall be validly constituted upon appointment of a majority of its members.



The group "AST/SC" will also be represented in the staff committee.

JOINT COMMITTEE

BEFORE : Officials intending to engage in an occupational activity, whether gainful or not, within two years of leaving the service shall inform their institution thereof. If that activity is related to the work carried out by the official during the last three years of service and could lead to a conflict with the legitimate interests of the institution, the Appointing Authority may, having regard to the interests of the service, either forbid him from undertaking it or give its approval subject to any conditions it thinks fit.

The institution shall, after consulting the Joint Committee, notify its decision within 30 working days of being so informed. If no such notification has been made by the end of that period, this shall be deemed to constitute implicit acceptance.

AFTER : Officials intending to engage in an occupational activity, whether gainful or not, within two years of leaving the service shall inform their institution thereof. If that activity is related to the work carried out by the official during the last three years of service and could lead to a conflict with the legitimate interests of the institution, the Appointing Authority may, having regard to the interests of the service, either forbid him from undertaking it or give its approval subject to any conditions it thinks fit.

The appointing authority shall, after **consulting** the Joint Committee, notify its decision within 30 **working** days of being so informed. If no such notification has been made by the end of that period, this shall be deemed to constitute implicit acceptance.

DISCIPLINARY BOARD

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

AFTER : A Disciplinary Board, hereinafter referred to as 'the Board', shall be established in each institution, **unless two or more agencies decide, in accordance with paragraph 1a of Article 9 of the Staff Regulations, to set up a common Board.** The Board shall include at least one member, who may be the chairman, chosen from outside the institution.



The agencies will be able to establish a common disciplinary board.

DISCIPLINARY PROCEDURE

Annex IX of the Staff Regulations – Article 30

BEFORE : Without prejudice to Article 2(3), each institution shall, if it sees fit, adopt implementing arrangements for this Annex after consulting its Staff Committee.

AFTER : Without prejudice to Article 2(3), **the appointing authority of each institution shall, if it sees fit, adopt implementing arrangements for this Annex after consulting the Staff Committee.**

**Article 2(3)= The institutions shall adopt implementing arrangements for this Article, in accordance with Article 110 of the Staff Regulations*



FR version (Article 3 (2) < > that EN version (Article 2 (3))! .

STAFF REGULATIONS ETHICS

CONFLICT OF INTEREST

BEFORE RECRUITING AND AFTER A LEAVE ON PERSONAL GROUNDS

BEFORE : An official shall carry out his duties and conduct himself solely with the interests of the Union in mind; he shall neither seek nor take instructions from any government, authority, organization or person outside his institution. He shall carry out the duties assigned to him objectively, impartially and in keeping with his duty of loyalty to the Union.

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

AFTER : *New paragraph at the end*

Before recruiting an official, the appointing authority shall examine whether the candidate has any personal interest such as to impair his independence or any other conflict of interest. To that end, the candidate, using a specific form, shall inform the appointing authority of any actual or potential conflict of interest. In such cases, the appointing authority shall take this into account in a duly reasoned opinion. If necessary, the appointing authority shall take the measures referred to in Article 11a(2).

This Article shall apply by analogy to officials returning from leave on personal grounds.



During recruitment, after a leave on personal grounds and before the return to work of an official:

The Appointing Authority will pay more attention to real or potential cases of conflict of interest.

AFTER LEAVING THE SERVICE

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

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

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

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

In the case of former senior officials as defined in implementing measures, the appointing authority shall, in principle, prohibit them, during the 12 months after leaving the service, from engaging in lobbying or advocacy vis-à-vis staff of their former institution for their business, clients or employers on matters for which they were responsible during the last three years in the service.

In compliance with Regulation (EC) No 45/2001 of the European Parliament and of the Council (*), each institution shall publish annually information on the implementation of the third paragraph, including a list of the cases assessed.

***Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (OJ L 8, 12.1.2001, p. 1).**



During one year after leaving the service the Appointing Authorities will prohibit the former senior officials from engaging in lobbying or advocacy.

RIGHTS RELATED TO WRITINGS OR OTHER WORK

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

AFTER : All rights in any writings or other work done by any official in the performance of his duties shall be the property of the **European Union where such writings or work relate to its activities or, where such writings or work relate to activities of the European Atomic Energy Community, the property of that Community. The Union or, where applicable, the European Atomic Energy Community** shall have the right to acquire compulsorily the copyright in such works.

NOTIFICATION OF IRREGULARITIES

PROTECTION

BEFORE : An official who receives orders which he considers to be irregular or likely to give rise to serious difficulties shall inform his immediate superior, ...

AFTER : *New paragraph to add:*

An official who informs his superiors of orders which he considered to be irregular or likely to give rise to serious difficulties shall not suffer any prejudice on that account.

PROCEDURE

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

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

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

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

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

AFTER : *New paragraph has been added:*

In accordance with Articles 24 and 90, each institution shall put in place a procedure for the handling of complaints made by officials concerning the way in which they were treated after or in consequence of the fulfilment by them of their obligations under Article 22a or 22b. The institution concerned shall ensure that such complaints are handled confidentially and, where warranted by the circumstances, before the expiry of the deadlines set out in Article 90.

The appointing authority of each institution shall lay down internal rules on inter alia:

- the provision to officials referred to in Article 22a(1) or Article 22b of information on the handling of the matters reported by them,
- the protection of the legitimate interests of those officials and of their privacy, and
- the procedure for the handling of complaints referred to in the first paragraph of this Article.



There will be procedures put in place for the handling of complaints and protecting officials who will inform about them.

RECRUITMENT

GEOGRAPHICAL BASIS

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

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

AFTER : *New paragraph at the end*

The principle of the equality of Union's citizens shall allow each institution to adopt appropriate measures following the observation of a significant imbalance between nationalities among officials which is not justified by objective criteria. Those appropriate measures must be justified and shall never result in recruitment criteria other than those based on merit. Before such appropriate measures are adopted, the appointing authority of the institution concerned shall adopt general provisions for giving effect to this paragraph in accordance with Article 110.

After a three-year period starting on 1 January 2014, the Commission shall report to the European Parliament and to the Council on the implementation of the second paragraph.

In order to facilitate recruitment on the broadest possible geographical basis, the institutions shall strive to support multilingual and multicultural education for the children of their staff.



The new Staff Regulations should correct the significant / structural imbalances maintaining the criteria based on merit at the basis of all recruitment.

The Appointing Authority of each institution should adopt general provisions for correcting the geographical imbalances.

INTERNAL COMPETITIONS

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

(a) whether the post can be filled by:

- (i) transfer, or
- (ii) appointment in accordance with Article 45a, or
- (iii) promotion within the institution;

(b) whether requests for transfer have been received from officials of the same grade in other institutions, and/or whether to hold a competition internal to the institution, which shall be open only to officials and temporary staff as defined in Article 2 of the Conditions of Employment of other servants of the European Communities;

and then follow the procedure for competitions on the basis either of qualifications or of tests, or of both qualifications and tests. Annex III lays down the competition procedure.

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

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

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

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

(a) whether the post can be filled by:

- (i) transfer, or
- (ii) appointment in accordance with Article 45a, or
- (iii) promotion within the institution;

(b) whether requests for transfer have been received from officials of the same grade in other institutions, and/or

(c) if it was not possible to fill the vacant post through the possibilities mentioned in points (a) and (b), whether to consider lists of suitable candidates within the meaning of Article 30, where appropriate, taking into account the relevant provisions concerning suitable candidates in Annex III and/or

(d) whether to hold a competition internal to the institution, which shall be open only to officials and temporary staff as defined in Article 2 of the Conditions of Employment of Other Servants of the European Union; or follow the procedure for competitions on the basis either of qualifications or of tests, or of both qualifications and tests. Annex III lays down the competition procedure.

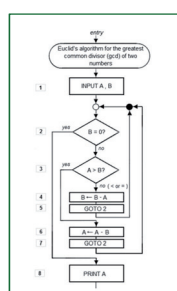
The procedure may likewise be followed for the purpose of constituting a reserve for future recruitment.

While maintaining the principle that the vast majority of officials are to be recruited on the basis of open competitions, the appointing authority may decide, by way of derogation from point (b) and only in exceptional cases, to hold a competition internal to the institution which shall also be open to contract staff as defined in Articles 3a and 3b of the Conditions of Employment of Other Servants of the European Union. That latter category of staff shall be subject to restrictions with regard to that possibility as laid down in Article 82(7) of the Conditions of Employment of Other Servants of the European Union and with regard to the specific tasks it was entitled to perform as contract staff.



The list of requirements for organization of internal competitions for contract agents is truly long, it evokes an algorithm

If...then ...



...



Resulting in

...a handful of laureates!

CANDIDATES

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

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

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

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

These candidates shall have access to adequate information on appropriate vacancies published by the institutions and agencies.

APPOINTMENT

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

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

- (a) the objective of recruiting officials of the highest standard as defined in Article 27;
- (b) the quality of the professional experience required.

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

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

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

- (a) the objective of recruiting officials of the highest standard as defined in Article 27;
- (b) the quality of the professional experience required.

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

STAGES

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

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

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

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

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

3. One month at the latest before the expiry of the probationary period, a report shall be made on the ability of the probationer to perform the duties pertaining to his post and also on his efficiency and conduct in the service.

This report shall be communicated to the probationer, who shall have the right to submit his comments in writing within a period of eight days.

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

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

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

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

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

AFTER : 1. Officials shall serve a nine-month probationary period before they can be established. **The decision to establish an official shall be taken on the basis of the report referred to in paragraph 3 as well as on the basis of elements available to the appointing authority relating to the probationer's conduct with regard to Title II.**

Where, during his probationary period, an official is prevented, by sickness, maternity leave under Article 58, or accident, from performing his duties for a continuous period of at least one month, the appointing authority may extend his probationary period by the corresponding length of time. **The total length of the probationary period shall in no circumstances exceed 15 months.**

2. A report on the probationer may be made at any time **before the end** of the probationary period if his work is proving obviously inadequate. **That** report shall be communicated to the person concerned, who shall have the right to submit his comments in writing within eight **working days**. The report and the comments shall be transmitted immediately by the probationer's immediate superior to the appointing authority, which shall, within three weeks, obtain the opinion of the Joint Reports Committee on the action to be taken. The appointing authority may decide to dismiss the probationer before the end of the probationary period, giving him one month's notice, **or to assign the official to another department for the remaining time of the probationary period.**

3. One month at the latest before the expiry of the probationary period, a report shall be made on the ability of the probationer to perform the duties pertaining to his post and also on his efficiency and conduct in the service.

That report shall be communicated to the probationer, who shall have the right to submit his comments in writing within eight **working days**.

Should it recommend dismissal or, in exceptional circumstances, extension of the probationary period **in accordance with paragraph 1**, the report and the comments shall be transmitted immediately by the probationer's immediate superior to the appointing authority, which shall, within three weeks, consult the Joint Reports Committee on the action to be taken.

A probationer whose work or **conduct has not proved adequate** for establishment in his post shall be dismissed.

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

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

LEAVE

LEAVE ON PERSONAL GROUNDS

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

2. Without prejudice to the provisions of Article 15, the duration of such leave shall not exceed one year. Leave may be extended for further periods. Extensions may be for periods not exceeding one year. The total length of leave on personal grounds may not exceed 15 years in the course of the official's entire career. If, however, an official applies for such leave in order to be able:

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

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

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

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

1a. Article 12b shall continue to apply during the period of leave on personal grounds. The permission under Article 12b shall not be granted to an official for the purpose of his engaging in an occupational activity, whether gainful or not, which involves lobbying or advocacy vis-à-vis his institution and which could lead to the existence or possibility of a conflict with the legitimate interests of the institution.

2. Without prejudice to the provisions of Article 15, the duration of such leave shall not exceed one year. Leave may be extended for further periods. Extensions may be for periods not exceeding one year. The total length of leave on personal grounds may not exceed **12 years** in the course of the official's entire career. If, however, an official applies for such leave in order to be able:

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

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

(iii) to assist his spouse, a relative in the ascending line, a relative in the descending line, a brother or a sister in the case of medically certified serious illness or disability,

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

TRANSITIONAL MEASURES

15 years for officials; when an official has, on 31 December 2013, been on leave on personal grounds for more than 10 years over the entire career, the total length of leave on personal grounds may not exceed 15 years in the course of the official's entire career.



Following a leave on personal grounds and before return to work of an official

The Appointing Authority will pay more attention to real or potential cases of conflict of interest. The leave is also granted to allow an official to assist his/her spouse, a relative in the ascending line, a relative in the descending line, a brother or sister in case of medically certified serious illness or disability.

Contract agents with a contract of an indefinite period (3a/3bis)

The maximum duration granted to these agents is one year during their entire career.

This duration deprives these agents of all initiative, both professional (new orientation / experiences) and private (family reasons), including assisting the family members in case of serious illness or disability (details added for officials in the new Staff Regulations). What to do if a couple is composed of two contract agents? One of them must put his work at danger in order to help a member of his family?

The contract agents should have the same rights.

PARENTAL LEAVE

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

During parental leave, the official's membership of the social security scheme shall continue; the acquisition of pension rights, dependent child allowance and education allowance shall be maintained. The official shall retain his post, and continue to be entitled to advancement to a higher step or promotion in grade. The leave may be taken as full-time or half-time leave. Where parental leave is taken in the form of half-time leave, the maximum period provided for in the first paragraph shall be doubled. During parental leave, the official shall be entitled to an allowance of EUR 911,73 per month or 50 % of such sum if on half-time leave but may not engage in any other gainful employment. The full contribution to the social security scheme provided for in Articles 72 and 73 shall be borne by the institution and calculated on the basis of the basic salary of the official. However, in the case of half-time leave this provision shall apply only to the difference between the full basic salary and the proportionally reduced basic salary. For the part of the basic salary actually received, the official's contribution shall be calculated by using the same percentages as if he were in full-time employment. The allowance shall be EUR 1 215,63 per month, or 50 % of such sum if the official is on half-time leave, for the single parents referred to in the first paragraph and during the first three months of parental leave where such leave is taken by the father during maternity leave or by either parent immediately after maternity leave or during or immediately after adoption leave.

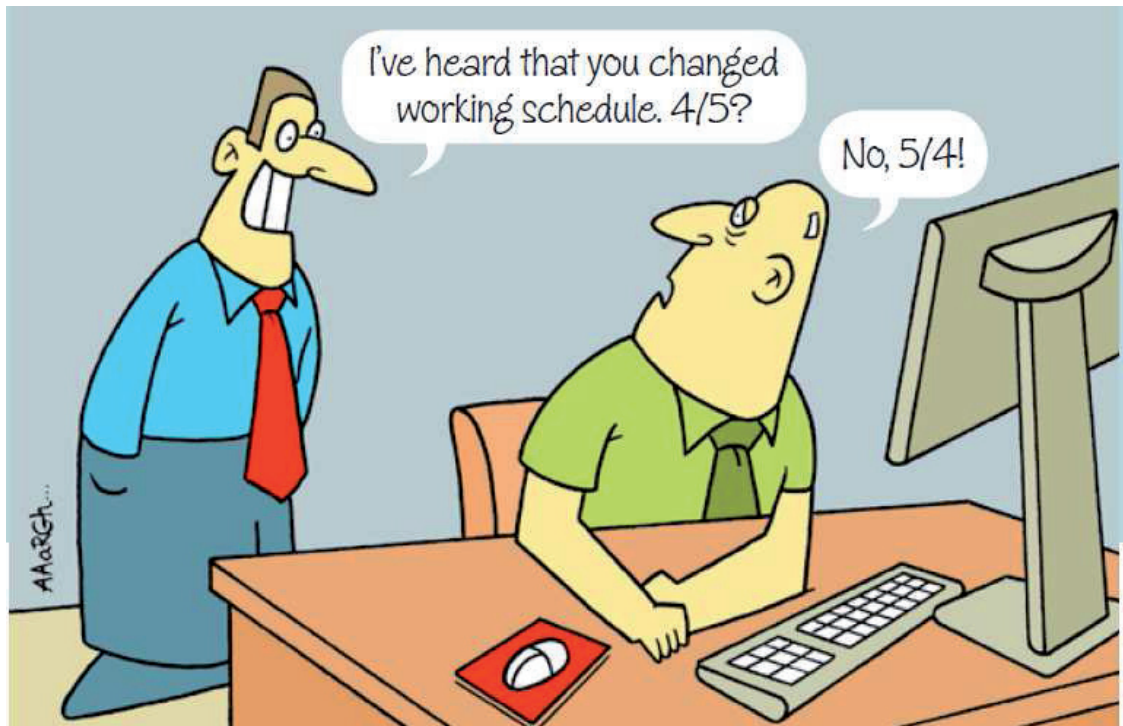
AFTER : An official shall be entitled to up to six months of parental leave without basic salary for every child, to be taken during the first twelve years after the birth or adoption of the child. The duration of the leave may be doubled for single parents recognised under general implementing provisions adopted by the **appointing authority of each institution and for parents of dependent children with a disability or a severe illness recognised by the institution's medical officer**. **The minimum leave taken at any one time shall not be less than one month.**

...

The allowance shall be EUR 1 215,63 per month, or 50 % of such sum if the official is on half-time leave, for the single parents **and parents of dependent children with a disability or a severe illness recognised by the medical officer** referred to in the first paragraph and during the first three months of parental leave where such leave is taken by the father during maternity leave or by either parent immediately after maternity leave or during or immediately after adoption leave.

New paragraph

Parental leave may be extended for a further six months with an allowance limited to 50 % of the amount referred to in the second paragraph. For single parents as referred to in the first paragraph, parental leave may be extended for a further twelve months with an allowance limited to 50 % of the amount referred to in the third paragraph..



LEAVE IN THE INTERESTS OF THE SERVICE

BEFORE : Officials shall be assigned one of the following administrative statuses:

- (a) active employment;
- (b) secondment;
- (c) leave on personal grounds;
- (d) non-active status;
- (e) leave for military service;
- (f) parental leave or family leave.

AFTER : *In addition to existing positions, any officer can also be placed in Leave in the interests of the service under some conditions:*

At the earliest five years before the official's pensionable age, an official with at least ten years of service may be placed by decision of the appointing authority on leave in the interests of the service for organisational needs linked to the acquisition of new competences within the institutions.

The total number of officials placed on leave in the interests of the service each year shall not be higher than 5 % of the officials in all institutions who retired the previous year. The total number thus calculated shall be allocated to each institution according to their respective numbers of officials at 31 December of the preceding year. The result of such allocation shall be rounded up to the nearest whole number in each institution.

Such leave shall not constitute a disciplinary measure.

The duration of the leave shall correspond in principle to the period until the official reaches pensionable age. However, in exceptional situations, the appointing authority may decide to put an end to the leave and reinstate the official.

When the official placed on leave in the interests of the service reaches pensionable age, he shall automatically be retired.

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

- (a) another official may be appointed to the post occupied by the official;
- (b) an official on leave in the interests of the service shall not be entitled to advancement to a higher step or promotion in grade.

An official thus placed on leave shall receive an allowance calculated in accordance with Annex IV.

At the official's request, the allowance shall be subject to contributions to the pension scheme, calculated on the basis of that allowance. In such a case, the period of service as an official on leave in the interests of the service shall be taken into account for the purpose of calculating years of pensionable service within the meaning of Article 2 of Annex VIII. The allowance shall not be subject to a correction coefficient.

All officials may be also placed on leave in the interest of service under certain conditions (10 years of service, 5 years before retirement, 5% of the total number of officials in all institutions who were retired the previous year,...). This is not considered as a disciplinary measure. In this case an official:

- stops advancing in step and promotion of grade
- his/her Appointing Authority may terminate his/her leave or ask him/her to return to work
- may request that his/her allowance is subject to contributions to the pension scheme, so that the period of service of an official on leave in the interest of service is taken into account for the purpose of calculating years of pensionable service.

REMOVE JOB IN THE INTERESTS OF THE SERVICE

BEFORE : A senior official as defined in Article 29(2) may be retired in the interests of the service by decision of the appointing authority...

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

AFTER : ... provided he has attained the age of **58** years.

INDEMNITY PROVIDED TO ARTICLES 41 AND 50 OF THE STAFF REGULATIONS

Article 41 (placed on availability) and Article 50 (remove job in the interests of the service) of the staff regulations.

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

Age	%	Age	%	Age	%	Age	%
20	18	30	33	40	48	50	63
21	19,5	31	34,5	41	49,5	51	64,5
22	21	32	36	42	51	52	66
23	22,5	33	37,5	43	52,5	53	67,5
24	24	34	39	44	54	54	69
25	25,5	35	40,5	45	55,5	55	70,5
26	27	36	42	46	57	56	72
27	28,5	37	43,5	47	58,5	57	73,5
28	30	38	45	48	60	58	75
29	31,5	39	46,5	49	61,5	59 to 64	76,5

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.

AFTER : The allowance shall cease from the day on which the official reaches the age of **66** years.

...

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

Age	%	Age	%	Age	%	Age	%
20	18	30	33	40	48	50	63
21	19,5	31	34,5	41	49,5	51	64,5
22	21	32	36	42	51	52	66
23	22,5	33	37,5	43	52,5	53	67,5
24	24	34	39	44	54	54	69
25	25,5	35	40,5	45	55,5	55	70,5
26	27	36	42	46	57	56	72
27	28,5	37	43,5	47	58,5	57	73,5
28	30	38	45	48	60	58	75
29	31,5	39	46,5	49	61,5	59 to 65	76,5

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 **66** years.



The foreseen allowance will be terminated when the official will reach the age of 66 years.

PROFESSIONAL INSUFFICIENCY

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

...

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

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

AFTER : **The appointing authority of each institution** shall define procedures to identify, deal with and remedy cases of incompetence in a timely and appropriate fashion.

When adopting internal provisions, the appointing authority of each institution shall respect the following requirements:

- an official who, on the basis of **three consecutive unsatisfactory annual reports** as referred to in Article 43, still shows no progress in his professional competence shall be downgraded by one grade.
- If **the following two annual reports** still show unsatisfactory performance, the official shall be dismissed;

Any proposal **to downgrade or dismiss an** official shall set out the reasons on which it is based and shall be communicated to the official concerned. The proposal from the appointing authority shall be referred to the **Joint Advisory Committee** provided for in Article 9(6).

The official shall have the right to obtain his complete personal file and to take copies of all documents relating to the procedure. He shall have at least 15 days, but **no more than 30 days**, from the date of receipt of the proposal to prepare a defence. He may be assisted by a person of his choice. The official may submit written comments. He shall be heard by the **Joint Advisory Committee**. The official may also call witnesses.

...

In the light of the proposal under **point (b) of paragraph 1** and any written and oral statements from the official concerned or from witnesses, the Joint Advisory Committee shall deliver by a majority a reasoned opinion stating the measure which it considers appropriate in the light of the facts established at its request. It shall forward that opinion to the appointing authority and to the official concerned within two months of the date on which the matter is referred to it. The chairman shall not vote on decisions of the Joint Advisory Committee, except in procedural matters and where votes are tied.



CONF-SFE turns your attention to the procedure of professional insufficiency which is defined as follows:

An official, who, on the basis of **three consecutive unsatisfactory annual reports**, still shows no progress → will be downgraded by one grade.

If the **following two annual reports** are not improved → the official will be dismissed. See the details in the text.

SETTING TO RETIREMENT

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

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

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

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

AFTER : 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 **66**, or

(b) at his own request on the last day of the month in respect of which the request was submitted where **he has reached pensionable age or where he is between 58 and pensionable age** and satisfies the requirements for immediate payment of a pension in accordance with Article 9 of Annex VIII. The second sentence of the second paragraph of Article 48 shall apply by analogy.

However, an official may at his own request, and where the appointing authority considers it justified in the interests of the service, carry on working until the age of 67, **or exceptionally, until the age of 70**, in which case he shall be retired automatically on the last day of the month in which he reaches that age.

Where the appointing authority decides to authorise an official to remain in service beyond the age of 66, that authorisation shall be granted for a maximum duration of one year. It may be renewed at the official's request.



An official may exceptionally remain in service until the age of 70 (following a procedure of requesting an authorisation).

As regards this possibility of working beyond the pension age (65 or 66 years): In the decision "in the interest of service" there is no fundamental difference between the status before and after the reform. The general provisions must clarify this situation. The Appointing Authority may still easily reject the requests without giving any reasons.

SPECIAL LEAVE

BEFORE : In addition to annual leave, an official may, on application, be granted special leave. In particular, in the following cases special leave shall be granted as shown:

- marriage of the official: four days;
- change of residence of the official: up to two days;
- serious illness of spouse: up to three days;
- death of spouse: four days;
- serious illness of a relative in the ascending line: two days;
- death of a relative in the ascending line: two days;
- marriage of a child: two days;
- birth of a child: 10 days, to be taken during the fourteen weeks following birth;
- death of the wife during maternity leave: a number of days corresponding to the remaining maternity leave; if the deceased wife is not an official, the remaining maternity leave is determined by applying the provisions of Article 58 of the Staff Regulations, by analogy;
- serious illness of a child: up to two days;
- very serious illness of a child, as certified by a doctor, or hospitalisation of a child aged 12 or under: up to five days;
- death of a child: four days;
- adoption of a child: 20 weeks, rising to 24 weeks in the case of the adoption of a disabled child;

AFTER : *in addition to previous text:*

- **birth of a disabled or seriously ill child: 20 days, to be taken during the 14 weeks following the birth;**

In addition the following text:

Special leave may furthermore be granted to officials on an exceptional basis in the case of exceptional work which goes beyond an official's normal obligations. Such special leave shall be granted at the latest three months after the appointing authority has taken a decision on the exceptional character of the work of the official.

Where special leave is granted pursuant to this section, any travelling time shall be fixed by special decision taking into account particular needs.



Conf-SFE is asking about the definition of «exceptional work»!

LEAVE « PREMATURE BIRTH OR ... »

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

AFTER : Pregnant women shall, in addition to the leave provided for in Article 57, be entitled on production of a medical certificate to 20 weeks of leave. The leave shall start not earlier than six weeks before the expected date of confinement shown in the certificate and end not earlier than 14 weeks after the date of confinement. In the case of multiple or premature birth or the birth of a child **with a disability or serious illness**, the duration shall be 24 weeks. Premature

birth for the purposes of this provision is a birth taking place before the end of the 34th week of pregnancy.

CAREER

STAFF REPORTS

BEFORE : The ability, efficiency and conduct in the service of each official shall be the subject of a periodical report made at least once every two years as provided for by each institution in accordance with Article 110. Each institution shall lay down provisions conferring the right to lodge an appeal within the reporting procedure, which has to be exercised before lodging a complaint as referred to in Article 90(2).

As of grade 4, for officials in function group AST, the report may also contain an opinion as to whether, on the basis of performance, he has the potential to carry out an administrator's function. The report shall be communicated to the official. He shall be entitled to make any comments thereon which he considers relevant.

AFTER : The ability, efficiency and conduct in the service of each official shall be the subject of **an annual report as provided for by the appointing authority of each institution** in accordance with Article 110. **That report shall state whether or not the performance level of the official has been satisfactory. The appointing authority of each institution** shall lay down provisions conferring the right to lodge an appeal within the reporting procedure, which has to be exercised before lodging a complaint as referred to in Article 90(2).

As of grade AST 5, the report may also contain an opinion as to whether, on the basis of performance, he has the potential to carry out an administrator's function. The report shall be communicated to the official. He shall be entitled to make any comments thereon which he considers relevant.

PROMOTION

BEFORE : Promotion shall be by decision of the Appointing Authority in the light of Article 6(2).

AFTER : Promotion shall be by decision of the appointing authority in the light of Article 6(2). **Unless the procedure laid down in Articles 4 and 29(1) is applied, officials may only be promoted if they occupy a post which corresponds to one of the types of posts set out in Annex I, Section A, for the next higher grade.**



See the limits indicated in the tables AD / AST.

*STEP*

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

If an official is appointed head of unit, director or director-general in the same grade, and provided that he has performed his new duties satisfactorily during the first nine months, he shall retroactively benefit from advancement by one step in that grade at the time the appointment comes into effect.

AFTER : An official who has been at one step in his grade for two years shall automatically advance to the next step in that grade, **unless his performance has been evaluated as unsatisfactory pursuant to the last annual report referred to in Article 43.**

An official shall advance to the next step in his grade after no later than four years, unless the procedure laid down in Article 51(1) is applied.

If an official is appointed head of unit, director or director-general in the same grade, and provided that his performance has been satisfactory **within the meaning of Article 43** during the first nine months **following his appointment**, he shall retroactively benefit from advancement by one step in that grade at the time the appointment comes into effect. This advancement shall lead to an increase in his basic monthly salary corresponding to the percentage between the first and the second step in each grade. If the increase is less or if the official at that time is already in the last step of his grade, he shall receive an increase in basic salary ensuring the increase between the first and second step until his next promotion comes into effect.

Step in grade linked to the evaluation indicated in the annual report!
Indeed, the step will not be automatic. It will be up to your superior to confirm that your performance is satisfactory. Otherwise you will remain stuck in your step up to 4 years, except in cases of professional incompetence procedure.

WORKING CONDITIONS

WORKING HOURS

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

AFTER : However, the normal working week shall **range from 40 to 42** hours, the hours of the working day to be determined by the appointing authority. Within the same limits, the appointing authority may, after consulting the Staff Committee, determine the hours to be worked by certain groups of officials engaged on particular duties.

The appointing authority of each institution may introduce flexible working-time arrangements. Under those arrangements, entire working days shall not be granted for officials in grade AD/AST 9 or higher. Those arrangements shall not be applicable to officials to whom the provisions of the second paragraph of Article 44 apply. Those officials shall manage their working time in agreement with their superiors



Staff	
Up to AD / AST 8	<ul style="list-style-type: none"> possibility to recuperate a full working day
AD / AST 9 or above	<ul style="list-style-type: none"> possibility of flexible working hours recuperation of a half working day
Senior and middle range managers	<ul style="list-style-type: none"> No access to the management of working time They must manage their working time in accordance with their superiors.

Conf-SFE considers such an increase of working time (minimum 40 hours / week, maximum remains 42 hours) as a step back at social level!

While some already work longer than 40 hours, others will struggle at the family level (crèches, nursery, national school ...) and additional costs. Note that there is no additional compensation. This is in contradiction with the item on the balance between family life and professional life ...



PART TIME

BEFORE : Authorisation to carry on business part time

- (a) to care for a child under 9 years of age,
- (b) to care for a child aged between 9 and 12, if the reduction in working time is no more than 20 % of normal working time,
- (e) as of the age of 55 during the last five years before retirement.

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

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

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

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

AFTER : *The word « dependent» has been added in the following phrases:*

- to care for a **dependent** child under 9 years of age,
- to care for a **dependent** child aged between 9 and 12, if the reduction in working time is no more than 20 % of normal working time,

New opportunities for part-time work will be implemented

- **to care for a dependent child until he reaches the age of 14 when the official is a single parent,**
- **in cases of serious hardship, to care for a dependent child until he reaches the age of 14 if the reduction in working time is no more than 5 % of normal working time. In that case, the first two paragraphs of Article 3 of Annex IVa shall not apply. Where both parents are employed in the service of the Union, only one shall be entitled to such reduction,**
- **as of the age of 58 during the last three years before he reaches pensionable age.**

Where part-time is requested in order to take part in further training, **or during the last three years before reaching pensionable age, but not before the age of 58**, the appointing authority may refuse authorisation or postpone its date of effect only in exceptional circumstances and for overriding service related reasons

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

TRANSITIONAL MEASURES

Officials who were authorised, on the basis of point (g) of Article 55a(2) of the Staff Regulations and Article 4 of Annex IVa to the Staff Regulations, to work part-time for a period starting before 1 January 2014 and extending beyond that date may continue to work part-time under the same conditions for a maximum overall period of five years



Caring for a dependent child in situations of hardship should not be limited until it reaches the age of 14.

Depending from the difficulties, if they still continue (unfortunately) beyond this age. Conf-SFE requires flexibility on this sensitive issue. The balance between work and private / family life must be taken into account. This point also refers to the possibility of 3 years halftime preparation for the pension.

RECOVERY OVERTIME

BEFORE : As provided for in Annex VI, overtime worked by officials in grade AST 1 to AST 4 shall entitle them either to compensatory leave or to remuneration where the requirements of the service do not allow compensatory leave during the month following that in which the overtime was worked.

AFTER : As provided in Annex VI, overtime worked by officials in grades **SC 1 to SC 6 and** grades AST 1 to AST 4 shall entitle them either to compensatory leave or to remuneration where requirements of the service do not allow compensatory leave **during two months following** that in which the overtime was worked

TRANSITIONAL MEASURES

Administrative Assistants in transition and Support Agents in transition who were before 1 May 2004 in the former category C or D shall continue to be entitled either to compensatory leave or to remuneration, where the requirements of the service do not allow compensatory leave during the two months following that in which the overtime was worked, as provided for in Annex VI.



Conf-SFE emphasizes that the recuperation of overtime **must be the same for contract agents**. Under the new Staff Regulations, see page 82 "working conditions"

- According the conditions laid down in Annex VI of staff regulations regarding overtime worked by **contractual staff in function groups I and II**, the staff is eligible for the grant of compensatory rest or, if the requirements do not allow compensation in two months following the month in which the overtime was worked, the granting of financial compensation.
- **Contract agents in function groups III and IV** are not entitled to recuperation of overtime, neither to financial compensation.

As an example, take the case of **function group III, which in some areas** (IT, finances) is working overtime and this, without any compensation.

Conf-SFE concludes that due to the benefit for the institution, the contract staff Function Group III becomes:

- AST 5 (minimum) because it is not entitled to compensation / remuneration for overtime
- AST 1-2: if they want to participate in an internal competition open to contract staff
- AST-SC1: regarding remuneration as AC FGIII
- AST 3: regarding their daily tasks (including external competition)

Next to that this category of CA also has a lot of trouble finding a job in another institution as the number of places is limited for FG III 3a/bis.

This is what is called making an "OUTSTANDING" job while representing several categories simultaneously. This would qualify at least for a **special leave**. ☺

MODALITIES OF COMPENSATION/REMUNERATION

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

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

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

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

Article 3

Notwithstanding the foregoing provisions of this Annex, remuneration for overtime worked by certain groups of officials in grade AST 1 to AST 4 in special conditions may be paid in the form of a fixed allowance the amount and terms of which shall be determined by the appointing authority after consulting the Joint Committee.

AFTER : Within the limits laid down in Article 56 of the Staff Regulations, overtime worked by an official in grade **SC 1 to SC 6 or grade** AST 1 to AST 4 shall entitle him to compensatory leave or to remuneration as follows:

a)

b) where the requirements of the service do not permit compensatory leave to be taken during **two months** following that during which the overtime was worked, the appointing authority shall authorize remuneration for uncompensated hours of overtime at the rate of 0,56 % of the monthly basic salary for each hour of overtime on the basis set out in point (a);

c) ...

Article 3

Notwithstanding the foregoing provisions of this Annex, remuneration for overtime worked by certain groups of officials **in grades SC 1 to SC 6** and grades AST 1 to AST 4 in special conditions may be paid in the form of a fixed allowance the amount and terms of which shall be determined by the appointing authority after consulting the Joint Committee

CONTINUOUS SERVICE

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

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

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

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

After consulting the Staff Regulations Committee, the Commission shall determine, by means of delegated acts in accordance with Articles 111 and 112, the categories of officials entitled to such allowances, the conditions for granting the allowances and the rates thereof.

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

ARDUOUS WORKING CONDITIONS

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

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

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

After consulting the Staff Regulations Committee, the Commission shall determine, by means of delegated acts in accordance with Articles 111 and 112, the categories of officials entitled to the special allowances, the conditions for granting such allowances and the rates thereof.

REMUNERATION

THE CORRECTION COEFFICIENTS

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

These weightings shall be adopted by the Council, acting by a qualified majority on a proposal from the Commission as provided in Article 16(4) and (5) of the Treaty on European Union. The weighting applicable to the remuneration of officials employed at the provisional seats of the Union shall be equal to 100% as at 1 January 1962.

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

The correction coefficients shall be created or withdrawn as well as annually updated in accordance with Annex XI. With respect to the update, all values shall be understood as reference values. The Commission shall publish the updated values within two weeks after the update in the C series of the Official Journal of the European Union for information purposes.

No correction coefficient shall be applicable in Belgium and Luxembourg, having regard to the special referential role of those places of employment as principal and original seats of most of the institutions

REMUNERATION PAYMENT

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

Remuneration paid in a currency other than euros shall be calculated on the basis of the exchange rates used for the implementation of the general budget of the European Union on 1 July 2010.

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

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

AFTER : Officials' remuneration shall be expressed in euros. It shall be paid in the currency of the country in which the official performs his duties or **in euros**.

Remuneration paid in a currency other than euros shall be calculated on the basis of the exchange rates used for the implementation of the general budget of the European Union on 1 July of that year.

Every year the exchange rates shall be updated retroactively at the time of the annual update of remuneration provided for in Article 65.

REVIEW OF THE REMUNERATION

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

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

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

3. For the purposes of this Article, the Council shall act by a qualified majority on a proposal from the Commission as provided in Article 16(4) and (5) of the Treaty on European Union.

AFTER : The remuneration of the officials and other servants of the European Union shall be updated every year, taking into account the economic and social policy of the Union. Particular account shall be taken of any salary increases in the civil service of the Member States and of recruitment needs. The update of the remuneration shall be implemented in accordance with Annex XI. That update shall take place before the end of each year in the light of a report by the Commission based on statistical data prepared by the Statistical Office of the European Union in agreement with the national statistical offices of the Member States; the statistical data shall reflect the situation as at 1 July in each of the Member States. That report shall contain data pertaining to the budgetary impact of remuneration and pensions of Union officials. It shall be transmitted to the European Parliament and to the Council.

The amounts referred to in the second and third paragraphs of Article 42a, Articles 66 and 69, Articles 1(1), 2(1), 3(1) and (2), 4(1), 7(2), 8(2), 10(1) of Annex VII and Article 8(2) of Annex XIII, and in the former Article 4a of Annex VII to be updated in accordance with Article 18(1) of Annex XIII, the amounts referred to in Article 24(3), the second subparagraph of Article 28a(3), Articles 28a(7), 93, 94, the second subparagraph of Article 96(3) and Articles 96(7), 133, 134 and 136 of the Conditions of Employment of Other Servants, the amounts referred to in the first subparagraph of Article 1(1) of Council Regulation (ECSC, EEC, Euratom) No 300/76* and the coefficient for the amounts referred to in Article 4 of Council Regulation (EEC, Euratom, ECSC) No 260/68** shall be updated annually in accordance with Annex XI. The Commission shall publish the updated amounts within two weeks after the update in the C series of the Official Journal of the European Union for information purposes.

2. In the event of a substantial change in the cost of living, the amounts referred to in paragraph 1 and the weightings referred to in Article 64 shall be updated in accordance with Annex XI. The Commission shall publish the updated amounts and weightings within two weeks after the update in the C series of the Official Journal of the European Union for information purposes.

3. The amounts referred to in paragraph 1 and the weightings referred to in Article 64 shall be understood as amounts and weightings the actual value of which at a given point in time is subject to update without intervention of another legal act.

4. Without prejudice to Article 3(5) and (6) of Annex XI, no update provided for under paragraphs 1 and 2 shall be made in the years 2013 and 2014

** Council Regulation (ECSC, EEC, Euratom) No 300/76 of 9 February 1976 determining the categories of officials entitled to allowances for shift work, and the rates and conditions thereof (OJ L 38, 13.2.1976, p. 1).*

*** Council Regulation (EEC, Euratom, ECSC) No 260/68 of 29 February 1968 laying down the procedure and the conditions for applying the tax for the benefit of the European Communities (OJ L 56, 4.3.1968, p. 8.).*

CONDITIONS OF PAYMENT

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

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

...

The transfers provided for in paragraph 2 shall be made **at the exchange rate** referred to in the second paragraph of Article 63 of the Staff Regulations. The amounts transferred shall be multiplied by a coefficient representing the difference between the correction coefficient for the country to which the transfer is made as defined in point (b) of Article 3(5) of Annex XI to the Staff Regulations and the correction coefficient applied to the remuneration of the official (referred to in point (a) of Article 3(5) of Annex XI to the Staff Regulations).

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

AFTER : Payment shall be made to each official at the place and in the currency of the country where he carries out his duties **or, at the request of the official, in euros in a bank within the European Union.**

Under the conditions laid down in rules fixed by the appointing authorities of each institution by common consent after consulting the Staff Regulations Committee, officials may apply for special regular transfer of part of their remuneration

...

The transfers provided for in paragraph 2 shall be made **in the currency of the relevant Member State...**

Apart from the transfers referred to in paragraphs 1 to 3, an official may request a regular transfer in the **currency of the relevant Member State**, without application of any coefficient. This transfer may not exceed 25 % of the official's basic salary.



Some modifications regarding' payments in euro into a bank in the EU and possible special regular transfer of part of remuneration (in the currency of the Member State concerned).

SOLIDARITY LEVY

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

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

from	1.5.2004	to	31.12.2004	2,50 %
from	1.1.2005	to	31.12.2005	2,93 %
from	1.1.2006	to	31.12.2006	3,36 %
from	1.1.2007	to	31.12.2007	3,79 %
from	1.1.2008	to	31.12.2008	4,21 %
from	1.1.2009	to	31.12.2009	4,64 %

AFTER : 1. By way of derogation from Article 3(1) of Regulation (EEC, Euratom, ECSC) No 260/68 and in order to take account, without prejudice to Article 65(3), of the application of the method for updating the remuneration and pensions of officials, a temporary measure regarding remuneration paid by the Union to staff in active employment, to be known as the 'solidarity levy', shall be applied from 1 January 2014 to 31 December 2023.

2. The rate of this **solidarity levy**, which shall apply to the base defined in paragraph 3, shall be **6 %**. **The rate shall however be 7 % for officials in grade AD 15, step 2, and above.**

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

- (i) social security and pension contributions and the tax, before solidarity levy, payable by an official in the same grade and step without dependants within the meaning of Article 2 of Annex VII, and
- (ii) an amount equal to the basic salary of an official in grade **AST 1**, step 1.

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

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

METHOD

BEFORE : The "method" was adopted for the first time by the Council in 1972 and is based on the general principle of parallelism that links changes in the purchasing power of salaries and pensions of EU officials to changes in the purchasing power of salaries and pensions of national officials. It is therefore not an indexation based on inflation: it is simply an adaptation to changes in the purchasing power of national officials..

The last method is expired on 31 December 2012. It has led to a serious conflict with the Council in 2009, for the following reasons:

- a time lag between the collection of statistics by Eurostat and the economic situation in the Member States at the time of the formal adoption of adaptations;
- an exception clause considered by Member States as inapplicable;
- the Brussels International Index (BII) , used to measure changes in the cost of living in Brussels for the expatriate staff. This was perceived as a "luxury" inflation index.

The special levy which was linked to the application of the method since 1982 , expired December 31, 2012

AFTER : The new method confirms the principle of parallelism by maintaining the link with the purchasing power of salaries of national officials. By using weightings coefficients for the various places of employment it will also continue to ensure that staff will keep the same purchasing power, regardless of their place of employment.

DURATION AND VALIDITY OF THE METHOD

- 10 years: from 1st January 2014 to 31 December 2023.
- The provisions continue to apply beyond this period until the legislator decides to implement new provisions.

NEW INDICATOR

The international index of Brussels will be replaced by the Belgian HICP and CPI of Luxembourg. The national inflation will be weighted according to the number of staff serving in Brussels and Luxembourg.

SAMPLE

Benelux and the big five (Germany, Spain, France , Italy, United Kingdom) + Sweden , Poland and Austria. We now have a total of **11 member states** representing approximately 85% of EU GDP.

A MODERATION CLAUSE

If the purchasing power exceeds 2% (positive or negative), the portion exceeding 2% will become effective nine months later.

A NEW EXCEPTION CLAUSE

The idea was to avoid the situation we had in 2009: EU GDP decreases and our wages were nevertheless adjusted.

The crisis clause limits the increase in purchasing power during periods of declining EU GDP in line with a given scheme.

For example, if the EU GDP decreases by more than 3%, then the gain in purchasing power will only be granted when the GDP recovers, i.e. when it reaches again the previous higher level.

THE PROCEDURE OF THE METHOD

We wanted to avoid the ordinary legislative procedure which revealed to be major source of problems in the past. An automatic update procedure will be used in the future. Eurostat will calculate the update value and the correction coefficients. Two weeks later, the Commission will publish the updated values in the Official Journal of the European Union.

METHOD FROZEN DURING TWO YEARS

The new method **will be suspended in 2013 and 2014**. This means that the salary scales and the amount of the allowances will not be updated during this period. However, the correction coefficients will continue to be updated in 2013 and 2014.

PENSION CONTRIBUTION

- The contribution rate to the pension scheme will be updated in accordance with the same automatic procedure, based on calculations made by Eurostat.
- Past periods of observations used to simulate future changes in salaries and interest rates of public debt of Member States rate will be gradually extended to 30 years in 2021
- The application of these provisions will be reviewed in 2018 and 2022.

TRAVEL

TRAVELLING TIME

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

- 50 to 250 km: one day for the outward-and-return journey,
- 251 to 650 km: two days for the outward-and-return journey,
- 601 to 900 km: three days for the outward-and-return journey,
- 901 to 1 400 km: four days for the outward-and-return journey,
- 1 401 to 2 000 km: five days for the outward-and-return journey,
- more than 2 000 km: six days for the outward-and-return journey.

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

The preceding provisions shall apply to officials whose place of employment is within the territories of the Member States. If the place of employment is outside these territories, the travelling time shall be fixed by special decision taking into account particular needs. Where special leave is granted in pursuance of Section 2 above, any travelling time shall be fixed by special decision taking into account particular needs.

AFTER : **Officials who are entitled to the expatriation or foreign residence allowance shall be entitled to two and a half days of supplementary leave every year, for the purpose of visiting their home country.**

The first paragraph shall apply to officials whose place of employment is within the territories of the Member States. If the place of employment is outside those territories, the duration of the home leave shall be fixed by special decision taking into account particular needs.



The increase in working time to 40 hours and the reduction of leave may have a heavy impact on the daily life of the staff.

A step back at the social level!

Here are some important parts of this item:

- **Suppression of days off traveling time** which mainly affects people (nationals) who receive neither the expatriation allowance nor foreign residence allowance.
- **Reduction of “travelling time” days from 6 days to 2 and a half days** especially affects people whose place of employment is beyond 601 km from the place of origin.

The use of several means of transport before reaching destination is still fairly widespread view that all places are not served in the same way (airport, train station, port, ...). Required connections are not always available. For this reason for some European countries, a round trip of up to 6 days was more than justified.

- **If the place of employment is located outside the Member States**, the length of leave is determined differently, given the necessities.

TRAVEL EXPENSES

Reimbursement of expenses detailed in this point, refers only to the three cases mentioned below:

RIGHTS FOR THE REIMBURSEMENT

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

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

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

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

AFTER : 1. An official shall be entitled to a **flat-rate payment corresponding** to the cost of travel for himself, his spouse and his dependants actually living in his household:

- (a) on taking up his appointment, from the place where he was recruited to the place where he is employed;
- (b) on termination of service within the meaning of Article 47 of the Staff Regulations, from the place where he is employed to the place of origin as defined in **paragraph 4 of this Article**;
- (c) on any transfer involving a change in the place where he is employed.

In the event of the death of an official, **the surviving spouse** and the dependants shall be entitled to **the flat rate payment** under the same conditions.

Travel expenses for children aged less than two years during the entire calendar year shall not be reimbursed.



The right to reimbursement under these points cited refers only to the situation of starting the service, the termination of service and at any mutation.

This is not a reimbursement but a lump sum payment of travel expenses to be made.

No refund for children under two years.

CALCULATION OF KM

BEFORE : 2. The basis for calculating the reimbursement shall be the first-class rail fare on the shortest and most economical habitual route by rail between the place of employment and the place of recruitment or origin.

Where the route referred to in the first subparagraph exceeds 500 km and in cases where the usual route includes a sea crossing, the official concerned shall be entitled, on production of the tickets, to reimbursement of the cost of travel by air in business class or equivalent.

Where a means of transport other than those mentioned above is used, calculation of reimbursement shall be based on the cost by rail, excluding sleeper accommodation. Where calculation on this basis is not possible, the terms of reimbursement shall be determined by special decision of the Appointing Authority.

AFTER : 2. The flat-rate payment shall be based on an allowance per kilometre of geographical distance between the places referred to in paragraph 1.

The kilometric allowance shall be:

Grade	AST/SC
0 EUR for every km from:	0 to 200 km
0,1895 EUR for every km from:	201 to 1 000 km
0,3158 EUR for every km from:	1 001 to 2 000 km
0,1895 EUR for every km from:	2 001 to 3 000 km
0,0631 EUR for every km from:	3 001 to 4 000 km
0,0305 EUR for every km from:	4 001 to 10 000 km
0 EUR for every km over:	10 000 km.

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

- EUR 94,74 if the geographical distance between the places referred to in paragraph 1 is between 600 km and 1 200 km,
- EUR 189,46 if the geographical distance between the places referred to in paragraph 1 is greater than 1 200 km.

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

3. By way of derogation from paragraph 2, travel expenses which relate to a transfer involving a change between a place of employment within the territories of the Member States of the European Union and a place of employment outside those territories or to a transfer involving a change between places of employment outside those territories shall be reimbursed in the form of a flat-rate payment based on the cost of air travel in the class immediately superior to economy class.



The refunds will not be done anymore according the shortest and most economical route via:

- The railway first class or sleeper
- Flying business class or equivalent

But according to the "geographical distance" between places. This will have a very significant impact on the number of kilometers and the calculation.

Indeed the number of kilometers will be lower.

If the mutation involves a change between:

- the place of employment in the territory of the EU and a place of employment outside its territory
- the place of employment outside that territory of the EU

The refund will be in the form of a lump sum based on the cost of air travel in the class immediately above the economy class.

FIXING THE PLACE OF ORIGIN

BEFORE : 3. An official's place of origin shall be determined when he takes up his appointment, account being taken of where he was recruited or the centre of his interests.

The place of origin as so determined may by special decision of the appointing authority be changed while the official is in service or when he leaves the service. While he is in the service, however, such decision shall be taken only exceptionally and on production by the official of appropriate supporting evidence.

The effect of such a change shall not, however, be such as to recognise as the centre of the official's interests, a place outside the territories of the Member States of the Union or of the countries and territories listed in Annex II to the Treaty on the Functioning of the European Union.

AFTER : 3. An official's place of origin shall be determined **when he takes up his appointment, account being taken in principle of where he was recruited or, upon express and duly reasoned request, the centre of his interests.**

The place of origin as so determined may by special decision of the appointing authority be changed while the official is in service or when he leaves the service. While he is in the service, however, such decision shall be taken only exceptionally and on production by the official of appropriate supporting evidence.

The effect of such a change shall not, however, be such as to recognise as the centre of the official's interests a place which is outside the territories of the Member States of the Union as well as outside the countries and territories listed in Annex II to the Treaty on the Functioning of the European Union and the territories of the Member States of the European Free Trade Association.



The place of origin of the employee is determined at the time of entering into service and taking into account, in principle, the place of recruitment or on reasoned request, the place where he has his center of interest.

Note that if the place of official's center of interest is located outside the territory of the Member States of the Union or outside the countries of listed states, it will not be recognized!

ANNUAL TRAVEL EXPENSES

RIGHT TO THE ANNUAL TRAVEL EXPENSES

BEFORE : 1. Officials shall be entitled to be paid in each calendar year a sum equivalent to the cost of travel from the place of employment to the place of origin as defined in Article 7 for themselves and, if they are entitled to the household allowance, for the spouse and dependants within the meaning of Article 2.

....

Travel expenses for children aged two to ten years shall be calculated on the basis of half of the kilometric allowance and half the flat-rate supplement, the children being deemed for the purposes of calculation to have completed their second or tenth year on 1 January of the current year.

AFTER : 1. **Officials entitled to the expatriation or foreign residence allowance shall be entitled, within the limit set out in paragraph 2, in each calendar year to a flat- rate payment corresponding to the cost of travel from the place of employment to the place of origin as defined in Article 7 for themselves and, if they are entitled to the household allowance, for the spouse and dependants within the meaning of Article 2.**

Travel expenses for children aged less than two years during the entire calendar year shall not be reimbursed.



You need to be entitled to the expatriation or foreign residence allowance, which excludes officials with the nationality of the place of employment.

The Staff Regulations also allow for the reimbursement of travelling expenses for the official's family members, with the exception of children less than two years old.

PAYMENT OF ANNUAL TRAVEL EXPENSES

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

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

- o EUR 189,48 if the distance by train between the place of employment and the place of origin is between 725 km and 1 450 km,
- o EUR 378,93 if the distance by train between the place of employment and the place of origin is greater than 1 450 km,

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

AFTER : 2. The flat-rate payment shall be based on an allowance **per kilometre** of **geographical** distance between the official's place of employment and his place of origin.

Where the place of origin as defined in Article 7 is outside the territories of the Member States of the Union as well as outside the countries and territories listed in Annex II to the Treaty on the Functioning of the European Union and the territories of the Member States of the European Free Trade Association, the flat-rate payment shall be based on an allowance per kilometre of geographical distance between the official's place of employment and the capital city of the Member State whose nationality he holds. Officials whose place of origin is outside the territories of the Member States of the Union as well as outside the countries and territories listed in Annex II to the Treaty on the Functioning of the European Union and the territories of the Member States of the European Free Trade Association and who are not nationals of one of the Member States shall not be entitled to the flat-rate payment.

The kilometric allowance shall be:	
EUR 0 for every km from:	0 to 200 km
EUR 0,3790 for every km from:	201 to 1 000 km
EUR 0,6316 for every km from:	1 001 to 2 000 km
EUR 0,3790 for every km from:	2 001 to 3 000 km
EUR 0,1262 for every km from:	3 001 to 4 000 km
EUR 0,0609 for every km from:	4 001 to 10 000 km
EUR 0 for every km over:	10 000 km

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

- o EUR 189,48 if the geographical distance between the place of employment and the place of origin is between **600 km** and **1 200 km**,
- o EUR 378,93 if the geographical distance between the place of employment and the place of origin is greater than **1 200 km**.

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



The lump-sum payment will be made on the basis of an allowance per kilometre in respect of the geographical distance between the official's place of employment and his or her place of origin.

Those who receive the expatriation or foreign residence allowance.

The lump-sum payment will be based on the **geographical distance (as the crow flies)** and no longer on the basis of the distance in kilometres. The shorter the distance, the lower the amount.

Despite sophisticated means of transport: "We are not birds!"

No reimbursement for children under two years of age.

Those who receive the expatriation or foreign residence allowance.

- **The abolition of the lump-sum payment**

Those who originate from outside the Member States and the territories mentioned

- **The lump-sum payment** will be made on the basis of an allowance per kilometre in respect of the geographical distance between the official's place of employment and the capital of the Member State of which he or she is a national.

... and who are not nationals of one of the Member States

- **The abolition of the lump-sum payment**

These new measures will affect many staff and will have far-reaching implications on their personal lives, since they affect the family budget.

Those who have chosen to work in the institutions have based their decision on the full package offered when they joined the service. In our opinion, it is unfair to change these rules for staff already in place.

This reduction in the family budget will make contract staff even more vulnerable. They are at risk of being put in unstable situations, especially in the case of the lowest grades!

OTHERS REASONS (LEAVE ON PERSONAL GROUNDS, ...)

- BEFORE :** 3. An official whose service is terminated in the course of a calendar year for any reason other than death or who is on leave on personal grounds during part of the year shall, if he is in active employment in the service of an institution of the European Union for less than nine months of that year, be entitled only to part of the payment provided for in paragraph 1, calculated in proportion to the time spent in active employment.
- AFTER :** 3. An official whose service is terminated in the course of a calendar year for any reason other than death or who is on leave on personal grounds during part of the year shall, if he is in active employment in the service of **an institution** of the Union for less than nine months of that year, be entitled only to part of the flat-rate payment provided for in **paragraphs 1 and 2**, calculated in proportion to the time spent in active employment.

PLACE OF EMPLOYMENT

- BEFORE :** 4. The preceding provisions shall apply to officials whose place of employment is within the territories of the Member States. Officials whose place of employment is outside the territory of the Member States shall be entitled for themselves and, if they are entitled to receive the household allowance, for their spouse and other dependants within the meaning of Article 2, in each calendar year, to repayment of travel expenses to their place of origin, or to repayment of travel expenses to another place not exceeding the expense of travel to the place of origin. However, if the spouse and the persons referred to in Article 2(2) do not live with the official at the place of employment, they shall be entitled each calendar year to reimbursement of travel expenses from the place of origin to the place of employment or to another place not exceeding the cost of the former journey.
- These travel expenses shall be reimbursed in the form of a flat-rate payment based on the cost of air travel in the class immediately superior to economy class.
- AFTER :** 4. **Paragraphs 1, 2 and 3 of this Article** shall apply to officials whose place of employment is within the territories of the Member States. Officials whose place of employment is outside the territory of the Member States shall be entitled for themselves and, if they are entitled to receive the household allowance, for their spouse and other dependants within the meaning of Article 2, **in each calendar year**, to a **flat-rate** payment for travel expenses to their place of origin, or to repayment of travel expenses to another place not exceeding the expense of travel to the place of origin. However, if the spouse and the persons referred to in Article 2(2) do not live with the official at the place of employment, they shall be entitled each calendar year to reimbursement of travel expenses from the place of origin to the place of employment or to another place not exceeding the cost of the former journey.

The flat-rate payment shall be based on the cost of air travel in economy class.



The class immediately superior to economy class downgraded to economy class!

MISSION EXPENSES

- BEFORE :** The Council shall review every two years the rates set out in paragraph 2(a). This review shall take place in the light of a report by the Commission on the prices of hotels, restaurants and catering services, taking into account the indexes on the evolution of such prices. For the purpose of this review, the Council shall act on a proposal by the Commission by the qualified majority provided for in Article 16(4) (5) of the Treaty on European Union.
- AFTER :** The **Commission** shall review every two years the rates set out in point (a) of paragraph 2. That review shall take place in the light of a report on the prices of hotels, restaurants and catering services, and shall be based on the indexes on the evolution of such prices. **For the purpose of that review, the Commission shall act by means of delegated acts in accordance with Articles 111 and 112 of the Staff Regulations.**

By way of derogation from paragraph 1, accommodation costs incurred by officials for missions to the principal places of work of their institution as referred to in Protocol No 6 to the Treaty on the Functioning of the European Union may be reimbursed on the basis of a flat-rate sum which shall not exceed the maximum fixed for the Member States in question.



Mission expenses are reimbursed on the basis of actual costs and up to the limit set per country. The reimbursement of accommodation expenses on a flat-rate basis is possible in the places where each institution has its seat. For example for the Parliament: for missions between Brussels, Strasbourg and Luxembourg.

REMOVAL

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

On termination of service or on the death of an official, the expenses incurred in respect of removal from the place where he was employed to his place of origin shall be reimbursed. Where the deceased official was unmarried, the expenses shall be reimbursed to those entitled under him.

AFTER : **Within the limits of costs ceilings, officials obliged to change their place of residence in order to comply with Article 20 of the Staff Regulations upon entry into service or on a subsequent change of place of employment while in service and who have not been reimbursed in respect of the same expenses from another source, shall be entitled to the reimbursement of expenses incurred in respect of the removal of furniture and personal effects, including the cost of insurance against ordinary risks (notably breakage, theft, fire).**

The ceilings shall take into account the official's family situation at the time of the removal, and the average costs of removal and associated insurance. General implementing provisions shall be adopted by the appointing authority of each institution to give effect to this paragraph.

On termination of service or on death **of an official**, the expenses incurred in respect of removal from the place where he was employed to his place of origin shall be reimbursed **within the limits defined in paragraph 1.**

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



You no longer have to present three different invoices for the reimbursement of moving expenses. Ceilings will be fixed and will take account of the official's family situation at the time of the move, the average moving costs and related insurance.

TYPE OF PERSONNEL

AD

CORRESPONDENCE BETWEEN POSTS/CAREER

BEFORE : Linear career possible up to grade AD14

AFTER : Reinforcing the link between function and grade

TRANSITIONAL MEASURES

To officials AD in service on 31 December 2013

- By way of derogation from Annex I, Section A, point 2, the following table of types of posts in function group AD shall apply to officials in service on 31 December 2013:

The new AD career: 5 different types of posts

Director-General	AD15-AD16
Director	AD14-AD15
Adviser or equivalent	AD13-AD14
Head of unit or equivalent	AD9-AD14
Administrator.	AD5-AD12

- With effect from 1 January 2014, the appointing authority shall classify officials in service on 31 December 2013 in function group AD in types of posts as follows:

Grade					
16					Director-General AD15-AD16
15				Director AD 14-AD15	
14	Senior Administrator in transition Composed of officials AD14 who were neither Director, or Head of unit or Adviser or equivalent, at 31 December 2013	Head of unit or equivalent Composed of officials AD9 to AD 14 Head of unit or equivalent, at 31 December 2013	Adviser or equivalent Composed of Adviser AD13 or AD14, at 31 December 2013		
13	Administrator in transition Composed of officials AD13 who were neither Head of unit or Adviser or equivalent, at 31 December 2013				
12	Administrator Composed of officials AD5 to AD12.				
11					
10					
9					
8					
7					
6					
5					

- By way of derogation from paragraph 2, officials in grades AD 9 to AD 14 holding special responsibilities may be assigned by the appointing authority before 31 December 2015 to the type of post "Head of unit or equivalent" or "Adviser or equivalent". Each appointing authority shall lay down provisions to give effect to this Article. However, the total number of officials benefiting from this provision shall not exceed 5 % of the officials in function group AD on 31 December 2013.

4. The assignment to a type of post shall be valid until the official is assigned to a new function corresponding to another type of post.
5. Provided they satisfy the conditions laid down in the first paragraph of Article 44, officials in grade AD 12, step 5, holding a post of Administrator shall, as from 1 January 2016, receive an increase in basic salary equivalent to the difference between the salary corresponding to grade AD 12, step 4, and grade AD 12, step 3.
6. Provided they satisfy the conditions laid down in the first paragraph of Article 44, officials in grade AD 12, step 5, holding a post of Administrator and benefiting from the measure in paragraph 5 shall receive after two years an additional increase in basic salary equivalent to the difference between the salary corresponding to grade AD 12, step 5, and grade AD 12, step 4
7. By way of derogation from paragraph 5, the following provisions shall apply to officials in grade AD 12 holding a post of Administrator, who were recruited before 1 May 2004 and who have not been promoted between 1 May 2004 and 31 December 2013.
 - a) provided they satisfy the conditions laid down in the first paragraph of Article 44, officials in step 8 shall, as from 1 January 2016, receive an increase in basic salary equivalent to the difference between the salary corresponding to grade AD 12, step 4, and grade AD 12, step 3;
 - b) provided they benefit from the measure in point (a), officials in step 8 shall receive after two years an additional increase in basic salary equivalent to the difference between the salary corresponding to grade AD 12, step 5, and grade AD 12, step 4.
8. Provided they satisfy the conditions laid down in the first paragraph of Article 44, officials in grade AD 13, step 5, holding a post of Administrator in transition shall, as from 1 January 2016, receive an increase in basic salary equivalent to the difference between the salary corresponding to grade AD 13, step 4, and grade AD 13, step 3.
9. Provided they satisfy the conditions laid down in the first paragraph of Article 44, officials in grade AD 13, step 5, holding a post of Administrator in transition and benefiting from the measure in paragraph 8 shall receive after two years an additional increase in basic salary equivalent to the difference between the salary corresponding to grade AD 13, step 5, and grade AD 13, step 4.
10. Officials receiving the increase in basic salary provided for in paragraphs 5 to 9 and subsequently appointed Head of unit or equivalent or Adviser or equivalent in the same grade shall keep such increase in basic salary.
11. By way of derogation from the first sentence of Article 46, officials appointed to the next higher grade and benefiting from the increase in basic salary provided for in paragraphs 5, 6, 8 and 9 shall be placed in the second step of that grade. They shall lose the benefit of the increase of basic salary provided for in paragraphs 5, 6, 8 and 9.
12. The increase of basic salary in paragraph 7 shall not be paid after promotion and shall not be included in the basis used for determining the increase in basic monthly salary referred to in Article 7(5) of this Annex.



The hierarchical authority may classify AD9 - AD14 officials who have special responsibilities in the “Head of Unit or equivalent” category or “Adviser or equivalent” (before 31 December 2015 and not more than 5%.)

With effect from 1st January 2016, blocked AD12/5 and AD13/5 administrators will have a step of 2.8% and two years later, a step of 1.4%.

PROMOTION RATE

The requirement of at least two years in the grade before having a promotion to the higher grade is maintained.

Grade	AD	
13	Reduced from 20 to 15%	Reduced for the higher grades for AD13 promotions to AD14.
12	Reduced from 20 to 15%	
11	25%	
10	25%	
9	25%	
8	33%	
7	Increased from 33 to 36%	Increased for the lower grades for promotions to AD6, AD7 and AD8.
6	Increased from 33 to 36%	
5	Increased from 33 to 36%	

- ✓ It is necessary to apply for a middle management post.
- ✓ 25% to 15% for AD12 promotions to AD13, if you are appointed head of unit, adviser or equivalent.
- ✓ Heads of unit, advisers and staff members in equivalent posts will be able to advance up to AD14.
- ✓ The other administrators will be able to advance to AD12, via normal promotion procedures.
- ✓ In order to strengthen the link between grades and functions, access to the higher AD13 and AD14 grades will be possible via a selection procedure for officials not assigned to “head of unit or equivalent” types of post, or “adviser or equivalent”.
- ✓ Staff filling one of these posts may be promoted to grades AD13 and AD14 via normal procedures. The legislator’s intention is to ensure that grades AD13 and AD14 remain accessible to non-management staff.

**Restrictions on promotion to AD13 and AD14**

It is necessary to apply for a middle management post.

The adjustment of promotion rates for the AD career bracket

Promotion rates are increased from 33% to 36% for promotions to AD6, AD7 and AD8. What progress!

AD13 to AD14: promotion rate reduced from 20% to 15%.

AD12 to AD13: reduced from 25% to 15% if you are appointed Head of Unit, Adviser or equivalent.

AST**CORRESPONDENCE BETWEEN POSTS/CAREER**

BEFORE : Linear career possible up to grade AST11

AFTER : Reinforcing the link between function and grade

For AST, a distinction is made between assistants and assistants confirmed.

TRANSITIONAL MEASURES**To officials AST in service on 31 December 2013**

By way of derogation from Annex I, Section A, point 2, the following table of types of posts in function group AST shall apply to officials in service on 31 December 2013:

Grade	ex-D (huissiers), recruited before the 1 st May 2004, non attested	ex-C, recruited before the 1 st May 2004, not attested	Other (ex-B, attested (ex C or D), AST post 2004)
11			Senior Assistant in transition Officials who were in grade AST 10 or AST 11 on 31 December 2013
10			
9			(b)Assistant in transition Officials not covered by point (a) who were before 1 May 2004 in the former category B or who were before 1 May 2004 in the former category C or D and have become a member of function group AST without restriction, as well as AST officials recruited since 1 May 2004
8			
7		(c)Administrative assistant in transition Officials not covered by points (a) and (b) who were before 1 May 2004 in the former category C	
6			
5	(d)Support Agent in transition Officials not covered by points (a) and (b) who were before 1 May 2004 in the former category D		
4			
3			
2			
1			

The assignment to a type of post shall be valid until the official is assigned to a new function corresponding to another type of post. Administrative Assistants in transition and Support Agents in transition may be assigned to the type of post of Assistant as defined in Annex I, Section A, only in accordance with the procedure laid down in Articles 4 and 29(1) of the Staff Regulations. Promotion shall only be allowed within the career streams corresponding to each type of post indicated in paragraph 1

PROMOTION RATE

Grade	AST
11	-
10	20 %
9	Decreases from 20 to 8%
8	25%
7	25%
6	25%
5	25%
4	33%
3	33%
2	33%
1	33%

TRANSITIONAL MEASURES

By way of derogation from Article 6(1) of the Staff Regulations and from Annex I, Section B, the number of vacant positions in the next higher grade required for promotion purposes shall be calculated separately for Support Agents in transition. The following multiplication rates shall apply:

	Grade	Rate
Support Agents in transition	5	-
	4	10 %
	3	22 %
	2	22 %
	1	-

As far as Support Agents in transition are concerned, comparative merits for the purposes of promotion (Article 45(1) of the Staff Regulations) shall be considered between eligible officials of the same grade and classification.



AST 9 restrictions

To be promoted to the grade AST 10, officials must apply for a vacant post and be appointed to fill that vacancy.

AST – SC

A new function group of Secretary and Commis has been created « AST/SC ».

The function groups AST/SC:

- 6 grades
- related to secretarial and clerical tasks
- requires the same conditions (degree) as for an AST on the appointment to a post as an official
- their recruitment is fixed in the SC1 grade and the SC2 grade.
- In case of resignation : the resignation will take effect on the date fixed by the appointing authority. This date not be later than one month for officials AST/ SC
- Basic salary varies between 2 345 euros for a SC1/1 to 4 921 euros for a SC6/5.

Grade	Step 1	Step 2	Step 3	Step 4	Step 5
SC 6	4.349,59	4.532,36	4.722,82	4.854,21	4.921,28
SC 5	3.844,31	4.005,85	4.174,78	4.290,31	4.349,59
SC 4	3.397,73	3.540,50	3.689,28	3.791,92	3.844,31
SC 3	3.003,02	3.129,21	3.260,71	3.351,42	3.397,73
SC 2	2.654,17	2.765,70	2.881,92	2.962,10	3.003,02
SC 1	2.345,84	2.444,41	2.547,14	2.617,99	2.654,17

- *carrying out clerical and secretarial tasks, office management and other equivalent tasks requiring a certain degree of independence**

** the number of posts of Parliamentary ushers in the European parliament shall not exceed 85.*

The AST/SC who are temporarily unable to perform their duties may also be replaced by contract agent 3 b/ter.



It is impossible for an AST/SC who wants to become an AST to do so, despite the fact that this new category will have the same tasks as the current “AST” category (without the same salary!)

NB: the entry conditions for the competition (diplomas) are the same for the AST and AST/SC categories. Future Generation 2014?

PROMOTION RATE

Grade	AST/SC
SC 6	-
SC 5	12%
SC 4	15%
SC 3	17%
SC 2	20%
SC 1	25%



The average AST/SC promotion rates are significantly lower than the AD and AST rates.

REPRESENTATION OF THE GROUP AST-SC

Article 32: By way of derogation from the first sentence of the fourth paragraph of Article 1 of Annex II to the Staff Regulations, the representation of the function group AST/SC need not be ensured in the Staff Committee until the next elections of a new Staff Committee at which the AST/SC staff can be represented

RETIREMENT



PREPARATION FOR RETIREMENT

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

- (a) either 60%
- (b) or the percentage corresponding to years of service within the meaning of Articles 2, 3, 4, 5, 9 and 9a of Annex VIII at the beginning of the period of half-time work, plus 10%.

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

AFTER : Notwithstanding the first sentence of the first paragraph of Article 3, **Officials authorised, in accordance with point (g)* of Article 55a(2) of the Staff Regulations, to work half time** shall receive a reduced basic salary equal to the higher of the two amounts obtained by applying the following percentages to the full-time basic salary:

- (a) either 60%
- (b) or the percentage corresponding to years of service within the meaning of Articles 2, 3, 4, 5, 9 and 9a of Annex VIII at the beginning of the period of half-time work, plus 10%.

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

* g) as of the age of 58 during the last three years before he reaches pensionable age

BALANCE OF THE PENSION SCHEME

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

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

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

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

5. For the purposes of paragraphs 3 and 4 of this Article, the Council shall act by a qualified majority on a proposal from the Commission as provided for in the first indent of Article 205(2) of the EC Treaty. For the purposes of paragraph 3, the Commission's proposal shall be presented after consultation of the Staff Regulations Committee.

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

2. Agencies which do not receive a subsidy from the general budget of the European Union shall pay into that budget the entire amount of the contributions needed to finance the scheme. **From 1 January 2016 agencies which are partly financed from that budget shall pay the part of the employers' contributions which corresponds to the proportion between the agency's revenues without the subsidy from the general budget of the European Union and its total revenues.**

3. The balance of the pension scheme shall be ensured by the pensionable age and the rate of contribution to the scheme. On the occasion of the five-yearly actuarial assessment in accordance with Annex XII, the rate of contribution to the pension scheme shall be updated in order to ensure the balance of the scheme.

4. Each year the Commission shall update the actuarial assessment referred to in paragraph 3, 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 rate shall be updated, in accordance with the arrangements laid down in Annex XII.

5. For the purposes of paragraphs 3 and 4 of this Article, the reference figure set out in Article 83(2) shall be updated. The Commission shall publish the resulting updated rate of contribution within two weeks after the update in the C series of the Official Journal of the European Union for information purposes.



As regards paragraph 4: if the Commission considers in its report on the actuarial assessment that a reduction in the pension contribution is justified, this must be clearly indicated in the general provisions for giving effect to this article.

It must be pointed out that the proposals for regulations for 2011 and 2012 reducing the pension contributions of staff of the EU institutions to 11% and then 10.6% have still not been adopted by the Council.

PENSION AGE

- BEFORE** : - 63 years if recruited after the 1st May 2004 (an annual accumulation rate 1,9%)
 - between 60 and 63 years recruited before the 1st May 2004
- AFTER** : - 66 years if recruited from the 1st January 2014.
 - between 63 and 65 years if recruited from the 1st May 2004
 - between 60 and 65 years if recruited before the 1st May 2004

TRANSITIONAL MEASURES

For officials whose pensionable age under Article 22 of this Annex is less than 65 years, the period of three years referred to in point (g) of Article 55a(2) of the Staff Regulations may exceed their pensionable age, without however exceeding the age of 65 years

REVISION CLAUSE – PENSION AGE AND LIFE EXPECTANCY

The pensionable age shall be assessed every five years starting on 1 January 2014 on the basis of a report by the Commission to the European Parliament and to the Council. The report shall examine, in particular, the evolution of pensionable age for staff in the civil services of the Member States and the evolution of life expectancy of officials of the institutions.

CALCULATING YEARS

- BEFORE** : Provided that the servants concerned have paid their shares of the pension contributions in respect of the periods of service concerned, the following shall be taken into account for the purpose of calculating years of pensionable service within the meaning of Article 2:
- the period of service as an official of one of the institutions in one of the administrative statuses set out in Article 35(a), (b), (c), and (e) and (f) of the Staff Regulations. However, officials covered by Article 40 of the Staff Regulations shall be subject to the conditions laid down in the last sentence of the second subparagraph of paragraph 3 thereof;
 - periods of entitlement to the allowance under Articles 41 and 50 of the Staff Regulations, up to a maximum of five years;
 - periods of entitlement to an invalidity allowance;
 - periods of service in any other capacity in accordance with the Conditions of Employment of other servants. However, where members of the contract staff within the meaning of those Conditions of Employment become officials, the years of pensionable service they have acquired as members of the contract staff shall, up to the number of years of actual service, entitle them to a number of years of pensionable service as officials calculated on the basis of the ratio between the last basic salary received as a member of the contract staff and the first basic salary received as an official. The surplus contributions, if any, corresponding to the difference between the number of years of pensionable service calculated and the number of years of actual service, shall be reimbursed to the person concerned on the basis on the last basic salary received as a member of the contract staff. This provision shall, with the necessary changes, apply where officials become members of the contract staff.
- AFTER** : *Changes in the following phrase:*
- periods of entitlement to the allowance under Articles 41, **42c** or 50 of the Staff Regulations, up to a maximum of five years;

EARLY RETIREMENT

- BEFORE** : - The minimum early retirement age was set at 55 years.
 - A 3, 5% reduction of acquired pension rights applied for year before the normal retirement age.
 - An early retirement scheme without reduction of pension rights was created in 2004. The maximum number of staff allowed to retire under this scheme was fixed at 10% of all officials who retired the year before.
- AFTER** : - 65 years if recruited before the 1st January 2014 and older less than 35 years on the 1st May 2014.

- 63 years if recruited between the 1st May 2004 and the 31 December 2013 and between 45 years or above on the 1st May 2014

WITH /WITHOUT REDUCTION OF PENSION RIGHTS

- from 58 years (previously 55 years), with a reduction of 3,5 % per year of anticipation.

REDUCTION OF PENSION RIGHTS

Reduction of pension rights for the staff recruited before the 1.1.2014 (per year of anticipation)						
Period	from 1.1.2014 to 31.12.2015		from 1.1.2016 to 31.12.2016		From the 1.1.2017	
Age	between 55 and 60 years	between 60 years and the age of individual retirement	Between 57 and 60 years	Between 60 years and the age of individual retirement	Between 58 and 60 years	Between 60 years and the age of individual retirement
Reduction rate	-3,50 %	-1,75 %	-3,50 %	-1,75 %	-3,50 %	-1,75 %
Reduction of pension rights for the staff recruited from the 1.1.2014 (per year of anticipation)						
Period	From the 1.1.2014					
Age	Between 58 and 66 years					
Reduction rate	-3,50 %					

- Early retirement without reduction of pension rights will no longer be possible.
- Pension age is increased.
- Staff can continue working until 67, if it is in the interests of the service.
- In exceptional circumstances; they may continue to work in the interests of the service until 70.
- Annual approval by the Appointing Authority is necessary.
- The maximum pension remains at 70% of the last salary.
- It is still possible to acquire higher pension rights if one works after the pensionable age (5%, 2,5 % or 1,5% increase depending on age and recruitment date – see below)..

PENSION RIGHTS ACCRUAL RATES

For the staff recruited		
Between the 1st May 2004 and the 31 December 2013	Before the 1st May 2004	After the 1st January 2014
1,9 % per year	2 % per year	1,8 % per year

For staff in place before the 1st January 2014

Age to the 1st May 2014	Pensionable age	Age to the 1 st May 2014	Pensionable age
60 years and older or 20 years of service or more at the 1 st May 2004	60 years	47 years	62 years and 6 months
59 years	60 years and 2 months	46 years	62 years and 8 months
58 years	60 years and 4 months	45 years	62 years and 10 months
57 years	60 years and 6 months	44 years	63 years and 2 months
56 years	60 years and 8 months	43 years	63 years and 4 months
55 years	61 years	42 years	63 years and 6 months
54 years	61 years and 2 months	41 years	63 years and 8 months
53 years	61 years and 4 months	40 years	63 years and 10 months
52 years	61 years and 6 months	39 years	64 years and 3 months
51 years	61 years and 8 months	38 years	64 years and 4 months
50 years	61 years and 11 months	37 years	64 years and 5 months
49 years	62 years and 2 months	36 years	64 years and 6 months
48 years	62 years and 4 months	35 years	64 years and 8 months

PENSION DETERMINED BEFORE THE 1ST JANUARY 2014

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 applies to the cover under the joint sickness insurance scheme.

TRANSITIONAL MEASURES

Article 23:

1. When point (a) of Article 52 of the Staff Regulations applies, and without prejudice to the provisions of Article 50, an official in service before 1 January 2014 shall be retired automatically on the last day of the month in which he reaches the age of 65. For officials in service before 1 January 2014, the words 'age of 66' and 'age 66' in the second paragraph of Article 78 and point (b) of Article 81a(1) of the Staff Regulations and in point (b) of Article 12(1) of Annex VIII shall be read as 'age of 65' and 'age 65'.

2. Notwithstanding Article 52 of the Staff Regulations, officials who entered the service before 1 January 2014 and who leave the service before the age at which they would have become entitled to a retirement pension in accordance with Article 22 of this Annex may request that point (b) of Article 9 of Annex VIII be applied:

(a) until 31 December 2015 as from the age of 55;

(b) until 31 December 2016 as from the age of 57.

3. By way of derogation from the eighth paragraph of Article 50 of the Staff Regulations, an official who is retired in the interests of the service in accordance with the first paragraph of Article 50 of the Staff Regulations shall be entitled to receive the payment of a pension under Article 9 of Annex VIII in accordance with the table below:

Date of the decision under the first paragraph of Article 50	Age
Until the 31 December 2016	55 years
After the 31 December 2016	58 years

OTHER AGENTS

1. Servants referred to in Article 2 of the Conditions of Employment of Other Servants who were under contract on 1 May 2004 and who are appointed as officials after that date and before 1 January 2014 shall, on retirement, be entitled to an actuarial adjustment of the pension rights they acquired as temporary servants which takes into account the change in their pensionable age as referred to in Article 77 of the Staff Regulations.

2. Servants referred to in Articles 2, 3a and 3b of the Conditions of Employment of Other Servants who are under contract on 1 January 2014 and are appointed as officials after that date shall, on retirement, be entitled to an actuarial adjustment of the pension rights they acquired as temporary or contract staff which takes into account the change in their pensionable age as referred to in Article 77 of the Staff Regulations, in the event that they are at least 35 years old on 1 May 2014.

PENSION BONUS

Pension bonus for staff recruited before 01/01/2014 AND aged over 50 or having more than 20 years of service on 1 st May 2014	
Age	From 60
Pension bonus	Increase of pension rights acquired at 60: 5%
Pension bonus for staff recruited before 01/01/2014	
Age	From your new pensionable age
Pension bonus	Increase of 2,5% of the final basic salary
Pension bonus for staff recruited from 01/01/2014	
Age	From 66
Pension bonus	Increase of 1,5% of the final basic salary

SOCIAL SECURITY

THE DEPENDENT CHILD ALLOWANCE

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

AFTER : The dependent child allowance may be doubled, by special reasoned decision of the appointing authority based on medical documents establishing that the child **concerned has a disability or a long-term illness which involves the official in heavy expenditure.**



Concept of dependent child: See AI 37/2004. (Annex VII, Article 2(2) of the Staff Regulations)
Income threshold beyond which officials' children should not be deemed to be dependent on their parents.

What about the double dependent child allowance? It seems that there are not a lot of differences between old and new Staff Regulations; however, Conf-SFE asked a lawyer to have a look into this, and to compare the French version with the English one. Conf-SFE has some remarks : colleagues in that situation will have to pay close attention : they will have to provide a medical report very precise, accurate, exhaustive and complete, in order to possibly receive this double allowance : indeed, in this new paragraph, concepts of disability and “long duration illness” are not clear, do we speak here also about chronic illnesses ? And what are “heavy load”, it is an old concept that we again find in new Staff Regulations, no explanations about that, English version uses the terms “heavy expenditures”.

From which amount does the Institution (Authority concerned) assess the load is “heavy”? Who will decide? We suppose that the expertise of the medical team will be used? Which appeal in case of disagreement? Conf-SFE is ready to help you.

INVALIDITY ALLOWANCE

BEFORE : 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.

....

Those who benefit from the invalidity allowance pay a contribution to the pension scheme, calculated on the basis of that allowance.

AFTER : Article 52 shall apply by analogy to recipients of an invalidity allowance. If the recipient of an invalidity allowance retires before the age of **66...**

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



No specific remark, not a lot of changes, excepting retirement age.

We have, nevertheless, to draw your attention on the rules applied until now, about invalidity procedure (articles 53 and 78 of the Staff Regulations-annex VIII of the Staff Regulations, chapter 3, articles 13 to 16) : The Appointing Authority may refer to the Invalidity Committee the case of any official whose sick leave totals more than 12 months in any period of three years. We know that a colleague can ask for invalidity, but the administration as well.

Nevertheless, before that Administration asks for this kind of procedure, there should be a lot of medical absences (Invalidity could be temporary or permanent; you might therefore be required to undergo a regular medical examination to determine whether you can return to work. Until you reach the age of the retirement, the invalidity allowance is subject to review at any time).

Conf-SFE draws your attention on those absences: see rules on leave, particularly leave in case of medical absence: pay attention to the article 59 of the Staff Regulations, and the very short period of time to request that the matter be referred to an independent doctor for an opinion: two days, if the official considers that conclusions of the medical examination arranged by the Appointing Authority to be unjustified on medical grounds.

Do not hesitate to contact us.

SOCIAL SECURITY

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

....

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

Those benefits shall also apply to the person entitled to survivor's pension following the death of an official who was in active employment or who remained in the service of the Union until the age of 63 years, or the death of a person entitled to an invalidity allowance. The amount of contribution shall be calculated by reference to the amount of the survivor's pension.

...

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

AFTER : 1. An official, his spouse, where such spouse is not eligible for benefits of the same nature and of the same level by virtue of any other legal provision or regulations, his children and other dependants within the meaning of Article 2 of Annex VII are insured against sickness up to 80% of the expenditure incurred subject to rules drawn up by agreement between the

appointing authorities of the institutions of the Union after consulting the Staff Regulations Committee.

2. An official who has remained in the service of the Union until the age of 63 years or ...

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

(i) former officials entitled to retirement pensions who leave the service of the Union before reaching the **pensionable age**.

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



No important difference found when analysing old and new text, excepting that the age limit of 63 was replaced by the terms “until pensionable age”.

About reimbursement of medical fees, the Staff Regulation has and still makes reference to illnesses that could give right to a 100 % reimbursement rate (you have to ask if, of course), as in cases of tuberculosis, poliomyelitis, cancer, mental illness and other illnesses recognized by the appointing authority as of comparable seriousness, etc.

And it is in the determination of what is a comparable seriousness that colleagues have a lot of problems. In case you consider asking application of art 72 of the Staff Regulations, we invite you to:

- ✓ Read carefully the “General Internal Provisions” (GIPs/DGEs), about reimbursement of medical fees (title 3, chapter 5 – legislation – sickness insurance website)
- ✓ If you think you suffer from a “comparable seriousness illness”, introduce a demand of recognition of serious illness, with a very detailed, exhaustive and completed medical report, report which should prove that your illness involves, to varying degrees, the four elements conditioning the recognition of serious illness. ;
- ✓ We invite you, in that issue as well, to contact us in order to be helped in full confidentiality.

About rights for retirement, or in particular cases, please contact us, retired civil servant, who has left before pensionable age, keeps the same rights, on the condition that she/he has no remunerative activity

EDUCATION ALLOWANCES

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

AFTER : Entitlement to that allowance **shall** commence on the first day of the month in which the child begins to attend a primary educational establishment and shall cease at the end of the month in which the child finishes its education or **at the end of the month in which the child reaches the age of twenty-six, whatever is the earliest**.



There do not appear to be any major changes compared with our “old Staff Regulations”. For the entitlement to the education allowance, the age limit of twenty-six remains unchanged and, of course, the condition that the child is still in education still applies. What exactly does “finishes its education” mean? It is apparently the latest of the date of the last participation in courses or of the last examination or the date when your child defended their thesis. We advise colleagues to be vigilant and to consult us if they have any doubts: there are always special cases, for example, compulsory internships as part of a study programme*. It should also be noted that the education allowance is closely linked to the “dependent child” allowance. Please note that at the end of your child’s education, when you are no longer entitled to receive the education allowance, and provided that your child does not have an income, it is still possible for you to ask the PMO whether you are entitled to a tax rebate, in application of article 3, paragraph 4, sub-paragraph 2 of the regulation determining the Community tax. If your child interrupts or quits their education, this has an impact on your rights and allowances. Do not hesitate to consult Conf-SFE if you have any questions in this regard.

*Read on this subject the Commission’s internal directive on the dependent child allowance – Concept of vocational training, (annex VII, article 2, paragraph 3, under b), of the Staff Regulations) - IA 29/2013

DEATH OF A FORMER OFFICIAL

BEFORE : in the event of the death of a former official who left the service before reaching the age of 63.

AFTER : in the event of the death of a former official who left the service before reaching the **pensionable age**.



In certain paragraphs concerning the retirement, invalidity, survivor’s and orphan’s pensions, the age limit of 63 has been replaced by the words “pensionable age”.

WORK FOR THE EXIGENCIES OF THE SERVICE

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

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

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

After consulting the Staff Regulations Committee, the Commission shall determine, by means of delegated acts in accordance with Articles 111 and 112, the categories of officials entitled to such allowances, the conditions for granting the allowances and the rates thereof.

RIGHT TO THE PENSIONABLE AGE

BEFORE : The pensionable age shall be 63 years.

AFTER : The pensionable age shall be **66** years.

The pensionable age shall be assessed every five years starting on 1 January 2014 on the basis of a report by the Commission to the European Parliament and to the Council. The report shall examine, in particular, the evolution of pensionable age for staff in the civil services of the Member States and the evolution of life expectancy of officials of the institutions.

Where appropriate, the Commission shall make a proposal amending the pensionable age in line with the conclusions of that report, paying particular attention to developments in the Member States.

OFFICIALS ASSIGNED TO THE RESEARCH BUDGET

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

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

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

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

AFTER : *This text has been deleted.*



Abolition of special allowances (particularly arduous working conditions) for officials assigned to the research budget.

AGENCIES

GENERAL PROVISIONS (ART. 110)

BEFORE : 1. The general provisions for giving effect to these Staff Regulations shall be adopted by each institution after consulting its Staff Committee and the Staff Regulations Committee. Agencies shall adopt the appropriate implementing rules for giving effect to these Staff Regulations, after consultation of the relevant Staff Committee and in agreement with the Commission.

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

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

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

AFTER : 1. The general provisions implementing these Staff Regulations shall be adopted by the appointing authority of each institution after consulting the Staff Committee and the Staff Regulations Committee.

2. Implementing rules adopted by the Commission to give effect to these Staff Regulations, including the general implementing provisions referred to in paragraph 1, shall apply by analogy to the agencies. To that end, the Commission shall inform the agencies of any such implementing rule without delay after adoption.

Such implementing rules shall enter into force at the agencies nine months after their entry into force at the Commission or nine months after the date on which the Commission informed the agencies of the adoption of the respective implementing rule, whichever is later. Notwithstanding the foregoing, an agency may also decide that such implementing rules are to enter into force at an earlier date.

By way of derogation, an agency may, before the expiry of the nine-month period referred to in the second subparagraph of this paragraph and after consulting its Staff Committee, submit to the Commission for its agreement implementing rules which are different from those adopted by the Commission.

Under the same conditions, an agency may request the agreement of the Commission to the non-application of certain of those implementing rules. In the latter case, the Commission may, instead of accepting or rejecting the request, require the agency to submit for its agreement implementing rules which are different from those adopted by the Commission.

The nine-month period referred to in the second subparagraph of this paragraph shall be suspended from the date on which the agency has requested the Commission's agreement until the date on which the Commission has expressed its position.

An agency may also, after consulting its Staff Committee, submit to the Commission for its agreement implementing rules which concern subjects other than the implementing rules adopted by the Commission.

For the purposes of the adoption of implementing rules, the agencies shall be represented by the management board or the equivalent body referred to in the Union act establishing them.

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

4. Rules giving effect to these Staff Regulations, including the general implementing provisions referred to in paragraph 1, and rules adopted by agreement between the appointing authorities of the institutions, shall be brought to the attention of the staff.

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

6. The Court of Justice of the European Union shall administer a register of the rules adopted by the appointing authority of each institution to give effect to these Staff Regulations, and those rules adopted by the agencies to the extent that they derogate from the rules adopted by the Commission, in accordance with the procedure provided in paragraph 2, including any amendments thereto. Institutions and agencies shall have direct access to that register and the full right to amend their own rules. Member States shall have direct access to it. Moreover, every three years, the Commission shall present a report to the European Parliament and the Council on the rules adopted by the appointing authority of each institution to give effect to these Staff Regulations.



These rules apply to both regulatory agencies and executive agencies.

The GIP adopted at the Commission will apply after 9 months by analogy to the agencies. Before the end of this 9-month period, an agency may refuse the application of certain implementing rules and therefore propose the application of rules different from those adopted at the Commission.

DELEGATED ACTS

AFTER : Article 111

The Commission shall be empowered to adopt delegated acts in accordance with Article 112 concerning certain aspects of working conditions, certain aspects of the implementation of the rules on remuneration and the social security scheme

Article 112

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The power to adopt delegated acts referred to in Articles 56a, 56b and 56c of the Staff Regulations, Article 13(3) of Annex VII and Article 9 of Annex XI thereto and Articles 28a(11) and 96(11) of the Conditions of Employment of Other Servants shall be conferred on the Commission for an indeterminate period of time from 1 January 2014.

3. The delegation of power referred to in Articles 56a, 56b, 56c of the Staff Regulations, Article 13(3) of Annex VII and Article 9 of Annex XI thereto and Articles 28a(11) and 96(11) of the Conditions of Employment of Other Servants may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

5. A delegated act adopted pursuant to Articles 56a, 56b, 56c of the Staff Regulations, Article 13(3) of Annex VII or Article 9 of Annex XI thereto or Articles 28a(11) or 96(11) of the Conditions of Employment of Other Servants shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a

period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Article 113

The Commission shall, by 31 December 2020, submit a report to the European Parliament and to the Council assessing the functioning of these Staff Regulations.

THE CONDITIONS OF EMPLOYMENT OF OTHER SERVANTS(CEOS)

AUXILIARY AGENT

AFTER : The conditions of employment shall apply to servants engaged under contract by the Union.

Such servants shall be:

- temporary staff,
- auxiliary staff until the date set out in Article 52,
- contract staff,
- local staff,
- special advisers,
- accredited parliamentary assistants.

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

AFTER : *The phrase concerning the « auxiliary agent » was deleted.*



End of the auxiliary agent category. As for type 3b contract staff, this category of staff were on fixed-terms contracts, but their remuneration was higher than that of current contract staff.

TEMPORARY AGENT

NEW CATEGORY: TA 2F

BEFORE : For the purposes of these conditions of employment, ‘temporary staff’ means:

- a. staff engaged to fill a post which is included in the list of posts appended to the section of the budget relating to each institution and which the budgetary authorities have classified as temporary;
- b. staff engaged to fill temporarily a permanent post included in the list of posts appended to the section of the budget relating to each institution;
- c. staff, other than officials of the Union, engaged to assist either a person holding an office provided for in the Treaty on European Union, or the Treaty on the Functioning of the European Union or the elected President of one of the institutions or organs of the Union, or one of the political groups in the European Parliament or the Committee of the Regions, or a group in the European Economic and Social Committee;
- d. staff engaged to fill temporarily a permanent post paid from research and investment appropriations and included in the list of posts appended to the budget relating to the institution concerned,
- e. staff seconded from national diplomatic services of the Member States engaged to fill temporarily a permanent post in the EEAS.

AFTER : *The following point f. has been added:*

- f. staff engaged to fill a post which is included in the list of posts appended to the section of the budget relating to an agency as referred to in Article 1a(2) of the Staff Regulations and

which the budgetary authorities have classified as temporary, except heads of agencies and deputy heads of agencies as referred to in the Union act establishing the agency and officials seconded in the interests of the service to an agency



A new category of temporary staff has been created in order to fill agency posts. From 1st January 2014, the 2a temporary staff of the agencies will automatically become 2f temporary staff.

How will the management of the 2f temporary staff be organised? Watch this space...

TYPE OF CONTRACT

BEFORE : Temporary staff to whom Article 2(a) applies may be engaged for a fixed or indefinite period. The contracts of such staff who are engaged for a fixed period may be renewed not more than once for a fixed period. Any further renewal shall be for an indefinite period.

AFTER : Temporary staff to whom Article 2(a) or Article 2(f) applies may be engaged for a fixed or indefinite period. The contracts of such staff who are engaged for a fixed period may be renewed not more than once for a fixed period. Any further renewal shall be for an indefinite period.

CONSULTATION OF MEDICAL FILES

BEFORE : The provisions of Articles 11 to 26 of the Staff Regulations, concerning the rights and obligations of officials, shall apply by analogy. However, where a member of the temporary staff holds a contract for a fixed period, the duration of leave on personal grounds referred to in the second paragraph of Article 15 of the Staff Regulations shall be limited to the remainder of the term of the contract.

AFTER : The provisions of Articles 11 to **26a** of the Staff Regulations, concerning the rights and obligations of officials, shall apply by analogy. However, where a member of the temporary staff holds a contract for a fixed period, the duration of leave on personal grounds referred to in the second paragraph of Article 15 of the Staff Regulations shall be limited to the remainder of the term of the contract.

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

SPECIFIC DECISIONS + PUBLICATION

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

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

**Specific decisions regarding appointment, establishment, promotion, transfer, determination of administrative status and termination of service of an official shall be published in the institution to which the official belongs. The publication shall be accessible to all staff for an appropriate period of time.*

RECRUITMENT

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

Temporary staff shall be selected without distinction as to race, political, philosophical or religious beliefs, sex or sexual orientation and without reference to their marital status or family situation

AFTER : The engagement of temporary staff shall be directed to securing for the institution the services of persons ...

No posts shall be reserved for nationals of any Member State. However, the principle of equality of the Union's citizens shall allow each institution to adopt appropriate measures following the observation of a significant imbalance between nationalities among temporary staff which is not justified by objective criteria. Those appropriate measures must be justified and shall never result in recruitment criteria other than those based on merit. Before such appropriate measures are adopted, the authority referred to in the first paragraph of Article 6 shall adopt general provisions for giving effect to this paragraph in accordance with Article 110 of the Staff Regulations.

After a three-year period starting on 1 January 2014, the Commission shall report to the European Parliament and to the Council on the implementation of the preceding subparagraph.

In order to facilitate engagement on the broadest possible geographical basis, the institutions shall strive to support multilingual and multicultural education for the children of their staff.



The new Staff Regulations must correct the significant/structural imbalances by maintaining merit criteria as the basis of any recruitment. The appointing authority (AIPN) of each institution must adopt general implementing provisions to regulate the correction of the geographical imbalances.

PROBATIONARY PERIOD

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

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

Not less than one month before the expiry of the probationary period, a report shall be made on the ability of the member of the temporary staff to perform the duties pertaining to his post and also on his conduct and efficiency in the service. The report shall be communicated to the person concerned, who shall have the right to submit his comments in writing. A member of the temporary staff whose work has not proved adequate to justify retention in his post shall be dismissed. However, the authority referred to in the first paragraph of Article 6 may, in exceptional circumstances, extend the probationary period for a maximum of six months, and possibly assign the member of the temporary staff to another department.

A report on the probationary member of temporary staff may be made at any time during the probationary period if his work is proving obviously inadequate. The report shall be communicated to the person concerned, who shall have the right to submit his comments in writing. On the basis of the report, the authority authorized to conclude contracts of engagement may decide to dismiss the member of the temporary staff before the end of the probationary period by giving him one month's notice.

A dismissed member of the temporary staff shall be entitled to compensation equal to one-third of his basic salary per month of probation completed.

AFTER : A member of the temporary staff shall serve a **nine-month** probationary period.

Where, during his probationary period, a member of the temporary staff is prevented, by sickness, **maternity leave under Article 58 of the Staff Regulations**, or accident, from performing his duties for a **continuous period** of at least one month, the authority **referred to in the first paragraph of Article 6** may extend his probationary period by the corresponding length of time. **The total length of the probationary period shall in no circumstances exceed 15 months.**

A report on the member of the temporary staff may be made at any time before the end of the probationary period if his work is proving obviously inadequate.

That report shall be communicated to the person concerned, who shall have the right to submit his comments in writing within eight working days. The report and the comments shall be transmitted immediately by the immediate superior of the member of the temporary staff to the authority referred to in the first paragraph of Article 6. On the basis of the report, the authority referred to in the first paragraph of Article 6 may decide to dismiss the member of the temporary staff before the end of the probationary period, giving him one month's notice, or to assign the member of the temporary staff to another department for the remaining time of the probationary period.

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

Should it recommend dismissal or, in exceptional circumstances, extension of the probationary period in accordance with paragraph 1, the report and the comments shall be transmitted immediately by the immediate superior of the member of the temporary staff to the authority referred to in the first paragraph of Article 6.

A member of the temporary staff whose work or conduct has not proved adequate for establishment in his post shall be dismissed.

The final decision shall be taken on the basis of the report referred to in this paragraph as well as on the basis of elements available to the authority referred to in the first paragraph of Article 6 relating to the conduct of the member of the temporary staff with regard to Title II of the Staff Regulations.

A dismissed member of the temporary staff shall be entitled to compensation equal to one-third of his basic salary per month of probation completed.



The probationary period is 9 months (as for officials).
The 8-day deadline for submitting observations seems short. It is to be noted that the report covers only the work carried out during the probationary period!

GRADING

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

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

Members of the temporary staff graded in accordance with the grading criteria adopted by the authority referred to in the first paragraph of Article 6 shall retain the seniority in the step acquired in that capacity if they are engaged as temporary staff in the same grade immediately following the preceding period of temporary service.



ATs recruited immediately after their first contract retains their step classification in their 2nd contract.

WORKING CONDITIONS

BEFORE : Articles 42a, 42b and 55 to 61 of the Staff Regulations, concerning leave, hours of work, overtime, shiftwork, standby duty at place of work or at home and public holidays, shall apply by analogy. Special leave and parental and family leave shall not extend beyond the term of the contract.

AFTER : *The paragraph below has been added:*

In addition, Articles 41, 42, 45 and 46* of the Staff Regulations shall apply by analogy to the temporary servants referred to in Article 29** of Annex XIII to the Staff Regulations, irrespective of the date of their engagement.

* 41= Non-active status; 42= Leave for military service; 45= promotion (third language); 46= appointment in a high grade

**For temporary servants engaged before 1 May 2004, in accordance with Article 2 (c) of the Conditions of Employment of Other Servants, to assist a political group in the European Parliament the requirement laid down in Article 29(3) and (4) of the Staff Regulations that the temporary servant has passed a selection procedure in conformity with Article 12(4) of the Conditions of Employment shall not apply.



The conditions applying to temporary staff are similar to those applying to officials.

UNPAID LEAVE

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

- three months if the servant's seniority is less than four years;
- twelve months in all other cases.

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

While a member of the temporary staff is on unpaid leave his membership of the social security scheme provided for in Article 28 shall be suspended.

However, a member of the temporary staff who is not gainfully employed may, not later than one month following that in which unpaid leave begins, apply to continue to be covered against the risks referred to in Article 28, provided that he bears half the cost of the contributions provided for in that Article for the duration of his leave; the contribution shall be calculated by reference to his last basic salary.

Moreover, a member of the temporary staff to whom Article 2(c) or (d) applies who proves that he cannot acquire pension rights under another pension scheme may apply to continue to acquire further pension rights throughout the period of unpaid leave, provided that he bears the cost of a contribution equal to three times the rate laid down in Article 41; the contributions shall be calculated by reference to the basic salary for his grade and step

AFTER : In exceptional circumstances a member of the temporary staff may at his own request be granted unpaid leave on compelling personal grounds.

Article 12b of the Staff Regulations shall continue to apply during the period of unpaid leave on personal grounds.

The permission under Article 12b shall not be granted to a member of the temporary staff for the purpose of his engaging in an occupational activity, whether gainful or not, which involves lobbying or advocacy vis-à-vis his institution and which could lead to the existence or possibility of a conflict with the legitimate interests of the institution.

The authority referred ...

Any period of leave granted in accordance with the preceding paragraph shall not count for purposes of the first paragraph of **article 44 of the Staff Regulations**.

...

New paragraph at the end:

Women whose maternity leave begins before the end of their contract shall be entitled to maternity leave and maternity pay.



Temporary staff wanting to engage in an outside activity (art. 12 b), whether paid or unpaid, or wanting to carry out a mandate outside the Union, must first obtain the permission of their AIPN.

The guarantee of maternity leave for female staff and its being paid before the end of their contract is an improvement.

REMUNERATION AND REIMBURSEMENT OF EXPENSES

BEFORE : Articles 63, 64, 65 and 65a of the Staff Regulations, concerning the currency in which remuneration is to be expressed and adjustments to such remuneration, shall apply by analogy. Articles 66, 67, 69 and 70 of the Staff Regulations, concerning basic salaries, family allowances, expatriation allowance and payment in the event of death, shall apply by analogy. The provisions of Article 66a of the Staff Regulations on the special levy shall apply by analogy to temporary staff.

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

AFTER : Articles 63, 64, 65 and 65a of the Staff Regulations, concerning the currency in which remuneration is to be expressed and **updates of** to such remuneration, shall apply by analogy. Articles 66, 67, 69 and 70 of the Staff Regulations, concerning basic salaries, family allowances, expatriation allowance and payment in the event of death, shall apply by analogy. The provisions of Article 66a of the Staff Regulations on the **solidarity** levy shall apply by analogy to temporary staff.

Article 44 of the Staff Regulations shall apply by analogy to temporary staff.



According to article 44 of the new Staff Regulations, access to the next step will no longer be automatic but will be linked to the agent's annual appraisal. All agents will progress to the next step in their grade after a maximum of four years, unless the professional incompetence procedure is applied.

SOCIAL SECURITY

BEFORE : One year after the introduction of this unemployment insurance scheme and every two years thereafter, the Commission shall present the Council with a report on the financial situation of the scheme. Independently of this report, the Commission may present to the Council proposals for adjusting the contributions provided for in paragraph 7 if this is necessary in the interests of the balance of the scheme. The Council shall act on the proposals in accordance with paragraph 3.

AFTER : Every two years the Commission shall present a report on the financial situation of the unemployment insurance scheme. Independently of that report, the Commission may, by means of delegated acts in accordance with Articles 111 and 112 of the Staff Regulations, adjust the contributions provided for in paragraph 7 if this is necessary in the interests of the balance of the scheme.

INVALIDITY

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

AFTER : Article 52 of the Staff Regulations shall apply by analogy to recipients of an invalidity allowance. If the recipient of an invalidity allowance retires before the age of **66** without having reached the maximum pension entitlement, the general rules on retirement pensions shall be applied. The amount of the retirement pension shall be based on the salary for the grade and step occupied by the servant when he became an invalid.

SURVIVOR'S PENSION

PERSONS ENTITLED

BEFORE : The persons entitled under a deceased servant, as defined in Chapter 4 of Annex VIII to the Staff Regulations, shall be entitled to the survivor's pension as provided for in Articles 35 to 38.

Where a former servant in receipt of an invalidity allowance or a former servant within the meaning of Article 2(a), (c) or (d) who was in receipt of a retirement pension or who left the service before reaching the age of 63 years and requested that his retirement pension be deferred until the first day of the calendar month following that during which he reached the age of 63 years dies, the persons entitled under the deceased servant, as defined in Chapter 4 of Annex VIII to the Staff Regulations, shall be entitled to the survivor's pension as provided for in that Annex.

Where the whereabouts of a member of the temporary staff, or of a former member of temporary staff in receipt of an invalidity allowance or retirement pension, or of a former member of temporary staff who left the service before he reached the age 63 and who has requested that his retirement pension be deferred until the first day of the calendar month following that in which he reaches the age of 63, are unknown for more than one year, the provisions of Chapters 5 and 6 of Annex VIII to the Staff Regulations dealing with provisional pensions shall apply by analogy to his spouse and to persons recognized as his dependants.

AFTER : The persons entitled under a deceased servant, as defined in Chapter 4 of Annex VIII to the Staff Regulations, shall be entitled to the survivor's pension as provided for in Articles 35 to 38.

Where a former servant in receipt of an invalidity allowance or a former servant within the meaning of Article 2(a), (c), (d), **(e) or (f)**, who was in receipt of a retirement pension or who left the service before reaching the **pensionable age** and requested that his retirement pension be deferred until the first day of the calendar month following that during which he reached the **pensionable age** dies, the persons entitled under the deceased servant, as defined in Chapter 4 of Annex VIII to the Staff Regulations, shall be entitled to the survivor's pension as provided for in that Annex.

Where the whereabouts of a member of the temporary staff, or of a former member of temporary staff in receipt of an invalidity allowance or retirement pension, or of a former member of temporary staff who left the service before he reached the **pensionable age** and who has requested that his retirement pension be deferred until the first day of the calendar month following that in which he reaches the **pensionable age**, are unknown for more than one year, the provisions of Chapters 5 and 6 of Annex VIII to the Staff Regulations dealing with provisional pensions shall apply by analogy to his spouse and to persons recognized as his dependants.

SURVIVING SPOUSE

BEFORE : The surviving spouse of a servant shall be entitled to a survivor's pension in accordance with Chapter 4 of Annex VIII to the Staff Regulations. The pension shall be not less than 35% of the final basic monthly salary received by the servant, nor less than the minimum subsistence figure defined in Article 6 of Annex VIII to the Staff Regulations. Where a servant within the meaning of Article 2(a), (c) or (d) dies, the amount of the widow's pension shall be increased to 60% of the retirement pension which the servant would have been paid if he had qualified, irrespective of length of service or of age, for such pension at the time of his death.

AFTER : The surviving spouse ...

Where a servant within the meaning of Article 2(a), (c), (d), (e) or (f) dies, the amount of the widow's pension shall be increased to 60% of the retirement pension which the servant would have been paid if he had qualified, irrespective of length of service or of age, for such pension at the time of his death.

ORPHAN'S PENSION

BEFORE : In the event of the death of a former member of the temporary staff within the meaning of Article 2(a), (c) or (d) who leaves the service before reaching 63 years of age and requests that his retirement pension be deferred until the first day of the calendar month following that in which he reaches 63 years of age, children deemed to be his dependants in accordance with Article 2 of Annex VII to the Staff Regulations shall be entitled to an orphan's pension on the same terms as those set out in the preceding paragraphs.

AFTER : In the event of the death of a former member of the temporary staff within the meaning of Article 2(a), (c), (d), (e) or (f), who leaves the service before reaching **pensionable** age and requests that his retirement pension be deferred until the first day of the calendar month following that in which he reaches **pensionable** age, children deemed to be his dependants in accordance with Article 2 of Annex VII to the Staff Regulations shall be entitled to an orphan's pension on the same terms as those set out in the preceding paragraphs.



The orphan's pension will also be available to the children of 2 e) and 2 f) temporary staff.

The age of 63 has been replaced by the word "retirement" in the points concerning the survivor's pension and the orphan's pension.

CESSATION OF FUNCTION

BEFORE : On leaving the service, a servant within the meaning of Article 2 shall be entitled to a retirement pension, transfer of the actuarial equivalent or the payment of the severance grant in accordance with Chapter 3 of Title V of, and Annex VIII to, the Staff Regulations. Where the servant is entitled to a retirement pension his pension rights shall be reduced in proportion to the amounts paid under Article 42.

Article 9 (2) of Annex VIII to the Staff Regulations shall apply under the following conditions:

the Appointing Authority may decide, in the interests of the service on the basis of objective criteria and transparent procedures introduced by means of general implementing provisions, not to apply any reduction to the pension of a temporary servant, up to a maximum of eight temporary servants in all institutions in any one year. The annual number may vary, subject to an average of ten every two years and the principle of budget neutrality. Before five years have elapsed, the Commission shall submit to the European Parliament and the Council an evaluation report on the implementation of this measure. Where appropriate, the Commission shall submit a proposal to change after five years the maximum annual number on the basis of Article 336 of the Treaty on the Functioning of the European Union.

AFTER : On leaving the service, a servant within the meaning of Article 2 shall be entitled to a retirement pension, transfer of the actuarial equivalent or the payment of the severance grant in accordance with Chapter 3 of Title V of, and Annex VIII to, the Staff Regulations. Where the

servant is entitled to a retirement pension his pension rights shall be reduced in proportion to the amounts paid under Article 42.



Deletion of the paragraph authorising a pension reduction, in the interest of the service, to a maximum of 8 temporary agents for all institutions per year.

END OF THE EMPLOYMENT

BEFORE : Apart from cessation on death, the employment of temporary staff shall cease:

- (a) at the end of the month in which the servant reaches the age of 65 years; or where applicable at the date fixed in accordance with Article 50c(2); or
- (b) where the contract is for a fixed period:
 - (i) on the date stated in the contract;
 - (ii) at the end of the period of notice specified in the contract giving the servant or the institution the option to terminate earlier. The period of notice shall not be less than one month per year of service, subject to a minimum of one month and a maximum of three months. For temporary staff whose contracts have been renewed the maximum shall be six months. The period of notice shall not, however, commence to run during maternity leave or sick leave, provided such sick leave does not exceed three months. It shall, moreover, be suspended during maternity or sick leave subject to the limits aforesaid. If the institution terminates the contract, the servant shall be entitled to compensation equal to one third of his basic salary for the period between the date when his duties end and the date when his contract expires;
 - (iii) where the servant no longer satisfies the conditions laid down in Article 12(2), point (a), subject to the possibility of authorising an exception under that provision. Should the exception not be authorised, the period of notice referred to in subpoint (ii) of this point (b) shall apply; or
- (c) where the contract is for an indefinite period:
 - (i) at the end of the period of notice stipulated in the contract; the length of the period of notice shall not be less than one month for each completed year of service, subject to a minimum of three months and a maximum of 10 months. The period of notice shall not, however, commence to run during maternity leave or sick leave, provided such sick leave does not exceed three months. It shall, moreover, be suspended during maternity or sick leave subject to the limits aforesaid; or
 - (ii) where the servant no longer satisfies the conditions laid down in Article 12(2), point (a), subject to the possibility of authorising an exception under that provision. Should the exception not be authorised, the period of notice referred to in subpoint (i) of this point (c) shall apply.

AFTER : Apart from cessation on death, the employment of temporary staff shall cease:

- (a) at the end of the month in which the servant reaches the age of **66 or**; where applicable at the date fixed in accordance with **the second and the third paragraphs of Article 52* of the Staff Regulations; or**
- (b) where the contract is for a fixed period:
 - (i) on the date stated in the contract;
 - (ii) at the end of the period of notice specified in the contract giving the servant or the institution the option to terminate earlier. The period of notice shall not be less than one month per year of service, subject to a minimum of one month and a maximum of three months. For temporary staff whose contracts have been renewed the maximum shall be six months. The period of notice shall not, however, commence to run during **pregnancy if confirmed by a medical**

certificate, maternity leave or sick leave, provided such sick leave does not exceed three months. It shall, moreover, be suspended **during pregnancy if confirmed by a medical certificate**, maternity or sick leave subject to the limits aforesaid. If the institution terminates the contract, the servant shall be entitled to compensation equal to one third of his basic salary for the period between the date when his duties end and the date when his contract expires;

- (iii) where the servant no longer satisfies the conditions laid down in point (a) of Article 12(2), subject to the possibility of authorising an exception **under that provision**. Should the exception not be authorised, the period of notice referred to in **point (ii)** shall apply; or
- (c) where the contract is for an indefinite period:
 - (i) at the end **of the period** of notice stipulated in the contract; the length of the period of notice shall not be less than one month for each completed year of service, subject to a minimum of three months and a maximum of 10 months. The period of notice shall not, however, commence to run during **pregnancy if confirmed by a medical certificate**, maternity leave or sick leave, provided such sick leave does not exceed three months. **It shall, moreover, be suspended during pregnancy if confirmed by a medical certificate, maternity or sick leave subject to the limits aforesaid; or**
 - (ii) where the servant no longer satisfies the conditions laid down in point (a) of Article 12(2), subject to the possibility of authorising an exception under that provision. Should the exception not be authorised, the period of notice referred to in **point (i)** shall apply.

* *secondment*



Pensionable age has been increased from 65 to 66.
Suspension of the notice period during pregnancy on production of a medical certificate.

RESIGNATION

BEFORE : Employment, whether for a fixed or for an indefinite period, may be terminated by the institution without notice:

- (a) during or at the end of the probationary period in accordance with Article 14;
- (b) if the servant is unable to resume his duties at the end of a period of paid sick-leave as provided for in Article 16. In such case, the servant shall receive an allowance equal to this basic salary, plus family allowances at the rate of two days per month of service completed.

AFTER : *The article 48a has been added :*

In any given parliamentary term, Article 50 of the Staff Regulations may be applied by analogy to a maximum of five members of senior temporary staff of political groups in the European Parliament who are in grade AD 15 or AD 16, provided that they have attained the age of fifty-five years and have twenty years of service in the institutions and at least 2,5 years of seniority in their last grade.



The employment of senior temporary staff of political groups of the European Parliament (see conditions in the text) may be terminated in the interests of the service.

TEMPORARY AGENT 2E

(Detached from national diplomatic services of the Member States engaged to fill temporarily a permanent post in the EEAS.)

BEFORE : ARTICLE 50 C

- Articles 37, 38 and 39 of the Staff Regulations shall apply by analogy. Secondment shall not extend beyond the term of the contract.
- The second subparagraph of Articles 52*(b) of the Staff Regulations shall apply by analogy.

* Article 52

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

- either automatically on the last day of the month in which he reaches the age of 65, or*
- at his own request on the last day of the month in respect of which the request was submitted where he is at least 63 years of age or where he is between 55 and 63 years of age and satisfies the requirements for immediate payment of a pension in accordance with Article 9 of Annex VIII. The second sentence of the second paragraph of Article 48 shall apply by analogy.*

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

AFTER : ARTICLE 50 C

- Articles 37, 38 and 39 of the Staff Regulations shall apply by analogy. Secondment shall not extend beyond the term of the contract.



The point 2 (article 52(b)) has been deleted

TEMPORARY AGENT 2F

SECONDMENT IN THE INTERESTS OF THE SERVICE

Article 37*, with the exception of point (b) of the first paragraph, and Article 38** of the Staff Regulations shall apply by analogy to the temporary staff referred to in Article 2(f).

* *Secondment only in the interests of the service and not at the own request from the agent*

** *Rules about the secondment in the interests of the service*

LEAVE ON PERSONAL GROUNDS

By way of derogation from the third paragraph of Article 17, the temporary staff referred to in Article 2(f) with a contract for an indefinite period may, irrespective of their seniority, be granted unpaid leave for periods not exceeding one year.

The total length of such leave may not exceed twelve years in the course of the staff member's entire career.

Another person may be engaged to the post occupied by the member of the temporary staff.

On the expiry of his leave a member of the temporary staff must be reinstated in the first post corresponding to his grade which falls vacant in his function group, provided that he satisfies the requirements for that post. If he declines the post offered to him, he shall retain his right to reinstatement when the next vacancy corresponding to his grade occurs in his function group subject to the same provisions; if he declines a second time, employment may be terminated by the institution without notice. Until effectively reinstated or placed on secondment he shall remain on unpaid leave on personal grounds.

SELECTION PROCEDURE

Temporary staff referred to in Article 2(f) shall be engaged on the basis of a selection procedure organised by one or more agencies. The European Personnel Selection Office shall, at the request of the agency or agencies concerned, provide assistance to the agencies, in particular by defining the contents of the tests and organising the selection procedures. The European Personnel Selection Office shall ensure the transparency of the selection procedures.

In the case of an external selection procedure, temporary staff referred to in Article 2(f) shall be engaged only at grades SC1 to SC2, AST 1 to AST 4 or AD 5 to AD 8. However, the agency may, where appropriate and in duly justified cases, authorize the engagement at grade AD 9, AD 10, AD 11 or, on an exceptional basis, at grade AD 12, for posts with corresponding responsibilities and within the limits of the approved establishment plan. The total number of engagements at grades AD 9 to AD 12 in an agency shall not exceed 20 % of the total number of engagements of temporary staff to the function group AD, calculated over a five-year rolling period.

CLASSIFICATION IN THE NEXT HIGHER GRADE

In the case of temporary staff referred to in Article 2(f), classification in the next higher grade shall be exclusively by selection from among staff members who have completed a minimum period of two years in their grade, after consideration of the comparative merits of such temporary staff and of the reports on them. The last sentence of Article 45(1) and Article 45(2) of the Staff Regulations shall apply by analogy. The multiplication rates for guiding average career equivalence, as set out for officials in Section B of Annex I to the Staff Regulations, may not be exceeded.

In accordance with Article 110 of the Staff Regulations, each agency shall adopt general provisions for the implementation of this Article.

CHANGE OF POSTE

Where a member of the temporary staff referred to in Article 2(f) moves, following an internal publication of a post, to a new post within his function group, he shall not be classified in a lower grade or step than in his former post, provided that his grade is one of the grades set out in the vacancy notice.

The same provisions shall apply by analogy where the member of such temporary staff concludes a new contract with an agency immediately following a preceding contract for such temporary staff with another agency.

GENERAL PROVISIONS

In accordance with Article 110(2) of the Staff Regulations, each agency shall adopt general provisions on the procedures governing the engagement and use of temporary staff referred to in Article 2(f).



The creation of this new category of 2f temporary staff (in agencies) has led to improvements in their working conditions, such as: secondment in the interests of the service, leave on personal grounds up to 12 years, etc.

CONTRACT AGENT

GRADES

BEFORE : Contract staff shall be subdivided into four function groups corresponding to the duties to be performed. Each function group shall be subdivided into grades and steps.

The types of duties and corresponding function groups shall be as shown in the following table

Function group	Grades	Duties
IV	13 to 18	Administrative, advisory, linguistic and equivalent technical tasks, performed under the supervision of officials or temporary staff.
III	8 to 12	Executive tasks, drafting, accountancy and other equivalent technical tasks, performed under the supervision of officials or temporary staff.
II	4 to 7	Clerical and secretarial tasks, office management and other equivalent tasks, performed under the supervision of officials or temporary staff.
I	1 to 3	Manual and administrative support service tasks, performed under the supervision of officials or temporary staff.

Based on this table each institution or body referred to in Article 3a shall, after consulting the Staff Regulations Committee, define the powers attaching to each type of duties.

Article 1e of the Staff Regulations, on measures of a social nature and working conditions shall apply by analogy.

Les articles 95, 96 et 99 du statut s'appliquent par analogie.

AFTER : ...

Based on this table **the authority** referred to in the first paragraph of Article 6 of each institution, agency or entity referred to in Article 3a may, after consulting the Staff Regulations Committee, define **in more detail** the powers attaching to each type of duties

Articles 1d and 1e of the Staff Regulations shall apply by analogy

CONDITIONS OF ACCESS TO INTERNAL COMPETITIONS

New paragraph in the Article 82 in the Conditions of employment of other servants.

Contract staff in function groups II, III and IV may be authorised to take part in internal competitions only after having completed three years of service in the institution. Contract staff in function group II may have access only to competitions at grades SC 1 to 2, in function group III at grades AST 1 to 2 and in function group IV at grades AST 1 to 4 or at grades AD 5 to 6. The total number of candidates who are members of the contract staff and who are appointed to vacant posts at any of those grades shall never exceed 5 % of the total number of appointments to those function groups made per year in accordance with the second paragraph of Article 30 of the Staff Regulations.

In accordance with Article 30, second paragraph, of the Staff Regulation,

Function group	Competitions accessibles			
	SC1or SC2	AST1-or AST2	AST3 - AST4	AD5 or AD6
I (ex-D)	NO	NO	NO	NO
II	YES	NO	NO	NO
III		YES	NO	NO
IV		YES	YES	YES



Lastly, internal competitions will also be accessible to AC staff. That is an excellent step forward! But we must not get carried away. These competitions will only be open to AC staff of the institution and will be organised only on an **exceptional basis**. **As there are no guarantees regarding the frequency of these competitions, the number of successful candidates is therefore limited.**

AC staff of the function group I and AC staff of the executive agencies (EEAS and other agencies) are excluded from these competitions.

AC staff who will be able to take part in these competitions will be limited in their choice of competitions, since they will only be eligible for competitions whose level is linked to their AC contract (see table above).

Conf-SFE considers that **ALL contract staff should have access to internal competitions**. In addition, access to these competitions must be linked to the **AC's competences** and not to their contract. Consideration should be given to increasing the frequency of these competitions as well as the number of successful candidates in order to meet the needs of such staff.



PROBATIONARY PERIOD

BEFORE : A member of the contract staff whose contract is concluded for a duration of at least one year shall serve a probationary period for the first six months of his period of employment if he is in function group I and the first nine months if he is in any other function group.

Where during his probationary period a member of the contract staff is prevented by sickness or accident from performing his duties for one month or more, the authority referred to in the first paragraph of Article 6 may extend his probationary period by the corresponding length of time.

Not less than one month before the expiry of the probationary period, a report shall be made on the ability of the member of the contract staff to perform the duties pertaining to his post and also on his conduct and efficiency in the service. The report shall be communicated to the person concerned, who shall have the right to submit his comments in writing.

A member of the contract staff whose work has not proved adequate to justify retention in his function shall be dismissed. However, the authority referred to in the first paragraph of Article 6 may, in exceptional circumstances, extend the probationary period for a maximum of six months, and possibly assign the member of the contract staff to another department.

A report on the probationary member of the contract staff may be made at any time during the probationary period if his work is proving obviously inadequate. The report shall be communicated to the person concerned, who shall have the right to submit his comments in writing. On the basis of the report, the authority referred to in the first paragraph of Article 6 may decide to dismiss the member of the contract staff before the end of the probationary period by giving him one month's notice.

A dismissed member of the contract staff shall be entitled to compensation equal to one third of his basic salary per month of probation completed.

AFTER : A contract staff member whose contract is concluded for a duration of at least one year shall serve a probationary period for the first six months of his period of employment if he is in function group I and the first nine months if he is in any other function group.

Where, during his probationary period, a contract staff member is prevented by sickness, maternity leave under Article 58 of the Staff Regulations or accident from performing his duties for a continuous period of at least one month, the authority referred to in the first paragraph of Article 6 may extend his probationary period by the corresponding length of time.

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

A report on the contract staff member may be made at any time before the end of the probationary period if his work is proving obviously inadequate.

That report shall be communicated to the person concerned, who shall have the right to submit his comments in writing within eight working days. The report and the comments shall be transmitted immediately by the immediate superior of the contract staff member to the authority referred to in the first paragraph of Article 6. On the basis of the report, the authority referred to in the first paragraph of Article 6 may decide to dismiss the contract staff member before the end of the probationary period, giving him one month's notice, or to assign the contract staff member to another department for the remaining time of the probationary period.

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

Should it recommend dismissal or, in exceptional circumstances, extension of the probationary period in accordance with paragraph 1, the report and the comments shall be transmitted immediately by the immediate superior of the contract staff member to the authority referred to in the first paragraph of Article 6.

A contract staff member whose work or conduct has not proved adequate for establishment in his post shall be dismissed

The final decision shall be taken on the basis of the report referred to in this paragraph as well as on the basis of elements available to the authority referred to in the first paragraph of Article 6 relating to the conduct of the contract staff member with regard to Title II of the Staff Regulations.

A dismissed contract staff member shall be entitled to compensation equal to one-third of his basic salary per month of probation completed.



The procedure has been adapted to those of officials and temporary staff. The 8-day deadline for submitting observations seems short. It is to be noted that the report covers only the work carried out during the probationary period!

CONTRACT AGENT 3BIS OR 3A

GRADING

BEFORE : Contract staff referred to in Article 3a shall only be recruited:

- (i) in grades 13, 14, or 16 for function group IV,
- (ii) in grades 8, 9 or 10 for function group III,
- (iii) in grades 4 or 5 for function group II,
- (iv) in grade 1 for function group I.

The grading of such contract staff within each function group shall take account of the qualifications and experience of the persons concerned. To address specific needs of the institutions, labour market conditions prevailing in the Union may also be taken into account. Within their grade, such contract staff shall be recruited in the first step.

Where a member of the contract staff referred to in Article 3a moves to a new post within a function group, he shall not be classified in a lower grade or step than in his former post. Where a member of such contract staff moves to a higher function group, he shall be classified at a grade and step such that his remuneration is at least equal to that to which he was entitled under the preceding contract.

The same provisions shall apply where the member of such contract staff concludes a new contract with an institution or body immediately following a preceding contract for such contract staff with a different institution or body.

AFTER : *The following text has been added at the end :*

However, the second paragraph of Article 32* of the Staff Regulations shall apply by analogy to contract staff recruited in grade 1.

General implementing provisions shall be adopted to give effect to this paragraph in accordance with Article 110 of the Staff Regulations.

* Article 32

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

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

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



To take account of the professional experience of AC grade 1 staff, the AIPN may grant them additional seniority of not more than 24 months.

CA GFIV-RENEWAL OF CONTRACT

BEFORE : Contract staff in function group IV shall before renewal of a contract for an indefinite period be required to demonstrate the ability to work in a third language among those referred to in Article 314 of the EC Treaty. The common rules on access to training and the modalities of the assessment mentioned in Article 45(2) of the Staff Regulations shall apply by analogy.

AFTER : Contract staff in function group IV shall before renewal of a contract for an indefinite period be required to demonstrate the ability to work in a third language among those referred to **in Article 55(1) of the Treaty on European Union**. The common rules on access to training and the modalities of the assessment mentioned in Article 45(2) of the Staff Regulations shall apply by analogy.



No major changes compared with the old Staff Regulations.

It is worth emphasising that, for officials, this condition of demonstrating their ability to work in a third language is linked to promotion. For AC staff, if they are not highly proficient in a third language, they are not guaranteed a contract for an indefinite period of employment.

CONTRACT AGENT 3TER OR 3B

BEFORE : For the purposes of these Conditions of Employment, "contract staff for auxiliary tasks" means staff engaged in an institution within the time limits set in Article 88 in one of the function groups referred to in Article 89:

(a) to perform full- time or part-time duties others than those referred to in Article 3a(1)(a), without being assigned to a post included in the list of posts appended to the section of the budget relating to the institution concerned,

(b) to replace, after the possibilities of temporary posting of officials within the institution have been examined, certain persons who are unable for the time being to perform their duties, namely:

(i) officials or temporary staff in the function group AST;

(ii) exceptionally, officials or temporary staff in the function group AD occupying a highly specialised post, except Heads of Unit, Directors, Directors General and equivalent functions.

Except in the cases referred in the second sub-paragraph of Article 3a(1), the use of contract staff for auxiliary tasks is excluded where Article 3(a) applies.

AFTER : *The phrase underlined has been modified like this:*

(i) officials or temporary staff in the **function group AST and function group AST/SC; ...**

DURATION OF CONTRACT

BEFORE : In the case of contract staff referred to in Article 3b:

(a) contracts shall be concluded for a fixed period; they shall be renewable;

(b) the actual period of employment within an institution, including any period under renewal, shall not exceed three years.



AFTER : In the case of contract staff referred to in Article 3b:

- (a) contracts shall be concluded for a fixed period; they shall be renewable;
- (b) the actual period of employment within an institution, including any period under renewal, shall not exceed **six** years.



This new measure will enable services to retain trained contract staff for longer periods. The AC staff concerned will be given contracts of up to 6 years, but will also be able to take part in internal competitions during this period.

CA- WORKING CONDITIONS

BEFORE : Articles 16 to 18 shall apply by analogy.

AFTER : Articles 16 to 18 shall apply by analogy.

The second sentence of Article 55(4) of the Staff Regulations shall not apply by analogy to the contract staff.

Overtime worked by the contract staff in function groups III and IV shall carry no right to compensation or remuneration.

Under the conditions laid down in Annex VI to the Staff Regulations, overtime worked by the contract staff in function groups I and II shall entitle them either to compensatory leave or to remuneration where requirements of the service do not allow compensatory leave during two months following that in which the overtime was worked.



See our comments under “Compensation for overtime” page 33

CA –SOCIAL COVERAGE

SOCIAL SECURITY

BEFORE : Article 95: Article 28 shall apply by analogy. However, Article 72(2) and (2a) of the Staff Regulations shall not apply to a member of the contract staff who has remained in the service

of the Community until the age of 63, unless he has been employed for more than 3 years as a member of such staff.

Article 96 (11): One year after the introduction of this unemployment insurance scheme and every two years thereafter, the Commission shall present the Council with a report on the financial situation of the scheme. Independently of this report, the Commission may present to the Council proposals for adjusting the contributions provided for in paragraph 7 if this is necessary in the interests of the balance of the scheme. The Council shall act on the proposals in accordance with paragraph 3.

AFTER : Article 95: Article 28 shall apply by analogy. However, Article 72(2) and (2a) of the Staff Regulations shall not apply to a member of the contract staff who has remained in the service of the Community until **the pensionable age**, unless he has been employed for more than 3 years as a member of such staff.

Article 96 (11): **Every two years the Commission shall present a report on the financial situation of the unemployment insurance scheme. Independently of that report, the Commission may, by means of delegated acts in accordance with Articles 111 and 112 of the Staff Regulations, adjust the contributions provided for in paragraph 7 if this is necessary in the interests of the balance of the scheme**

SURVIVOR'S PENSION

ENTITLED

BEFORE : The persons entitled under a deceased contract staff member, as defined in Chapter 4 of Annex VIII to the Staff Regulations, shall be entitled to a survivor's pension as provided for in Articles 104 to 107.

In the event of the death of a former contract staff member in receipt of an invalidity allowance or a former contract staff member who is in receipt of a retirement pension or who leaves the service before reaching 63 years of age and requests that his retirement pension be deferred until the first day of the calendar month following that in which he reached 63 years of age, the persons entitled under the deceased former contract staff member, as defined in Chapter 4 of Annex VIII to the Staff Regulations, shall be entitled to a survivor's pension as provided for in that Annex.

Where the whereabouts of a contract staff member or of a former contract staff member in receipt of an invalidity allowance or retirement pension, or of a former contract staff member who leaves the service before reaching 63 years of age and requests that his retirement pension be deferred until the first day of the calendar month following that in which he reaches 63 years of age, are unknown for more than one year, the provisions of Chapters 5 and 6 of Annex VIII to the Staff Regulations dealing with provisional pensions shall apply by analogy to his spouse and to persons recognised as his dependants.

AFTER : The persons entitled under a deceased contract staff member, as defined in Chapter 4 of Annex VIII to the Staff Regulations, shall be entitled to a survivor's pension as provided for in Articles 104 to 107.

In the event of the death of a former contract staff member in receipt of an invalidity allowance or a former contract staff member who is in receipt of a retirement pension or who leaves the service before reaching **pensionable** age and requests that his retirement pension be deferred until the first day of the calendar month following that in which he reached **pensionable** age, the persons entitled under the deceased former contract staff member, as defined in Chapter 4 of Annex VIII to the Staff Regulations, shall be entitled to a survivor's pension as provided for in that Annex.

Where the whereabouts of a contract staff member or of a former contract staff member in receipt of an invalidity allowance or retirement pension, or of a former contract staff member who leaves the service before reaching **pensionable** age and requests that his retirement pension be deferred until the first day of the calendar month following that in which he reaches **pensionable** age, are unknown for more than one year, the provisions of Chapters 5 and 6 of Annex VIII to the Staff Regulations dealing with provisional pensions shall apply by analogy to his spouse and to persons recognised as his dependants..

ORPHAN'S PENSION

BEFORE : In the event of the death of a former member of the contract staff who leaves the service before reaching **pensionable** age and requests that his retirement pension be deferred until the first day of the calendar month following that in which he reaches **pensionable** age, children deemed to be his dependants in accordance with Article 2 of Annex VII to the Staff Regulations shall be entitled to an orphan's pension on the same terms as those set out respectively in the foregoing paragraphs.

AFTER : In the event of the death of a former member of the contract staff who leaves the service before reaching 63 years of age and requests that his retirement pension be deferred until the first day of the calendar month following that in which he reaches 63 years of age, children deemed to be his dependants in accordance with Article 2 of Annex VII to the Staff Regulations shall be entitled to an orphan's pension on the same terms as those set out respectively in the foregoing paragraphs.



The age of 63 has been replaced by the word “retirement” in the points concerning social security, the survivor’s/orphan’s pension.

CA FROM ALL INSTITUTIONS –GENERAL REQUESTSAs regards mobility:

Conf-SFE calls for mobility and career prospects for ALL 3a/3b contract staff. This is the only way of giving a fresh impetus to the career of all our colleagues.

It is difficult for AC staff with contracts of indeterminate duration to consider spending their whole career in the same place (**e.g. colleagues in delegations! See page 94**).

At present, the only possibility of change is, first of all, to seek a new post, pass a selection test, resign if successful, and sign a new contract with the new institution.

In the case of harassment, disputes, which very often result in lengthy periods of absence as well as, in some cases, long-term sickness or treatment with regular absences, the contract is quickly under threat. The pressure is huge!



If the person has not found another post, resigning can have more serious consequences, since this is considered as abandonment of post (in Belgium, after more than 9–12 years working in the institutions, the person loses their entitlements at national level (unemployment, etc.)).

For the function groups III and IV, it is not always easy to find something else in the other institutions since posts in these function groups are limited.

Conf-SFE calls for posts of an equivalent level to be available in the other institutions (function groups III and IV).

Career development: Conf-SFE calls for the organisation of CAST or other examinations to enable staff to advance to higher function groups. Contract staff must have career development opportunities.

PARLIAMENTARY ASSISTANTS

INSTALLATION ALLOWANCE

BEFORE : Save as otherwise provided in Articles 133 and 134, Article 19, Article 20(1) to (3) and Article 21 of these Conditions of employment and Article 16 of Annex VII to the Staff Regulations (remuneration and expenses) shall apply by analogy. The arrangements for reimbursement of mission expenses shall be laid down in the implementing measures referred to in Article 125(1).

AFTER : Save as otherwise provided in Articles 133 and 134, Article 19, Article 20(1) to (3) and Article 21 of these Conditions of employment and Article 16 of Annex VII to the Staff Regulations (remuneration and expenses) shall apply by analogy. The arrangements for reimbursement of mission expenses shall be laid down in the implementing measures referred to in Article 125(1).

In accordance with the implementing measures referred to in Article 125(1) and upon express request of the respective Member or Members whom they support, accredited parliamentary assistants may be paid only once either an installation allowance or a resettlement allowance paid out from the respective Member's parliamentary assistance allowance based on evidence that a change of the place of residence was required. The amount of the allowance shall not exceed one month's basic salary of the assistant.

TERMINATION OF EMPLOYMENT

BEFORE : 1. Apart from cessation on death, the employment of the accredited parliamentary assistant shall cease:

- (a) on the date stated in the contract as provided for in Article 130(1);
- (b) at the end of the month in which the accredited parliamentary assistant reaches the age of 65;
- (c) in the case of an assistant engaged to assist only one Member of the European Parliament pursuant to Article 128(2), at the end of the month in which that Member's term of office ends, whether by death or resignation or for any other reason;
- (d) taking into account the fact that trust is the basis of the working relationship between the Member and his accredited parliamentary assistant, at the end of the period of notice specified in the contract, which shall give the accredited parliamentary assistant or the European Parliament, acting at the request of the Member or Members of the European Parliament whom the accredited parliamentary assistant was taken on to assist, the right to terminate the contract before its expiry. The period of notice shall not be less than one month per year of service, subject to a minimum of one month and a maximum of three months. The period of notice shall not, however, start to run during maternity leave or sick leave, provided such sick leave does not exceed three months. It shall, moreover, be suspended during maternity or sick leave subject to these limits;
- (e) where the accredited parliamentary assistant no longer satisfies the conditions laid down in Article 128(2)(a), subject to any authorisation of an exception pursuant to that provision. Should an exception not be authorised, the period of notice referred to in point (d) shall apply.

2. Where the contract ceases pursuant to paragraph 1(c), the accredited parliamentary assistant shall be entitled to compensation equal to one third of his basic salary for the period between the date when his duties end and the date when his contract expires, subject however to a maximum of three months' basic salary.

3. Without prejudice to Articles 48 and 50 which are applicable by analogy, the employment of an accredited parliamentary assistant may be terminated without notice in serious cases of failure to comply with his obligations, whether intentionally or through negligence on his part. A reasoned decision shall be taken by the authority referred to in the first paragraph of Article

6, after the person concerned has had an opportunity to submit his defence. Specific provisions relating to the disciplinary procedure shall be laid down in the implementing measures referred to in Article 125(1).

4. Periods of employment as an accredited parliamentary assistant shall not be regarded as constituting 'years of service' for the purposes of Article 29(3) and (4) of the Staff Regulations.

AFTER : ...

b) at the end of the month in which the accredited parliamentary assistant reaches the age of **66 years or, on an exceptional basis, at the date fixed in accordance with the second and third paragraphs of Article 52 of the Staff Regulations ;**

...

d) taking into account the fact that trust is the basis of the working relationship between the Member and his accredited parliamentary assistant, at the end of the period of notice specified in the contract, which shall give the accredited parliamentary assistant or the European Parliament, acting at the request of the Member or Members of the European Parliament whom the accredited parliamentary assistant was taken on to assist, the right to terminate the contract before its expiry. The period of notice shall not be less than one month per year of service, subject to a minimum of one month and a maximum of three months. The period of notice shall not, however, start to run during **pregnancy if confirmed by a medical certificate**, maternity leave or sick leave, provided such sick leave does not exceed three months. **It shall, moreover, be suspended during pregnancy if confirmed by a medical certificate, maternity or sick leave subject to these limits;**

...

New :

3 a. The implementing measures referred to in Article 125(1) shall provide for a conciliation procedure which shall apply before the contract of an accredited parliamentary assistant is terminated, at the request of the Member or Members of the European Parliament whom he was taken on to assist or the parliamentary assistant concerned, pursuant to point (d) of paragraph 1 and to paragraph 3.

...

FINAL PROVISIONS

TITRE IX

BEFORE : The general provisions for giving effect to the Staff Regulations, referred to in Article 110 of those Regulations, shall apply to servants covered by these conditions of employment where by virtue of these conditions of employment the provisions of the said Regulations apply to those servants.

AFTER : *New Article is added*

142 bis

The Commission shall, by 31 December 2020, submit a report to the European Parliament and to the Council assessing the functioning of these Conditions of Employment of Other Servants.

TRANSITIONAL MEASURES FOR AGENTS OF RAA

BEFORE : 1. The provisions of Annex XIII to the Staff Regulations shall apply by analogy to other servants employed on 30 April 2004.

AFTER : 1. The provisions of Annex XIII to the Staff Regulations shall apply by analogy to other servants employed on 30 April 2004.

Article 21, Article 22, with the exception of paragraph 4, Article 23, Article 24a and Article 31(6) and (7) of that Annex shall apply by analogy to other servants employed on 31 December 2013. Article 30 and Article 31(1) to (5) of that Annex shall apply by analogy to temporary staff employed on 31 December 2013. For agents in service before 1 January 2014, the words 'age of 66' in the second subparagraph of Article 33(1), in point (a) of Article 47, in the second subparagraph of Article 101(1) and in point (b) of Article 139(1) of the Conditions of Employment of other Servants shall be read as 'age of 65.';

the following Article is added:

Article 6 :

With effect from 1 January 2014, contracts of temporary staff to whom Article 2(a) of the Conditions of Employment of Other Servants applies and who are in service on 31 December 2013 in an agency shall be transformed, without selection procedure, into contracts under point (f) of Article 2 of these Conditions of Employment. The conditions of the contract shall remain unchanged for the rest. This article does not apply to contracts of temporary staff engaged as heads of agencies or deputy heads of agencies as referred to in the Union act establishing the agency or to officials seconded in the interests of the service to an agency.



Article 1

Article 21: Notwithstanding the second sentence of the second paragraph of Article 77, officials who entered the service before 1 May 2004 shall be entitled to 2% of the salary referred to therein for every year of pensionable service calculated in accordance with Article 3 of Annex VIII.

Article 22:

- Officials with 20 or more years' service on 1 May 2004 shall become entitled to a retirement pension when they reach the age of 60.
- Officials aged 35 years or more on 1 May 2014 and who entered the service before 1 January 2014 shall become entitled to a retirement pension at the age shown in the table published in the page 56
- Officials aged less than 35 years on 1 May 2014 shall become entitled to a retirement pension at the age of 65 years.
- However, for officials aged 45 years or more on 1 May 2014 who entered the service between 1 May 2004 and 31 December 2013, the pensionable age shall remain 63 years

For officials in service before 1 May 2004 the pensionable age to be taken into consideration for all references to the pensionable age in these Staff Regulations shall be determined in accordance with the above provisions, save as otherwise provided in these Staff Regulations.

Notwithstanding Article 2 of Annex VIII, officials who enter the service before 1 May 2004 and remain in service after the age at which they would have become entitled to a retirement pension shall be entitled to an increase in the percentage of their basic pension for each year worked after that age, provided that their total pension does not exceed 70% of final basic salary within the meaning of the second or third paragraph of Article 77 of the Staff Regulations, as the case may be.

However, for officials aged 50 years or over or with 20 or more years' service on 1 May 2004, the increase in pension provided for in the previous subparagraph shall not be less than 5 % of the amount of the pension rights acquired at the age of 60.

The increase shall also be granted in the event of death, if the official has remained in service beyond the age at which he became entitled to a retirement pension.

If, pursuant to Annex IVa, an official who enters the service before 1 May 2004 and working part-time contributes to the pension scheme in proportion to the time worked, the increase in pension entitlements provided for in this Article shall be applied only in the same proportion.

If the official retires before reaching pensionable age as laid down in this Article, only half of the reduction laid down in point (b) of Article 9 of Annex VIII shall be applied for the period between the age of 60 and the pensionable age.

Article 23:

1. When point (a) of Article 52 of the Staff Regulations applies, and without prejudice to the provisions of Article 50, an official in service before 1 January 2014 shall be retired automatically on the last day of the month in which he reaches the age of 65. For officials in service before 1 January 2014, the words 'age of 66' and 'age 66' in the second paragraph of Article 78 and point (b) of Article 81a(1) of the Staff Regulations and in point (b) of Article 12(1) of Annex VIII shall be read as 'age of 65' and 'age 65'.
2. Notwithstanding Article 52 of the Staff Regulations, officials who entered the service before 1 January 2014 and who leave the service before the age at which they would have become entitled to a retirement pension in accordance with Article 22 of this Annex may request that point (b) of Article 9 of Annex VIII be applied:
 - a) Until 31 December 2015 as from the age of 55
 - b) Until 31 December 2016 as from the age of 57ans.
3. By way of derogation from the eighth paragraph of Article 50 of the Staff Regulations, an official who is retired in the interests of the service in accordance with the first paragraph of Article 50 of the Staff Regulations shall be entitled to receive the payment of a pension under Article 9 of Annex VIII in accordance with the table below:

Date of the decision under the first paragraph of Article 50	Age
Until 31 December 2016	55 years
After 31 December 2016	58 years

Article 24a: In the case of a pension determined before 1 January 2014, 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 applies to the cover under the joint sickness insurance scheme.

Article 31: 6. Officials who were authorised, on the basis of point (g) of Article 55a (2) of the Staff Regulations and Article 4 of Annex IVa to the Staff Regulations, to work part-time for a period starting before 1 January 2014 and extending beyond that date may continue to work part-time under the same conditions for a maximum overall period of five years.

7. For officials whose pensionable age under Article 22 of this Annex is less than 65 years, the period of three years referred to in point (g) of Article 55a(2) of the Staff Regulations may exceed their pensionable age, without however exceeding the age of 65 years.

Article 30 and Article 31(1) to (5) of that Annex shall apply by analogy to temporary staff employed on 31 December 2013.

See transitional measures for officials AD (page 48)

See transitional measures for officials AST (pages 50-51)

Article 6

The contracts of temporary staff in service on 31 December 2013 in an agency are transformed, without selection procedure, into contracts under point f) of these Conditions of Employment. This does not apply to contracts of temporary staff engaged as heads of agencies or deputy heads of agencies, or to officials seconded in the interest of the service to an agency.

The contract conditions remain unchanged for the rest.

DELEGATIONS – (ANNEX X)

ANNUAL LEAVE

BEFORE : An official shall, per calendar year, be entitled to annual leave three and a half working days for each month of service.

AFTER : An official shall, per calendar year, be entitled to annual leave of **two working days** for each month of service.

TRANSITIONAL PROVISIONS:

Notwithstanding the first paragraph of this Article, officials posted already in a third country on 1 January 2014 shall be entitled to:

- three working days from 1 January 2014 until 31 December 2014;
- two and half working days from 1 January 2015 until 31 December 2015.



Reduction of annual leave from 3.5 to 2 days per month!
This measure makes the living conditions already difficult in many delegations even more difficult! A solution should be considered at least for the staff already on the spot.

WHEN AN OFFICIAL TAKES OR CEASES TO PERFORM DUTIES IN A THIRD COUNTRY

BEFORE : In the year in which an official takes up or ceases to perform his duties in a third country, he shall be entitled to three and a half working days leave for each complete month of service, to three and a half working days for an incomplete month consisting of more than 15 days and to two working days for an incomplete month of 15 days or less.

Where an official, for reasons other than the requirements of the service, has not used up his annual leave before the end of the current calendar year, the amount of leave which may be carried over to the following year shall not exceed 14 working days.

AFTER : In the year in which an official takes up or ceases to perform his duties in a third country, he shall be entitled to **two working days** leave for each complete month of service, to **two working days for an incomplete month consisting of more than 15 days and to one working day for an incomplete month of 15 days or less.**

Where an official, for reasons other than the requirements of the service, has not used up his annual leave before the end of the current calendar year, the amount of leave which may be carried over to the following year shall not exceed 14 working days.



When taking up or finishing a post in a third country: Reduction of leave from 3.5 to 2 days for each completed month of service!

TAKING THE ANNUAL LEAVE

BEFORE : Annual leave may be taken all at once or in several periods, according to what the official desires and taking account of the requirements of the service. It must, however, include at least one period of 14 working days

AFTER : Annual leave may be taken all at once or in several periods, according to what the official desires and taking account of the requirements of the service. It must, however, include at least one period of **two consecutive weeks.**

REST LEAVE

BEFORE : By way of exception, the appointing authority may, by special reasoned decision, grant an official rest leave on account of particularly difficult living conditions at his place of employment. For each such place, the appointing authority shall determine the town(s) where rest leave may be taken.

AFTER : By way of exception, the appointing authority may, by special reasoned decision, grant an official rest leave on account of particularly difficult living conditions at his place of employment. For each such place, the appointing authority shall determine the town(s) where rest leave may be taken.

Officials who take part in professional training courses pursuant to Article 24a of the Staff Regulations and who have been granted rest leave pursuant to the first paragraph of this Article shall undertake, where appropriate, to combine their periods of professional training with their rest leave

LIVING CONDITION ALLOWANCES

BEFORE : An allowance for living conditions shall be fixed, according to the official's place of employment, as a percentage of a reference amount. This reference amount shall comprise the total basic salary, plus the expatriation allowance, household allowance and dependent child allowance, less the compulsory deductions referred to in the Staff Regulations or in the regulations adopted to implement them.

Where an official is employed in a country in which living conditions can be deemed equivalent to those normally obtaining in the Community, no such allowance shall be payable.

In the case of other places of employment, the allowance for living conditions shall be fixed as follows.

The parameters taken into account for fixing the allowance for living conditions shall be the following:

- o health and hospital environment,
- o security,
- o climate,

to which three parameters shall be applied a weighting of 1:

- o degree of isolation,
- o other local conditions,

to which two parameters shall be applied a weighting of 0.5.

Each parameter shall have the following value:

0: where conditions are normal but not equivalent to those normally obtaining in the Community,

2: where conditions are difficult compared with those normally obtaining in the Community,

4: where conditions are very difficult compared with those normally obtaining in the Community.

The allowance shall be fixed as a percentage of the reference amount referred to in the first subparagraph, in accordance with the following scale:

- o 10% where the value equals 0,
- o 15% where the value is greater than 0 but not greater than 2,
- o 20% where the value is greater than 2 but not greater than 5,
- o 25% where the value is greater than 5 but not greater than 7,
- o 30% where the value is greater than 7 but not greater than 9,
- o 35% where the value is greater than 9, but not greater than 11,
- o 40% where the value is greater than 11.

The allowance for living conditions fixed for each place of employment shall be reviewed and, where appropriate, adjusted each year by the appointing authority after the opinion of the Staff Committee has been obtained.

Officials who, in the course of their career, have been assigned to a place considered difficult or very difficult and where the allowance for living conditions corresponds to 30%, 35% or 40% and who accept a transfer to another place where the allowance corresponds to 30%, 35% or 40% shall receive, in addition to the allowance for living conditions for their new place of employment, a supplementary premium of 5% of the reference amount referred to in the first subparagraph.

That premium shall be granted cumulatively on each assignment of the official to a place of employment considered difficult or very difficult; however, the sum of the allowance for living conditions and the premium may not exceed 45% of the reference amount referred to in the first subparagraph.

If living conditions at the place of employment are such as to put the official at personal risk, a temporary additional allowance shall be paid to him by special reasoned decision of the appointing authority. This allowance shall be fixed as a percentage of the reference amount referred to in the first subparagraph of paragraph 1:

- at 5% where the authority advises its staff not to settle their families in the place of employment,
- at 10% where the authority decides to reduce temporarily the number of staff serving in the place of employment.

AFTER : An allowance for living conditions shall be fixed, according to the official's place of employment, as a percentage of a reference amount. That reference amount shall comprise the total basic salary, plus the expatriation allowance, household allowance and dependent child allowance, less the compulsory deductions referred to in the Staff Regulations or in the regulations adopted to implement them.

Where an official is employed in a country in which living conditions can be deemed equivalent to those normally obtaining in the European Union, no such allowance shall be payable.

In the case of other places of employment, the allowance for living conditions shall be fixed taking **into account, inter alia, the following parameters**:

- health and hospital environment,
- security,
- climate,
- degree of isolation,
- other local living conditions,

The allowance for living conditions fixed for each place of employment shall be reviewed and, where appropriate, adjusted each year by the appointing authority after the opinion of the Staff Committee has been obtained.

The appointing authority may decide to grant a supplementary premium in addition to the allowance for living conditions in cases where an official has had more than one assignment to a place of employment considered difficult or very difficult. That supplementary premium shall not exceed 5 % of the reference amount referred to in the first subparagraph and the appointing authority shall duly substantiate its individual decisions in order to respect equality of treatment, basing itself on the level of difficulty of the previous assignment.

If living conditions at the place of employment are such as to put the official at personal risk, a temporary additional allowance shall be paid to him by special reasoned decision of the appointing authority. That allowance shall be fixed as a percentage of the reference amount referred to in **the first subparagraph of paragraph 1**:

- where the authority recommends to its staff not to settle their families **or other dependants** in the place of employment, **provided that they follow that recommendation**;
- where the authority decides to reduce temporarily the number of staff serving in the place of employment.

In duly justified cases, the appointing authority may also determine that a post is a non-family posting. The above-mentioned allowance shall be paid to staff members who respect that determination.

Detailed provisions for the application of this Article shall be decided by the appointing authority.



Procedures for living condition allowances should not be made more complicated and reduce the benefits of staff in place! Practical and transparent solutions should be looked for.

REMUNERATION

BEFORE: Remuneration, as also the allowances referred to in Article 10, shall be paid in euro in Belgium. They shall be subject to the weighting applicable to the remuneration of officials employed in Belgium.

AFTER: Remuneration, as also the allowances referred to in Article 10, shall be paid in euro in Belgium. They shall be subject to the weighting applicable to the remuneration of officials employed in **European Union**.

WEIGHTING

BEFORE : In order to ensure as far as possible that officials enjoy equivalent purchasing power irrespective of their place of employment, the Council shall determine the weighting referred to in Article 12 once a year. The Council shall, by the written procedure within one month, act on a proposal from the Commission by the qualified majority provided for in the first eventuality set out in the second subparagraph of Article 148(2) of the Treaty establishing the European Economic Community and of Article 118 of the Treaty establishing the European Atomic Energy Community. Should a Member State request formal examination of the Commission proposal, the Council shall act within two months.

Where however, in the case of a given country, the variation in the cost of living measured on the basis of the weighting and the corresponding exchange rate is found to have exceeded 5% since the last adjustment, the Commission shall decide on interim measures for adjusting the weighting and shall inform the Council thereof as soon as possible.

AFTER : In order to ensure as far as possible that officials enjoy equivalent purchasing power irrespective of their place of employment, **the weighting referred to in Article 12 shall be updated once a year in accordance with Annex XI. With respect to the update, all values shall be understood as reference values. The Commission shall publish the updated values within two weeks after the update in the C series of the Official Journal of the European Union for information purposes.**

Where, however, in the case of a given country, the variation in the cost of living measured on the basis of the weighting and the corresponding exchange rate is found to have exceeded 5 % since the last update, **an interim update of the weighting in accordance with the procedure laid down in the first paragraph shall take place.**

ACCOMMODATION

BEFORE : Where the official is not provided with accommodation by the institution, his rent shall be reimbursed, provided that the accommodation corresponds to his duties and to the composition of his dependent family.

AFTER : **On the basis of a list of countries to be defined by the appointing authority, and where the official is not provided with accommodation by the institution, the appointing authority shall either pay the official an accommodation allowance or reimburse the rent paid by the official.**

The accommodation allowance shall be paid upon presentation of a tenancy agreement unless the appointing authority waives that obligation for duly justified reasons linked to

practices and local conditions in the place of employment in the third country concerned. The accommodation allowance shall be calculated depending primarily on the official's level of duties and subsequently on the composition of his dependent family.

The rent shall be reimbursed, provided that the accommodation has been expressly authorised by the appointing authority and corresponds primarily to the official's level of duties and subsequently to the composition of his dependent family.

Detailed rules for the application of this Article shall be laid down by the appointing authority. The accommodation allowance shall not in any case exceed the costs incurred by the official.



The conditions for reimbursement of accommodation costs will be more stringent.

The rent is refunded only if the accommodation:

1. is authorized by the appointing authority
2. corresponds firstly to the level of the functions performed by the employee and then to the composition of his family in charge.

Housing allowance:

- is calculated by reference, first, to the level of functions performed by the employee and then to the composition of his family in charge.
- shall never exceed the costs incurred by the employee
- is paid upon presentation of a lease contract unless a decision of the appointing authority (motivated reasons)

CONTRACT AGENTS DELEGATIONS- GENERAL REQUESTS



In delegations: the working conditions are degraded due to this reform difficult for contract staff to return to their country or to return to the Commission. In fact, their contracts are linked to their delegation. Since there is no mobility for Contract Agents, some are considering to resign. This is not a solution!

See general remarks for Contract Agents on page 84.

It is very important to review the working conditions of all Contract Agents in delegations. They are most affected as they have made the choice to go for a post in a delegation based on the package received at their start under the old status / RAA. Now the situation is substantially different.

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