

**EUROCONTROL**

*European Organisation for the Safety of Air Navigation*

## **GENERAL CONDITIONS OF EMPLOYMENT**

governing servants  
at the EUROCONTROL MAASTRICHT CENTRE

Edition date: 14 February 2020

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

GENERAL CONDITIONS OF EMPLOYMENT GOVERNING SERVANTS  
AT THE EUROCONTROL MAASTRICHT CENTRE

Checklist of amendments

No. *	Amendments published by Office Notice		Article(s) amended	Effective Date
	No.	Date		
1	43/08	11.09.08	Annex VIII: Sole Article, paragraph 7	01.08.08
	48/08	09.12.08	Articles 42a and 68 Annex III Annex V: Article 16 Annex VI: Articles 3 and 4 Annex XIII, Part 2 : Articles 2.2, 8.2, 12 and 13	01.07.07
2	50/08	19.12.08	Article 53	01.01.09
3	08/09	19.02.09	Articles 42a, 46a, 56a and 72 Annex I Annex IIa: Articles 1 and 3 Annex XIII, Part 2 : Article 4 and Annex XIII.1 Annex XV: Sole Article, paragraph 7 Appendix I: Article 9	01.03.09
4	18/09	27.05.09	Articles 42a and 68 Annex III Annex V: Article 16 Annex VI: Articles 3 and 4 Annex XIII, Part 2 : Articles 8.2, 12 and 13	01.07.08
5	20/09	28.05.09	Article 57	(cf. § 4 of ON No. 20/09)
6	16/10	20.05.10	Articles 42a and 68 Annex III Annex V: Article 16 Annex VI: Articles 3 and 4 Annex XIII, Part 2: Articles 8.2, 12 and 13	01.07.09
7	36/10	30.08.10	Article 5	01.08.10
8	11/11	28.04.11	Articles 42a and 68 Annex III Annex V: Article 16 Annex VI: Articles 3 and 4 Annex XIII, Part 2: Articles 8.2, 12 and 13	01.07.10
9	06/12	20.02.12	Introduction of a Central Supervisory Section ("CSS") : Articles 69b and 77 Annex I: Table II.b Annex III.b Annex XV: Sole Article, paragraphs 2, 3, 4.1, 4.2, 4.3 (new), 4.4, 4bis (new) et 8 (new) Annex XVII (new)	01.01.12
10	15/12	25.05.12	Article 53.2	01.01.12
11	17/12	05.06.12	Article 32.2	01.06.12
12	20/12	19.06.12	Articles 42a and 68 Annex III Annex V: Article 16 Annex VI: Articles 3 and 4 Annex XIII, Part 2: Articles 8.2, 12 and 13	01.07.11
13	21/12	26.06.12	Annex IV: Article 8	01.07.12
14	12/13	08.05.13	Annex XVIII: Article 3.1	01.04.13

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

No. *	Amendments published by Office Notice		Article(s) amended	Effective Date
	No.	Date		
15	14/13	28.05.13	<del>Performance-based incentive scheme</del> Articles 1, 1c, 4, 5, 7, 8, 10bis, 32, 36,36a (new), 39, 40, 45, 49, 51, 52, 53, 56, 56a, 71 and 78 Annex I : Tables I, II.a and III Annex IIa : Articles 1, 2, 3, 3a (new), 3b (new) and 4 Annex V Annex XIV (repealed)	01.01.13
			Annex XVIII (new)	01.01.12
			Annex XIX (new) Annex XX (new) Annex XXI (new)	01.01.13
16	26/13	03.06.13	Articles 42a and 68 Annex III Annex V : Article 6 Annex VI : Articles 3 and 4 Annex XIII, Part 2 : Articles 8.2, 12 and 13	01.07.12
17	48/13	20.12.13	Annex VII	01.01.13 ⇔ 31.12.13
			Annex VII Articles 63, 64,65 and 66a	01.01.14
18	02/15	28.01.15	Articles 42a and 68 Annex III Annex V : Article 6 Annex VI : Articles 3 and 4 Annex XIII, Part 2 : Article 8.2  Annex VII: Article 2	01.07.13    01.01.13 ⇔ 31.12.13
19	11/15	29.04.15	Articles 42a and 68 Annex III Annex V : Article 6 Annex VI : Articles 3 and 4 Annex XIII, Part 2 : Article 8.2 Annex XX: Articles 2.b) and 2.c)	01.07.14
20	06/16	29.02.16	Articles 42a and 68 Annex III Annex V : Article 6 Annex VI : Articles 3 and 4 Annex XIII, Part 2 : Article 8.2 Annex XX: Articles 2.b) and 2.c)	01.07.15
21	16/16	21.06.16	<u>Administrative Reform</u> Articles 1b, 1c, 4, 6, 7, 8, 9, 10, 11, 11a, 12a, 16, 18, 21a, 22, 22c(new), 22d(new), 27, 30, 34, 35, 36, 36a, 37, 40, 41, 42a, 42c(new), 43, 44, 46, 46a(repealed), 49, 50a(new), 51, 52, 53, 55, 56, 56a, 58, 59, 64, 66, 67, 72, 77, 78, 79, 80, 81a, 82, 83, 83a and 85 Annex I Annex II Annex IIa: Articles 1, 4, 5(new), 6(new) and 7(new) Annex III (new grades SC) Annex IV: Articles 4, 5, 6, 9, 15, 18, 18a, 27 and 45	01.07.16

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

No. *	Amendments published by Office Notice		Article(s) amended	Effective Date
	No.	Date		
			Annex VI: Article 3 Annex VIII Annex X: Articles 5 and 10 Annex XI Annex XII: Articles 2, 4, 10, 11, 11a( <i>new</i> ), 12 and 14( <i>repealed</i> ) Annex XIII, Part 1: Articles 1, 2, 3, 4 and 5a( <i>new</i> ) Annex XIII, Part 2: Articles 9( <i>repealed</i> ), 12( <i>repealed</i> ), 13( <i>repealed</i> ), 14( <i>repealed</i> ), 15, 16( <i>repealed</i> ), 18( <i>new</i> ), 19( <i>new</i> ), 20( <i>new</i> ) and 21( <i>new</i> ) Annex XIII.1 ( <i>repealed</i> ) Annex XIII, Part 3 ( <i>new</i> ) Annex XIVa: Articles 13 and 20a( <i>new</i> ) Annex XIX Appendix I ( <i>repealed</i> ) Appendix Ia ( <i>new</i> ) Appendix IV: Articles 1 and 6	
22	01/17	18.01.17	Articles 42a and 68 Annex III Annex V : Article 6 Annex VI : Articles 3 and 4 Annex XIII, Part 2 : Article 8.2 Annex XX: Articles 2.b) and 2.c)	01.07.16
23	08/17	27.03.17	Annex XXII ( <i>new</i> )	01.01.17
24	16a/17	22.09.17	Annex I: Table II.b Annex XV Annex XXII: Article 5	01.10.16 01.10.16 01.01.17
25	21/17	14.09.17	Appendix IV : Article 3a ( <i>new</i> )	14.09.17
26	01/18	09.01.18	Articles 42a and 68 Annex III Annex V : Article 6 Annex VI : Articles 3 and 4 Annex XIII, Part 2 : Article 8.2 Annex XX: Articles 2.b) and 2.c)	01.07.17
27	17/18	14.12.18	Article 83	01.01.19
28	01/19	23.01.19	Articles 42a and 68 Annex III Annex V : Article 6 Annex VI : Articles 3 and 4 Annex XIII, Part 2 : Article 8.2	01.07.18
29	09/19	28.06.19	Articles 1, 4, 9, 34 and 83 Annex X Annex Xb ( <i>new</i> ) Annex XII	01.07.19
30	10/19	28.06.19	Article 53 Annex I Annex III Annex IV Annex XIII Annex XV Annexe XVII Appendix IV	01.07.19
31	02/20	29.01.20	Articles 42a and 68 Annex III Annex V : Article 6 Annex VI : Articles 3 and 4 Annex XIII, Part 2 : Article 8.2	01.07.19

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

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## TITLE I

### GENERAL PROVISIONS

#### Article 1 (15) (29)

1. These provisions shall apply to servants as defined below.
2. In accordance with Article 12 of the Statute of the Agency, these provisions shall apply to any person who has been appointed a servant under the terms and conditions of the General Conditions of Employment governing servants at the EUROCONTROL Maastricht Upper Area Control Centre (hereinafter referred to as the 'Maastricht Centre'), to hold one of the posts shown under Annex I to those General Conditions of Employment.
3. All provisions of the General Conditions of Employment shall apply to servants appointed before 1 May 2002, with the exception of the provisions of Annex X and Xb.
4. Servants appointed for a limited or undetermined period between 1 May 2002 and 30 June 2019 shall be subject to all provisions of the General Conditions of Employment with the exception of those in respect of which there is a derogation or which are supplemented by the provisions of Annex X.
5. Servants appointed as from 1 July 2019 shall be subject to all provisions of the General Conditions of Employment with the exception of those in respect of which there is a derogation or which are supplemented by the provisions of Annex Xb.

#### Article 1a

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

#### Article 1b (21)

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

For the purposes of these General Conditions of Employment, non-marital partnerships shall be treated as marriage provided that all the conditions listed in Article 1(2) (c) of Rule of Application No. 7 are fulfilled.

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

3. The Director General shall determine, by agreement, after consulting the Staff Committee, measures and actions to promote equal opportunities for men and women in the areas covered by these General Conditions of Employment, and shall adopt the appropriate provisions notably to redress such de facto inequalities as hamper opportunities for women in these areas.
4. For the purposes of paragraph 1, a person has a disability if he has a 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 according to the procedure set out in Article 35a.

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 Agency.

The principle of equal treatment shall not prevent the Director General 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.

5. Where persons covered by these General Conditions of Employment, who consider themselves wronged because the principle of equal treatment as set out above has not been applied to them, establish facts from which it may be presumed that there has been direct or indirect discrimination, the onus shall be on the Agency to prove that there has been no breach of the principle of equal treatment. This provision shall not apply in disciplinary proceedings.
6. While respecting the principle of non-discrimination and the principle of proportionality, any limitation of their application must be justified on objective and reasonable grounds and must be aimed at legitimate objectives in the general interest in the framework of staff policy. Such objectives may in particular justify stipulating a mandatory retirement age and a minimum age for drawing a retirement pension.

#### Article 1c (15) (21)

1. Servants 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 Agency as well to services provided by the social welfare bodies referred to in Article 10.

Former servants may have access to limited specific measures of a social nature.

2. Servants in active employment shall be accorded working conditions complying with appropriate health and safety standards at least equivalent to the minimum requirements applicable under measures adopted in the State where the Maastricht Centre is located.
3. Measures of a social nature adopted in accordance with this article shall be implemented by the Agency in close co-operation with the Staff Committee. These proposed actions shall be transmitted each year to the budgetary authority in the framework of the budget procedure.

## Article 2

The Director General is empowered to make all appointments to all posts.

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

## Article 3

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

Vacant posts in the Agency shall be notified to the staff once the Director General decides that the vacancy is to be filled.

## Article 4 (15) (21) (29)

1. The posts covered by these provisions shall be classified, according to the nature and/or importance of the duties to which they relate, in the following function groups:
  - the function group for administrators (hereinafter "AD");
  - the function group for assistants (hereinafter "AST");
  - the function group for secretaries and clerks (hereinafter "AST/SC");
  - the function group for staff carrying out air navigation services (hereinafter "O").

The list of posts falling within these function groups is given at Annex I.

2. These posts shall be grouped, according to professional speciality, in an Administrative Division (Annex I, Table I), the Operations Division (Annex I, Tables II.a and II.b) and the Engineering Division (Annex I, Table III), hereinafter also referred to as services.

Function group AD shall comprise twelve grades (AD16 to AD5 inclusive), corresponding to administrative, advisory, management and executive duties. Grade AD16 shall be reserved for the Director General of the Agency not governed by these Employment Conditions. Function group AST shall comprise eleven grades, corresponding to duties involving the application, supervision and execution of technical or operational tasks. Function group AST/SC shall comprise six grades, corresponding to clerical and secretarial duties.

Function group O shall comprise eight grades corresponding to duties involving the execution of air navigation services, which require a level of education, either secondary or post-secondary, or equivalent professional experience.

3. Appointment shall require at least:
  - a) in function group AST and function group AST/SC:
    - i) a level of post-secondary education attested by a diploma, or;
    - ii) a level of secondary education attested by a diploma giving access to post-secondary education, and appropriate professional experience of at least three years, or;
    - iii) where justified in the interests of the service, professional training of an equivalent level.
  - b) in function group AD for grades 5 and 6:

- i) a level of education which corresponds to completed university studies of at least three years attested by a diploma; or
- ii) where justified in the interests of the service, professional training of an equivalent level.

The specific conditions governing the recruitment and appointment of graduates as officials at grade AD5 are set out in Annex Xa.

- c) in function group AD for grades 7 to 15:
  - i) level of education which corresponds to completed university studies attested by a diploma, when the normal period of university education is four years or more, or;
  - ii) a level of education which corresponds to completed university studies attested by a diploma and appropriate professional experience of at least one year when the normal period of university education is at least three years or;
  - ii) where justified in the interests of the service, professional training of an equivalent level.

For the application of the present paragraph 3, points (a)(iii), (b)(ii) and (c)(iii) regarding the internal candidates, professional experience in the Agency structure of an equivalent level to the required educational level may be considered. This equivalence is defined by a Rule of Application of the Director General.

- d) in function group O, a level of secondary education attested by a diploma giving access to post-secondary education, completed by the appropriate professional training and the licence required for the performance of air navigation services as set out by Article 5 of the present General Conditions of Employment.

- 4. Posts coming within the same specialised professional field are subject to specific conditions of recruitment and service career. Servants may move between services according to the same procedures of appointment or transfer existing within a service as defined in the Rule of Application of the Director General provided for under Article 30.

These posts shall be grouped according to professional speciality in different services as set out in Annex I to the General Conditions of Employment.

- 5. Function group AD and AST servants governed by the General Conditions of Employment may also be assigned with the formal consent of the servant concerned to a post governed by the Staff Regulations corresponding to their function group, type of post and grade, according to the same procedures of appointment or transfer existing within a service as defined in the Rule of Application of the Director General provided for under Article 30.

The implementing provisions of paragraphs 4 and 5 of this article, in particular for what concerns the determination of the basic salary, indemnities and allowances in case of move between services, are defined in Appendix Ia.

- 6. Tables showing the types of posts are given in Annex I.

By reference to these tables, the Director General shall define in more detail, in a Rule of Application, after consulting the Staff Committee, the duties and powers attaching to each type of post.

- 7. Identical conditions of recruitment and service career shall apply to all servants belonging to the same function group.

8. The Rule of Application of the Director General mentioned in paragraph 5 shall describe in particular:
- i) the rules relating to:
    - advice on organisational changes in the Agency (for example, following a reorganisation, development of a new activity or major changes in the role and objectives of an organisational unit);
    - analysis of the level, in terms of function group and type of post as laid down in Annex I, Table I; in terms of grade brackets for FCO function group as laid down in Annex I, Table II; and the duties and tasks of the reviewed or newly created jobs within an organisational structure;
    - determination of the grades for publication of the various types of post;
    - the possibility to consider, for specific posts, for the internal candidates, professional experience within the Agency structure as equivalent to the required level of education; the budgetary process with a view to cost- control.
  - ii) a mechanism to create and evaluate types of posts within an organisational structure.
9. The rule of access to posts is established in a separate Rule of Application of the Director General provided for under Articles 9, 30 and 34.

Article 5 (7<sup>(\*)</sup>) (15)

1. To be appointed in a post pertaining to the technical and operational services, staff must satisfy the professional requirements set out by the relevant international instruments or, where applicable, by national legislation and measures issued by the Director General for the assumption of the duties pertaining to the posts to which they are appointed and for the continued performance of such duties.
2. In particular, staff providing air traffic control services must hold a valid Student Air Traffic Controller Licence or a valid Air Traffic Controller Licence. For that purpose, the staff concerned must satisfy the professional requirements set out by the legislation applicable in the State responsible for issuing Student Air Traffic Controller Licences or Air Traffic Controller Licences to EUROCONTROL staff.

Their physical and mental fitness shall be established pursuant to the standards and procedures referred to in a Rule of Application of the Director General.

If the person concerned contests the conclusions of the medical body or medical examiner referred to in this Rule, he may request the review or appeal against the decision taken pursuant to the procedure set out in the relevant national legislation as referred to in the Rule of Application mentioned in the second indent of the present paragraph.

Where a servant no longer meets these physical and mental fitness requirements, he shall be subject to the provisions of Article 51. The servant shall remain entitled to the remuneration and the allowances pertaining to his function until a decision on reassignment or termination of service is taken.

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(\*) See also Office Notice No. 05/10 dated 5.3.10 concerning the " Provisions governing Air Traffic Controllers and Student Air Traffic Controllers licences at Maastricht UAC as from 1.3.10"

3. The physical and mental fitness requirements for appointment to certain posts occupied by staff not covered by paragraph 2 above and the list of posts concerned shall be defined in a Rule of Application of the Director General. The physical and mental fitness of the servants concerned shall be subject to periodical validation. Where a servant ceases to meet the requirements, he shall be declared either temporarily or permanently unfit to perform his duties by the Agency's Medical Adviser and he shall be immediately removed from such duties. If the servant disagrees with the Medical Adviser's conclusions, he may appeal to a medical committee, the composition and rules of procedure of which are determined in the aforementioned Rule of Application.

Where a servant no longer meets these physical and mental fitness requirements, he shall be subject to the provisions of Article 51. The servant shall remain entitled to the remuneration and the allowances pertaining to his function until a decision on reassignment or termination of service is taken.

#### Article 6 (21)

The list of posts appended to the budget of the Agency shall indicate the number of posts in each grade for each function group.

A ceiling of appropriations available for the financing of such posts shall be determined in the annual budget.

The annual budget shall furthermore contain a provision on availability of financial means for the annual updating of remunerations and pensions and career advancements (promotions and steps).

#### Article 7 (15) (21)

1. The Director General shall, acting solely in the interests of the service and without regard to nationality, assign each servant by appointment or transfer to a post in his function group, which corresponds to his grade and his type of post for the posts mentioned in Annex I, Tables I, II.a and III, or to his career bracket in the function group O for the posts mentioned in Annex I, Table II.b.

In order to ensure the continuity of air navigation services, servants may, however, be called on to temporarily perform any duties for which they are qualified.

2. A servant may ask to be transferred to a post corresponding to his function group, type of post and grade governed by the General Conditions of Employment or by the Staff Regulations.
3. Servants may carry out their duties under the authority of the officials of function group AD in the Agency.

#### Article 8 (15) (21)

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

The provisions above do not apply to a servant who occupies a "Support staff" type of post as defined in Annex I.

The procedures specified above will be defined in a Rule of Application of the Director General.

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

The Director General may decide in other exceptional and duly substantiated cases to extend the temporary posting. The total period may not exceed two years.

#### Article 9 (21) (29)

1. There shall be set up:
  - a Staff Committee, which may be organised in sections;
  - a Joint Committee;
  - a Disciplinary Board;
  - a Joint Reports Committee;
  - an Invalidity Committee;
  - a Just Culture Committee.

The composition, competences and procedure of these bodies shall be determined by Rules of Application of the Director General.

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

#### Article 10 (21)

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

It shall bring to the notice of the Director General any difficulty having general implications concerning the interpretation and application of these Conditions of Employment. It may be consulted on any difficulty of this kind.

The Committee shall submit to the Director General suggestions concerning the organisation and operation of the service and proposals for the improvement of staff working conditions or general living conditions.

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



2. In addition to the functions assigned to it by these Conditions of Employment and under the Rules for their application, the Joint Committee may be consulted by the Director General or by the Staff Committee on questions of a general nature which either of the latter thinks fit to submit.
3. In addition to its intervention in disciplinary matters, the opinion of the Disciplinary Board shall be sought in the cases provided for in Article 22.
4. The Invalidity Committee shall exercise the powers conferred on it by these Conditions of Employment and the Rules of Application laid down for the application of them.
5. The opinion of the Joint Reports Committee shall be sought:
  - a) on actions following completion of probationary service regarding Articles 36 and 36a;
  - b) on the analysis of ability, efficiency and conduct in the service for the set up of the list of servants affected by provisions of Article 41;
  - c) on the actions to be taken in connection with appraisal reports pursuant to Article 43;
  - d) on the dismissal measures provided for in Article 52;
  - e) on the termination of service measures provided for in Annex X to the present General Conditions of Employment.

It may be instructed by the Director General to ensure that the periodic reports on staff members are made in a uniform manner within the Agency pursuant to Article 43.

6. The opinion of the Just Culture Committee shall be sought in the case provided in Article 22d of the General Conditions of Employment.

#### Article 10a (15)

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

## TITLE II

### RIGHTS AND OBLIGATIONS OF SERVANTS

#### Article 11 (21)

A servant shall carry out his duties and conduct himself solely with the interests of the Agency in mind; he shall neither seek nor take instructions from any government, authority, organisation or person outside the Agency. He shall carry out the duties assigned to him objectively, impartially and in keeping with his duty of loyalty to the Agency.

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

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

Before recruiting a servant, the Director General 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 Director General of any actual or potential conflict of interest. In such cases, the Director General shall take this into account in a duly reasoned opinion. If necessary, the Director General shall take the measures referred to in Article 11a(2).

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

#### Article 11a (21)

1. A servant shall not, in the performance of his duties and save as hereinafter provided, deal with a matter in which, directly or indirectly, he has any personal interest such as to impair his independence, and, in particular, family and financial interests, subject to paragraph 2.
2. Any servant to whom it falls, in the performance of his duties, to deal with a matter referred to in paragraph 1 shall immediately inform the Director General. The Director General shall take any appropriate measure, and may in particular relieve the servant from responsibility in this matter.
3. A servant may neither keep nor acquire, directly or indirectly, in undertakings which are subject to the authority of the Organisation or which have dealings with it, any interest of such kind or magnitude as might impair his independence in the performance of his duties.

#### Article 12

A servant shall refrain from any action or behaviour which might reflect adversely upon his position.

#### Article 12a (21)

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

2. A servant who has been the victim of psychological or sexual harassment shall not suffer any prejudicial effects on the part of the Agency. A servant who has given evidence on psychological or sexual harassment shall not suffer any prejudicial effects on the part of the Agency, provided the servant has acted honestly.
3. "Psychological harassment" means any improper conduct that takes place over a period, is repetitive or systematic and involves physical behaviour, spoken and/or written language, gestures or other acts that may undermine the personality, dignity or physical or psychological integrity of any person.
4. "Sexual harassment" means conduct relating to sex which is unwanted by the person to whom it is directed and which has the purpose or effect of offending that person or creating an intimidating, hostile, offensive or disturbing environment. Sexual harassment shall be treated as discrimination based on gender.
5. The Director General shall lay down in a Rule of Application the implementing provisions for the above regulations.

#### Article 12b

1. Subject to Article 15, a servant wishing to engage in an outside activity, whether paid or unpaid, or to carry out any assignment outside the Agency, shall first obtain the permission of the Director General. Permission shall be refused only if the activity or assignment in question is such as to interfere with the performance of the servant's duties or is incompatible with the interests of the Agency.
2. A servant shall notify the Director General of any changes in a permitted outside activity or assignment, which occur after the servant has sought the permission of the Director General under paragraph 1. Permission may be withdrawn if the activity or assignment no longer meets the conditions referred to in the last sentence of paragraph 1.

#### Article 13

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

#### Article 14

Article 14 is repealed.

#### Article 15

1. A servant who intends to stand for public office shall notify the Director General. The Director General shall decide, in the light of the interests of the service, whether the servant concerned:
  - a) should be required to apply for leave on personal grounds, or
  - b) should be granted annual leave, or

- c) may be authorised to discharge his duties on a part-time basis, or
  - d) may continue to discharge his duties as before.
2. A servant elected or appointed to public office shall immediately inform the Director General. The Director General shall, having regard to the interests of the service, the importance of the office, the duties it entails and the remuneration and reimbursement of expenses incurred in carrying out those duties, take one of the decisions referred to in paragraph 1. If the servant is required to take leave on personal grounds or is authorised to discharge his duties on a part-time basis, the period of such leave or part-time working shall correspond to the servant's term of office.

#### Article 16 (21)

A servant 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.

Servants intending to engage in an occupational activity, whether gainful or not, within two years of leaving the service shall inform the Agency thereof. If that activity is related to the work carried out by the servant during the last three years of service and could lead to a conflict with the essential interests of the Agency, the Director General may, having regard to the interests of the service, either forbid him from undertaking it or give his approval subject to any conditions he thinks fit.

The Director General shall, having obtained if he deems it necessary the opinion of the Joint Committee, notify his decision within 30 working days of receipt of the declaration 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 compliance with the Data Protection Regulation published by Office Notice, the Agency shall publish annually a list of the explicit or implicit decisions concerned.

In the case of former members of the AD function group, as well as servants to whom Article 42c applies, the Director General shall, in principle, prohibit them, during the 12 months after leaving the service, from engaging in an activity associated with a committee or any body involved in the governance of the Agency, or advocacy of the Agency, including on behalf of their business, clients or employers. Former servants may, however, be members of the Sickness Insurance Management Committee as referred to in Article 38 of Rule of Application No 10.

#### Article 17

1. A servant shall refrain from any unauthorised disclosure of information received in the line of duty, unless that information has already been made public or is accessible to the public.
2. A servant shall continue to be bound by this obligation after leaving the service.

#### Article 17a

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

2. Without prejudice to Articles 12 and 17, a servant who intends to publish or cause to be published, whether alone or with others, any matter dealing with the work of the Agency shall inform the Director General in advance.

Where the Director General is able to demonstrate that the matter is liable seriously to prejudice the legitimate interests of the Agency, the Director General shall inform the servant of its decision in writing within 30 working days. If no such decision is notified within the specified period, the Director General shall be deemed to have had no objections.

#### Article 18 (21)

All rights in any writing or other work done by a servant in the performance of his duties shall be the property of the Agency where such writings or work related to his activities.

The Agency shall have the right to acquire compulsorily the copyright in such works.

Any invention made by a servant in the course of or in connection with the performance of his duties shall be the undisputed property of the Agency. The Agency may, at its expense and in its name, apply for and obtain patents therefore in all countries.

Any invention relating to the work of the Agency made by a servant during the year following the expiration of his term of duty shall, unless proved otherwise, be deemed to have been made in the course of, or in connection with, the performance of his duties.

Where inventions are the subject of patents, the name of the inventor or inventors shall be stated.

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

#### Article 19

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

The provisions of the preceding paragraph shall not apply to a servant or former servant giving evidence before the Disciplinary Board of the Agency or in a law-suit opposing the Agency to a person governed by these Conditions of Employment.

#### Article 20

A servant shall reside either in the place where he is employed or at no greater distance therefrom as is compatible with the proper performance of his duties. The servant shall immediately notify the Director General of his address and inform him of any change of address.

#### Article 21

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

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

#### Article 21a (21)

1. A servant who receives orders which he considers to be irregular or likely to give rise to serious difficulties shall inform his immediate superior, who shall, if the information is given in writing, reply in writing. Subject to paragraph 2, if the immediate superior confirms the orders and the servant believes that such confirmation does not constitute a reasonable response to the grounds of his concern, the servant shall refer the question in writing to the hierarchical authority immediately above.

If the latter confirms the orders in writing, the servant shall carry them out unless they are manifestly illegal or constitute a breach of the relevant safety standards.

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

#### Article 22 (21)

1. The Agency shall cover a servant for damage to third parties caused through his fault in the course of or in connection with the performance of his duties.
2. A servant may be required to make good, in whole or in part, any damage suffered by the Agency as a result of serious misconduct on his part in the course of or in connection with the performance of his duties.

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

3. In view of the financial responsibility assumed by the Authorising Officers, Accountants and Treasurers, as defined in the Financial Regulations of the Agency, may be required to take out insurance policies to cover the risks inherent in this responsibility. The Agency budget shall bear the costs associated with these insurance policies.

#### Article 22a

1. Any servant who, in the course of or in connection with the performance of his duties, becomes aware of facts which give rise to a presumption of the existence of possible illegal activity, including fraud or corruption, detrimental to the interests of the Agency, or of conduct relating to the discharge of professional duties which may constitute a serious failure to comply with the obligations of servants of the Agency shall without delay inform either his immediate superior or the Director General or the body constituted for this purpose direct.

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

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

2. Any servant receiving the information referred to in paragraph 1 shall without delay transmit to the body referred to in paragraph 1 above any evidence of which he is aware from which the existence of the irregularities referred to in paragraph 1 may be presumed.
3. A servant shall not suffer any prejudicial effect on the part of the Agency as a result of having communicated the information referred to in paragraphs 1 and 2, provided that he acted reasonably and honestly.
4. Paragraphs 1 to 3 shall not apply to documents, deeds, reports, notes or information in any form whatsoever held for the purposes of, or created or disclosed to the servant in the course of, proceedings in legal cases, whether pending or closed.

#### Article 22b

1. A servant who further discloses information as defined in Article 22a to the President of the Commission or of the Audit Board or of the Provisional Council or to an Ombudsman, shall not suffer any prejudicial effects on the part of the Agency to which he belongs provided that both of the following conditions are met:
  - a) the servant honestly and reasonably believes that the information disclosed, and any allegation contained in it, are substantially true; and
  - b) the servant has previously disclosed the same information to the body referred to in paragraph 1 of Article 22a or to the Director General and has allowed that body or the Director General a reasonable period of time, given the complexity of the case, to take appropriate action. The servant 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 servant 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 servant in the course of, proceedings in legal cases, whether pending or closed.

#### Article 22c (21)

In accordance with Articles 24 and 91, the Agency shall put in place a procedure for the handling of complaints made by servants 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 Agency shall ensure that such complaints are handled confidentially and, where warranted by the circumstances, before the expiry of the deadlines set out in Article 91.

The Director General shall lay down internal rules on inter alia:

- the provision to servants 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 these servants and of their privacy, and
- the procedure for the handling of complaints referred to in the first paragraph of this Article.

#### Article 22d (21)

1. The Agency shall apply Just Culture principles.
2. Just Culture involves a culture in which frontline operators and other persons are not punished for actions, omissions or decisions that are commensurate with their experience and training, unless they involve gross negligence, wilful violations or destructive acts.
3. The scope of application of a Just Culture is all staff (operational and non-operational) involved in air navigation safety critical activities. Other staff may also be included, as appropriate. The details of application shall be defined by the Director General, including any body which may be needed to deal with this matter.

#### Article 23

The provisions of Article 22 of the EUROCONTROL Convention, by which servants enjoy certain benefits, have been made solely in the interests of the Organisation. Subject to the said provisions, servants shall not be exempt from compliance with private obligations or with existing laws and police regulations.

When difficulties arise in connection with the application of Article 22 of the EUROCONTROL Convention, the servant concerned shall immediately inform the Director General.

#### Article 24

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

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

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

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

#### Article 24a

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

#### Article 25

Servants may submit requests to the Director General in respect of matters relating to these General Conditions of Employment.



Any decision relating to a specific individual which is taken under these Conditions of Employment shall at once be communicated in writing to the servant concerned. Any decision adversely affecting a servant shall state the grounds on which it is based.

Specific decisions regarding appointment, establishment, promotion, transfer, determination of administrative status and termination of service of a servant shall be published by the Agency. The publication will be accessible to all staff for an appropriate period of time.

#### Article 26

The personal file of a servant shall contain:

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

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

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

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

The precedent paragraph shall not however prohibit the insertion in the file of administrative acts and documents known to the servant which are necessary for the application of these General Conditions of Employment.

There shall be only one personal file for each servant.

A servant shall have the right, even after leaving the service, to acquaint himself with all the documents in his file and to take copies of them.

The personal file shall be confidential and may be consulted only in the offices of the Agency or on a secure electronic medium. It shall, however, be forwarded to a Tribunal called upon to decide in a law-suit between the servant and the Agency.

#### Article 26a

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

### TITLE III

#### CAREER OF SERVANTS

##### CHAPTER 1

##### RECRUITMENT

###### Article 27 (21)

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

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

In order to facilitate recruitment on the broadest possible geographical basis, the Agency shall strive to support multilingual and multicultural education for the children of its staff who is entitled to the expatriation allowance.

###### Article 28

A servant may be appointed only on condition that:

- a) he is a national of one of the signatory States of the EUROCONTROL Convention, unless an exception is authorised by the Director General, and enjoys his full rights as a citizen;
- b) he has fulfilled any obligations imposed on him by the laws concerning military service;
- c) he produces the appropriate character references as to his suitability for the performance of his duties;
- d) he has, subject to Article 32, paragraph 2, passed a competition, as provided in a Rule of Application of the Director General;
- e) he is physically fit to perform his duties;
- f) a security clearance certificate is, on request, issued in his name by the National Authorities of the country of which he is a national;
- g) he accepts, in writing, the terms of a letter of appointment; and
- h) he produces evidence of a thorough knowledge of one of the working languages of the Agency and of a satisfactory knowledge of the other language to the extent necessary for the performance of his duties.

###### Article 29

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

- a) the function group, the service and basic post into which the candidate is recruited, the grade to which he is appointed, his salary step and the monthly monetary value of this step;
- b) the length of the probationary period if the establishment is to be dependent on one and also the compensation to be paid in the event of non-establishment;
- c) the special security conditions resulting from the nature of the public service provided by the Agency and which every EUROCONTROL servant is required to observe.

#### Article 30 (21)

1. Before filling a vacant post in the Agency, the Director General shall consider the possibilities to appoint a candidate by
  - i) transfer, or
  - ii) (repealed)
  - iii) promotion, or
  - iv) opening an internal competition at the Agency, or
  - v) opening an internal and external competition simultaneously.

In case of equal qualification or merit, the internal candidate shall be chosen.

2. The procedure regarding the examination of applications for assignment to a post under the conditions referred to above at paragraph 1 shall be defined in a Rule of Application of the Director General. This Rule of Application shall also lay down the appointment rules and in particular the conditions for constituting a reserve for future recruitment.
3. For each competition, a selection board shall be appointed by the Director General. This Board shall draw up a list of suitable candidates.

The Director General 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 Agency.

#### Article 31

Article 31 is repealed.

#### Article 32 (11) (15)

1. The conditions of recruitment, training or further training of persons, including students, who are required to successfully complete a special training course before being appointed to a post in the Operations Division or established in the corresponding grade are given in Annex V to these provisions.

The system of remuneration and the social benefits for students are also given in the said Annex.

2. A procedure other than the competition procedure may be adopted by the Director General for recruitment, in exceptional cases, to posts which require special qualifications.

### Article 33

Admission to training or further training courses may be made subject to the acceptance in writing to remain in the service of the Agency for a period, the length of which shall be determined according to the cost of the probationary period and duration of service.

A servant who fails to meet his obligations may be called on to pay to the Agency, by way of indemnity, all or part of the cost of the probationary period.

The means of application of this Article shall be laid down in a Rule of Application of the Director General.

### Article 34 (21) (29)

1. Candidates selected further to a competition as provided by Article 30 of the present General Conditions of Employment shall be appointed to the grade set out in the vacancy notice, or, if a group of grades has been published, in principle referring to the lowest grade.
2. Without prejudice to Article 32, servants shall be recruited only at grades AST/SC 1 to AST/SC 2 for the type of post "Support staff", at grades AST 1 to AST 5 for the type of post "Assistant", at grades AD5 to AD8 for the type of post "Administrator" and at the basic grade for the other types of posts. The grade(s) of the vacancy notice shall be determined by the Director General in accordance with the following criteria:
  - a) the objective of recruiting servants of the highest standard as defined in Article 27;
  - b) the level of the duties and tasks and the quality of the professional experience required.

To address specific needs of the Agency, labour market conditions may also be taken into account when recruiting servants.

3. A recruitment to a higher grade than the published basic grade, while remaining in the group of grades published may be considered by the Director General, subject to a justification with regard to the market needs, job needs or qualifications of the candidate. The Director General shall notify the Staff Committee of his duly justified decision.
4. Notwithstanding paragraph 2, the Director General may, where appropriate, authorise the organisation of a competition at grade AD9, AD10, AD11 or, on an exceptional basis, at grades AD12 for the types of post of "Administrator" and "Head of Unit or equivalent".
5. Specific provisions applicable to servants in category O are set out in Annex XV.

### Article 35 (21)

1. A servant appointed by way of a competition shall be placed at the first step in his grade.
2. However, the Director General may allow additional seniority up to a maximum of 24 months to take account of his professional experience. The appointment decision shall be substantiated accordingly.
3. Specific provisions applicable to servants in category O are set out in Annex XV.

### Article 35a

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

Where a negative medical opinion is given as a result of the medical examination provided for in the first paragraph, the candidate may, within 20 days of being notified of this opinion, request that his case be submitted for the opinion of a medical committee composed of three doctors chosen by the Agency.

The medical officer responsible for the initial negative opinion shall be heard by the medical committee. The candidate may refer the opinion of a doctor of his choice to the medical committee. Where the opinion of the medical committee confirms the conclusions of the medical examination provided for in the first paragraph, the candidate shall pay 50% of the fees and of the incidental costs.

The provisions of the above paragraphs shall apply without prejudice to those of Article 5 of the present General Conditions of Employment.

### Article 36 (15) (21)

1. Servants shall serve a nine-month probationary period before they can be established. The decision to establish a servant 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 Director General relating to the probationer's conduct with regard to Title II.

Where during his probationary period a servant 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 Director General 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 working days. The report and the comments shall be transmitted forthwith by the probationer's immediate superior to the Director General, which shall, within a period of three weeks, obtain the opinion of the Joint Reports Committee on the action to be taken. The Director General 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 Director General may, in exceptional circumstances, authorise continuation of the probationary period and assign the servant 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 working 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 Director General, which shall, within a period of 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. However, the Director General 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. For conversion controllers, the duration of the probation period shall be specified in Annex V to these General Conditions of Employment.
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 months' basic salary if he has completed less than six months' service.
6. Paragraphs 2, 3, 4 and 5 shall not apply to servants who resign before the end of their probationary period.

#### Article 36a (15) (21)

1. Established servants who are appointed to a new post entailing management functions following a competition in accordance with Article 30.1 shall be appointed subject to a confirmation period of a maximum duration of nine months to verify their aptitude for the post. This period may be shortened if the servant is appointed following a competition preceded by a previous temporary assignment to the post for which he was selected. In such cases, the period shall be at least six months. The duration of the period shall be communicated to the servant prior to his appointment.
2. The posts entailing management activities which are governed by the present provisions shall be the following basic posts defined in Annex I tables I, II.a and III: Advisor, Head of Unit and Administrator in the AD function group and Senior Assistant in the AST function group. The managerial functions and the O grade list of posts governed by the present provisions shall be established by a Rule of Application of the Director General.

Moreover, the vacancy notice published pursuant to Article 30 must stipulate management responsibilities in order for these provisions to apply.

3. Servants shall be appointed to the grade and step corresponding to their new post in accordance with the provisions of the Rule of Application mentioned in Article 30.
4. A report on the ability of the servant to perform the duties pertaining to the new post and also on his efficiency and conduct in the service shall be drawn up every three months. 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 a period of eight working days. The reports and the comments of the servant shall be transmitted forthwith by the servant's immediate superior to the Director General, who shall, within a period of three weeks, obtain the opinion of the Joint Reports Committee on the action to be taken with regard to the appointment.

The Director General may decide, before the expiry of the nine-month period referred to in paragraph 1, to reassign the servant to another post in the same function group with the same grade and step as he held prior to the appointment referred to in paragraph 1.

5. One month at the latest before the expiry of the nine-month period referred to in paragraph 1, a report shall be made on the ability of the servant to perform the duties pertaining to his new post and also on his efficiency and conduct in the service. This report shall be communicated to the servant, who shall have the right to submit his comments in writing within a period of eight working days.
  - a) Where the report confirms the aptitude of the servant, his appointment shall be confirmed on the date of the initial appointment referred to in paragraph 1.
  - b) Where the report concludes that the servant's work is proving obviously inadequate, it and the servant's comments shall be transmitted forthwith by the servant's immediate superior to the Director General, who shall, within a period of three weeks, obtain the opinion of the Joint Reports Committee on the action to be taken with regard to the appointment. The Director General may decide, on expiry of the nine-month period referred to in paragraph 1, to reassign the servant to another post in the same function group with the same grade and step as he held prior to the appointment referred to in paragraph 1.
6. Where, on the basis of paragraph 4 or paragraph 5b), a servant is reassigned to a new post because his appointment has not been confirmed, the period spent in the post for which the appointment was not confirmed shall be taken into account in order to calculate his seniority in the step at which he is reassigned.

Pension contributions paid during the period referred to above and calculated on the basis of a higher grade and step shall be reimbursed for the part exceeding the pension contributions calculated on the basis of the grade and step of the post to which the servant is reassigned.

## CHAPTER 2

### ADMINISTRATIVE STATUS

#### Article 37

Servants 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.
- g) leave in the interests of the service.

## Section 1

### ACTIVE EMPLOYMENT

#### Article 38

A servant in active employment is one who is performing the duties pertaining to the post to which he has been appointed or temporarily assigned as provided for in Title IV.

## Section 2

### SECONDMENT

#### Article 39 (15)

1. A servant on secondment is an established servant who, by decision of the Director General:
  - a) has been directed in the interest of the service to serve temporarily in a post outside the Agency;
  - b) has at his own request been placed at the disposal of another international organisation or body governed by public or private law.

A servant on secondment shall continue to enjoy all his rights under the conditions provided in paragraphs 2 and 3 below and shall remain subject to all his obligations as a servant of the Agency.

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

2. Secondment in the interest of the service shall be governed by the following rules:
  - a) the decision on secondment shall be taken by the Director General after hearing the servant;
  - b) the duration of secondment shall be determined by the Director General;
  - c) at the end of every six months, the servant concerned may request that his secondment be terminated; this period may be extended with the consent of the servant;
  - d) a servant on secondment pursuant to paragraph 1(a) shall be entitled to receive a differential payment where the total remuneration carried by the post to which he is seconded is less than that carried by his grade and step in the Agency, including the allowances referred to in Articles 69b and 69c if applicable; he shall likewise be entitled to reimbursement of all additional expenses entailed by his secondment;
  - e) a servant on secondment pursuant to paragraph 1(a) shall continue to pay pension contributions based on the salary for active employment carried by his grade and step in the Agency, plus the allowances referred to in Articles 69b and 69c, if applicable;
  - f) a servant on secondment shall retain his post, his right to advancement to a higher step and his eligibility for promotion;



- g) when his secondment ends a servant shall at once be reinstated in the post formerly occupied by him.
3. Secondment at a servant's own request shall be governed by the following rules:
- a) the decision on secondment shall be taken by the Director General who shall determine its duration;
  - b) within six months of taking up his new duties a servant may request that his secondment be terminated; he shall then be reinstated at once in the post formerly occupied by him;
  - c) at the end of this period of six months, another person may be appointed to his post;
  - d) during the period of secondment, pension contributions and any pension rights shall be calculated by reference to the salary for active employment carried by his grade and step in the Agency. However, a servant on secondment under paragraph 1(b) who acquires pension rights in the body to which he is seconded shall cease to be affiliated to the pension scheme in the Agency for the duration of this secondment.

A servant who becomes an invalid while on secondment within the meaning of paragraph 1(b) and the dependants of a servant who dies during the same period, shall be entitled under these General Conditions of Employment to the invalidity allowance or survivor's pension less any amounts paid to them on the same grounds and for the same period by the body to whom the servant was seconded.

This provision shall not result in the servant or his dependants being entitled to a total pension higher than the maximum amount he would have received pursuant to these General Conditions of Employment.

- e) during the period of secondment, the servant shall retain his rights to advancement to a higher step;
- f) When his secondment ends a servant must be reinstated in the first post corresponding to his grade which falls vacant in his function group provided that he satisfies the requirements for that post. If he declines the post offered to him, he shall retain his right to reinstatement when the next vacancy corresponding to his grade occurs in his function group, subject to the same proviso; if he declines a second time, he may be required to resign after the Joint Committee has been consulted. Until effectively reinstated he shall continue to be on secondment but unpaid.

### Section 3

#### LEAVE ON PERSONAL GROUNDS

##### Article 40 (15) (21)

- 1. An established servant 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 a servant for the purpose of his engaging in an

occupational activity, whether gainful or not, which involves activity which could lead to the existence or possibility of a conflict with the legitimate interests of the Agency.

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.

In duly substantiated cases, however, the Director General may accept requests for leave on personal grounds exceeding the duration of one year.

The total length of leave on personal grounds may not exceed 12 years in the course of the servant's entire career.

If, however, a servant applies for such leave in order to be able:

- to bring up a child considered as a dependant of the servant within the meaning of Article 2(2) of Rule of Application No 7 and who suffers from a serious mental or physical handicap recognised by the medical officer of the Agency and who requires constant care or supervision; or
- to follow his or her spouse, the latter also being a servant or an official of the Agency required in the course of his or her duties to establish his or her habitual residence at such a distance from the place of employment of the applicant servant that the establishment of their conjugal home in such a place would inconvenience the applicant servant in the performance of his or her duties,
- 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 limit, provided that, at the time of each extension, the conditions which warranted the grant of the leave continue to be fulfilled.

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

However, a servant who is not engaged in a gainful activity may, not later than one month following that in which the leave on personal grounds begins, apply to continue to be covered in accordance with those Articles, provided that he bears half the cost of the contributions required to cover the risks referred to in Articles 72(1) and 73(1) for the first year of the leave on personal grounds and the full cost during the remainder of such leave. Cover in accordance with Article 73 shall be available only if cover has been obtained in accordance with Article 72. The contributions shall be calculated by reference to the servant's last basic salary, plus the allowances referred to in Articles 69b and 69c, if applicable.

Moreover, the servant who proves that he cannot acquire pension rights in another pension scheme may apply to continue to acquire further pension rights for a maximum of one year, provided that he bears the cost of the contribution equal to three times the rate laid down in Article 83(2); the contributions shall be calculated by reference to the basic salary for the servant's grade and step, plus the allowances referred to in Articles 69b and 69c, if applicable.

4. Leave on personal grounds shall be governed by the following rules:
  - a) it shall be granted at the request of the servant concerned by the Director General;
  - b) application for extension shall be made two months before the leave expires;
  - c) another person may be appointed to the post occupied by the servant;
  - d) on the expiry of his leave of less than 12 consecutive years, a servant must be reinstated in the first post corresponding to his grade which falls vacant in his function group and service, provided that he satisfies the requirements for that post. If he declines the post offered to him, he shall retain his right to reinstatement when the next vacancy corresponding to his grade occurs in his function group and service, subject to the same proviso. If the servant declines a second time, he may be required to resign after the Joint Committee has been consulted. Until effectively reinstated or placed on secondment, he shall remain on unpaid leave on personal grounds.
  - e) on the expiry of his leave of 12 consecutive years, and if there is no communication by the servant concerned at the latest by the month preceding the end of such leave, he shall be required to resign.

#### Section 4

#### NON-ACTIVE STATUS

#### Article 41 (21)

1. A servant with non-active status is one who has become supernumerary by reason of reduction in the number of posts in the Agency.
2. Reduction in the number of posts in the types of posts provided for in Annex I shall be decided by the appropriate budgetary authority under the budgetary procedure.

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

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

If the Director General or the Joint Committee considers it necessary, he or it can seek advice from the Joint Reports Committee before the Joint Committee gives its opinion to the Director General.

Servants whose names appear on this list shall be declared to have non-active status by decision of the Director General.

3. While possessing this status a servant shall cease to perform his duties and to enjoy his rights to remuneration or advancement to a higher step, but shall continue, for a period not exceeding five

years, to accumulate rights to retirement pension based on the salary carried by his grade and step, plus the allowances referred to in Articles 69b and 69c, if applicable.

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

A servant assigned to non-active status shall receive an allowance calculated in accordance with Annex II.

Income received by the servant from any new employment during this period shall be deducted from the allowance provided for in the preceding subparagraph if that income and the allowance together exceed the total remuneration last received by the servant based on the salary scale in force on the first day of the month for which the allowance is to be paid.

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

No correction coefficient shall be applicable to the allowance.

However, the allowance and the total remuneration last received, as referred to in the fourth subparagraph of this Article, shall be subject to the weighting referred to in the first subparagraph of Article 3(5) of Annex XI to the staff regulations of the European Union, at the rate fixed for the country inside the Member States of the Organisation where the recipient proves he has his residence, provided that Member State was the recipient's last place of employment. In such cases, if the currency of the Member State is not the euro, this allowance is calculated on the basis of the exchange rates provided for in Article 63 of these General Conditions of Employment.

4. At the end of the period of entitlement to the allowance, the servant shall be required to resign. He shall, where appropriate, receive a retirement pension as provided in the pension scheme.
5. A servant who before expiry of the two-year period specified in paragraph 3 above has been offered a post corresponding to his grade and has declined it without good reason may, after the Joint Reports Committee has been consulted, be deprived the benefit of the foregoing provisions and be required to resign.

## Section 5

### LEAVE FOR MILITARY SERVICE

#### Article 42

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

A servant who is called up for military service shall cease to receive his remuneration but shall retain his right to advancement to a higher step and promotion under these General Conditions of Employment. He shall also retain his right to enjoy retirement pension if after completing his military service, he pays up his pension contributions retroactively.

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

## Section 6

### PARENTAL OR FAMILY LEAVE

#### Article 42a (1) (3) (4) (6) (8) (12) (16) (18) (19) (20) (21) (22) (26) (28) (31)

A servant 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 Director General and for parents of dependent children with a disability or a severe illness recognised by the Agency's medical adviser. The minimum leave taken at any one time shall not be less than one month.

During parental leave, the servant's membership of the social security scheme shall continue; the acquisition of pension rights, dependent child allowance and education allowance shall be maintained. The servant 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 servant shall be entitled to an allowance of EUR 1074.44 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 Agency and calculated on the basis of the basic salary of the servant. 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 servant's contribution shall be calculated by using the same percentages as if he were in full-time employment. The pension contributions paid and pension rights acquired by servants recruited or appointed to the posts governed by Article 56a.5 of the General Conditions of Employment shall be determined in proportion to the specific rate of employment in the said posts.

The allowance shall be EUR 1432.59 per month, or 50% of such sum if the servant 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 adviser referred to in the first paragraph and during the first three months of parental leave where such leave is taken by the father during maternity leave or by either parent immediately after maternity leave or during or immediately after adoption leave. The amounts mentioned in this Article shall be adapted in line with remuneration.

Parental leave may, on the basis of a decision of the Director General, 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, the 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.

The amounts mentioned in this Article shall be updated in line with remuneration.

#### Article 42b

In the case of medically certified serious illness or disability of a servant's spouse, relative in the ascending line, relative in the descending line, brother or sister, the servant shall be entitled to a period

of family leave without basic salary. The total period of such leave shall not exceed nine months over the servant's entire career.

The second paragraph of Article 42a shall apply.

#### Section 7 (21)

Leave in the interests of the service

#### Article 42c (21)

A servant with at least twenty years of service may, with his agreement, be placed by decision of the Director General on leave in the interests of the service for organisational needs linked to the acquisition of new competences within the Agency.

Such leave shall not constitute a disciplinary measure.

When the servant placed on leave in the interests of the service reaches the age of 65, in the case of servants recruited prior to 1 July 2016, and 66 in the case of servants entering into service as from that date, if he is subject to the provisions of Article 53.1 or 53.3, or reaches the age of 57 for servants subject to the provisions of Article 53.2 or 53.4, he shall automatically be retired. The leave period shall however cease when the servant concerned meets, prior to attaining the said ages, the conditions giving entitlement to the maximum retirement pension rate (70%).

Nonetheless, the servant placed on leave in the interests of the service may at any time ask to be retired. His retirement pension shall then be calculated on the basis of the rights acquired under the EUROCONTROL Pension Scheme on the effective date of his request.

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

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

The servant placed on leave in the interests of the service shall be paid an allowance equal to 70% of the amount of the final basic salary received prior to being placed on leave in the interests of the service. The basic salary shall be determined in accordance with the provisions of Article 66 and of Annex XIII Part 2 of the General Conditions of Employment. The basic salary shall be increased, where applicable, by the allowance referred to in Articles 69b and 69c of the General Conditions of Employment payable to the servant concerned at the time of being placed on leave in the interests of the service.

Articles 2, 3 and 4 of the Appendix to Annex XVI to Staff Regulations relating to an early termination of service scheme which entered into force on 1 January 2011 shall be applicable by analogy.

However, the servant placed on leave in the interests of the service may ask to contribute to the pension scheme on the basis of his allowance and consequently to acquire reduced pension rights.

The allowance shall be subject to contributions to the pension scheme, calculated on the basis of that allowance plus 70% of the allowance referred to in Article 69c, if applicable.

However, the servant placed on leave in the interests of the service may request that contributions to the pension scheme be calculated by reference to his last basic salary plus the allowance referred to in Articles 69b and 69c, if applicable.

For the purpose of the provisions of Annex IV, acquired pension rights shall be calculated in proportion to the percentage of contributions paid.

### CHAPTER 3

#### APPRAISALS, ADVANCEMENT TO A HIGHER STEP AND PROMOTION

##### Article 43 (21)

The ability, efficiency and conduct in the service of each servant shall be the subject of an annual report as provided by a Rule of Application of the Director General.

That report shall state whether the performance level of the servant has been satisfactory or not.

The servant assigned to a post of the function group O shall be the subject of a report at least every two years or at any time when his performances are no more satisfactory or if he requests it.

If the servant is assigned to a post of Air Traffic Controller as referred to in Annex I, Table II.b, the period of two years is extended to four years.

If the servant has a negative report, then all the following reports shall mention if he has reached again or not a satisfactory level of performance.

The aforementioned Rule of Application of the Director General shall lay down in particular the 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 91(2).

As of grade AST5, the report of servants may also contain an opinion as to whether the servant, on the basis of his performance, has the potential to carry out an administrator's functions.

The implementing provisions of this paragraph are set out in the aforementioned Rule of Application of the Director General.

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

##### Article 44 (21)

1. A servant who has been at one step in his grade for two years shall advance to the next step in that grade, unless his performance has been evaluated as unsatisfactory pursuant to the last report referred to in Article 43. A servant shall advance to the next step in his grade after no later than four years, unless the procedure laid down in Article 52.1, is applied.
2. The Director General may grant specific rewards, including anticipation of the next step, subject to the budgetary limits available.

Such rewards shall be awarded to recompense the special efforts of servants who have achieved, alone or within a team, outstanding results in the performance of their tasks.

3. The conditions of application of the paragraphs above are set out in a Rule of Application of the Director General.

#### Article 45 (15)

Servants may, with the authorisation of the Director General, follow professional training with a view to their assignment to a post in another division.

The assignment to another division shall be subject to the criteria for transfers or competitions, depending on whether it is made within an equivalent or a higher grade bracket.

#### Article 46 (21)

1. Promotion shall be by decision of the Director General subject to availability of budgetary appropriations. Unless the procedure laid down in Articles 3 and 30(1) is applied, servants may only be promoted if they occupy a post which corresponds to one of the types of posts set out in Annex I or Article 19 of Annex XIII, for the next higher grade.

Promotion shall be effective by appointment of the servant to the next higher grade in the function group and type of post to which he belongs.

For the servants of the O grade Operational Service, the next higher grade shall be within the grade bracket as defined in Annex I, Table II.b.

Promotion shall be exclusively by selection from among servants who have completed a minimum period of two years in their grade, after consideration of the comparative merits of the officials eligible for promotion. Merit shall be understood as e.g. performance and long-standing commitment.

When considering comparative merits, the Director General shall take account of the appraisal reports on the servants concerned and the level of responsibilities exercised by them.

A Rule of Application of the Director General shall lay down the criteria and processes applicable for promotion.

2. Provisions relating to the promotion of servants occupying a post pertaining to function group O are set out in Annex XV.

#### Article 46a (3) (21)

Article 46a is repealed.

#### Article 47

A servant appointed to a higher grade in accordance with Article 46 shall be placed in the initial step in that grade.

Specific provisions applicable to servants occupying a post pertaining to function group O are set out in Annex XV.



## CHAPTER 4

### TERMINATION OF SERVICE

#### Article 48

Service shall be terminated by:

- a) resignation;
- b) compulsory resignation;
- c) physical or mental unfitness;
- d) dismissal for incompetence;
- e) removal from post;
- f) retirement;
- g) death.

#### Section 1

### RESIGNATION

#### Article 49 (15) (21)

A servant who wishes to resign shall state unequivocally in writing his intention to leave the service of the Agency definitively. The servant shall submit a letter of resignation to the Director General at least one month prior to the date on which he intends to leave the service.

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

Resignation shall take effect on the date specified by the Director General; that date shall not be more than three months after the date proposed by the servant in his letter of resignation, and not more than one month in the case of servants in function groups AST/SC.

#### Section 2

### COMPULSORY RESIGNATION

#### Article 50

A servant shall be required to resign where he ceases to fulfil the conditions laid down in Article 28 a), or in the cases covered by Articles 13, 40 and 41(4) and (5), and by Article 14, second subparagraph of Annex IV.

Reasoned decisions requiring servants to resign shall be taken by the Director General after consulting the Joint Committee and hearing the servant concerned.

In the case of appointment for a limited period taken before 1 May 2002, expiry of the period of this appointment or of the period of extension shall have the same effect as compulsory resignation.

### Section 3 (21)

#### RETIREMENT IN THE INTERESTS OF THE SERVICE

### Article 50a (21)

The Director may be retired in the interests of the service by decision of the Director General, subject to approval by the Permanent Commission.

Such retirement shall not constitute a disciplinary measure.

A servant thus retired who is not assigned to another post corresponding to his grade shall receive an allowance calculated in accordance with Annex II.

Income received by the concerned servant from any new employment during this period shall be deducted from the allowance provided for in the preceding subparagraph, if that income and the allowance together exceed the total remuneration last received by the servant based on the salary scale in force on the first day of the month for which compensation is to be paid.

The person concerned shall be required to provide on request written proof and to notify the Agency of any factor that may affect entitlement to the benefit.

The allowance shall not be subject to a correction coefficient.

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

When the servant's entitlement to the allowance ceases, he shall be entitled, provided he has attained the age of 58 years, to receive payment of pension, no reduction under Article 9 of Annex IV being made.

### Section 4 (21)

#### CONSEQUENCES OF PHYSICAL AND MENTAL UNFITNESS (15)

### Article 51 (15) (21)

1. The service of servants holding a valid student air traffic controller licence or a valid air traffic controller licence and who, under the conditions laid down in paragraph 2 of Article 5, are found to be permanently unfit to perform their duties may be terminated.

The service of such servants may only be terminated if they are not reassignable, in accordance with paragraph 3 below, to a post carrying either the same or a lower grade within the same or another function group even after conversion training or if they have refused an offer of reassignment.

The provisions of paragraphs 3 and 4 of Article 78 shall be applicable accordingly.

The Agency shall implement measures to guarantee, for a determined period, an amount in order to partially compensate the loss of income arising from the fact that the servant concerned occupying a post of Air Traffic Controller, Training Coordinator, Room Supervisor or Duty Supervisor is recognised as being unfit to perform his duties after 15 years of service in Maastricht Operations Room. The conditions and implementing provisions shall be defined in a Rule of Application of the Director General. The contribution is expressed as a percentage of the basic salary.

The servants concerned shall contribute one third of the cost of financing these measures.

2. Where servants under the conditions set out in paragraph 3 of Article 5 are declared either temporarily or permanently unfit, the Director General shall explore all options for reassigning the servant to a different post, at the same or a lower grade, in the same or in another function group, including if necessary retraining measures.
  - a) If the unfitness is temporary and is not expected to last longer than one year, the servant shall be temporarily assigned to another post carrying the same grade or, failing that, to another post for which he is suited.
  - b) If the temporary unfitness lasts longer than one year or such unfitness is permanent, the servant shall be reassigned to another post, provided that he satisfies the requirements for that post.

The provisions of paragraphs 3 and 4 of Article 78 shall be applicable accordingly.

3. Before offers of reassignment are made, which may also concern posts governed by the Staff Regulations, they shall be submitted for the approval of the Reassignment Committee, whose composition and rules of procedure shall be the same as those of the Joint Reports Committee.

Any proposal for the discharge of a servant under the terms of the present Article shall set out the reasons on which it is based and shall be communicated to the servant concerned. He shall be entitled to make any comments thereon which he considers relevant. The reasoned decision to discharge a servant shall be taken by the Director General after hearing the opinion of the Reassignment Committee as defined in the preceding subparagraph.

#### Section 5 (21)

#### PROCEDURE FOR DEALING WITH INCOMPETENCE

#### Article 52 (15) (21)

1. The Director General shall define procedures to identify, deal with and remedy cases of incompetence in a timely and appropriate fashion in accordance with the rules set out below:
  - a) a servant who, on the basis of three consecutive unsatisfactory annual reports as referred to in Article 43, still shows no progress in his professional competence, he shall be downgraded by one grade.

If the following two consecutive annual reports still show unsatisfactory performance, the servant shall be dismissed.

- b) any proposal to downgrade or dismiss a servant shall set out the reasons on which it is based and shall be communicated to the servant concerned. The Director General's proposal shall be referred to the Joint Reports Committee provided for in Article 9.
2. The servant 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 servant may submit written comments. He shall be heard by the Joint Reports Committee. The servant may also call witnesses.
3. The Director General shall be represented before the Joint Reports Committee by a servant designated for that purpose. That servant shall have the same rights as the servant concerned.
4. In the light of the proposal under paragraph 1 point b) and any written and verbal statements from the servant concerned or from witnesses, the Joint Reports 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 Director General and to the servant concerned within two months of the date on which the matter is referred to it. The chairman shall not vote on decisions of the Appointments Review Board, except in procedural matters and where votes are tied.
5. A servant dismissed for incompetence shall, for the period defined in paragraph 6, be entitled to a monthly dismissal allowance equal to the basic monthly salary of a servant in the first step of AST1 or O1 for servant of the function group O. The servant shall also be entitled during the same period to the family allowances provided for in Article 67. The household allowance shall be calculated on the basis of the basic monthly salary of a servant in AST1 or O1 for servant of the function group O, in accordance with Article 1 of Rule of Application No 7.

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

6. The period during which the payments referred to in paragraph 5 shall be made is to be calculated as follows:
  - a) three months where the servant has completed less than five years' service at the date on which the dismissal decision is taken;
  - b) six months where the servant has completed at least five years' service but less than ten;
  - c) nine months where the servant has completed at least ten years' service but less than twenty;
  - d) twelve months where the servant has completed over twenty years' service.
7. Servants who are downgraded on grounds of incompetence may after a period of six years ask for all references to that measure to be deleted from their personal files.
8. Servants shall be entitled to reimbursement of reasonable expenses incurred on their initiative in the course of the proceedings, including fees payable to a defending adviser not belonging to the

Agency, where the proceedings provided for in this Article end without any decision being taken to dismiss or downgrade.

9. Annex XI and a Rule of Application of the Director General set out the arrangements for the application of this Article.
10. Air Traffic Controllers, Training Coordinators, Room Supervisors and Duty Supervisors shall be declared competent in accordance with the professional requirements set out in the legislation applicable in the State responsible for issuing air traffic controller licences to EUROCONTROL servants. They shall be assessed for incompetence in accordance with the present Article only for elements not already covered by the professional competency assessment scheme applicable at the Maastricht Centre.

#### Section 6 (21)

#### RETIREMENT

#### Article 53 (2) (10) (15) (21) (30)

1. Retirement provisions applicable to all staff (except staff mentioned under § 2, 3 and 4).

A servant shall be retired:

- a) either automatically on the last day of the month in which he reaches the age of 66.
- b) or at his own request on the last day of the month in respect of which the request was submitted where he has reached the 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 IV.

The second sentence of the second subparagraph of Article 49 shall apply by analogy.

However, on an exceptional basis, a servant may at his own request and only in the case where the Director General considers it justified in the interest of the service, carry on working until the age of 67, 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 Director General decides to authorise a servant 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 servant's request.

2. Retirement provisions applicable to controllers recruited after 2 May 1990 and before 1 July 2016 and to student air traffic controllers recruited before 1 July 2016 and not yet appointed as a controller on this date.

A servant occupying a post of Air Traffic Controller, Training Coordinator, Room Supervisor or Duty Supervisor in the Operations Division (Annex I, Table II.b) shall be retired on the last day of the month in which he reaches the age of fifty-five. At the request of the servant, the latter remains in service, provided his physical and mental fitness to perform air traffic control duties is maintained as well as his competence to perform air traffic control functions for a maximum period of one year, renewable for maximum periods of one year until the servant reaches the age of 60. Nevertheless,

if during the last two years of service prior to an extension the servant has been absent because of sickness for more than 20% of the average working time, management shall seek the advice of the Agency's Medical Adviser and may revoke the extension on the basis of such advice.

In the event that the fitness or competence conditions are not met, servants may be assigned to other duties provided management accepts their request in the light of service requirements, taking into account their expertise. The assignment to other duties shall be subject to the provisions of the Rule of Application setting out the working conditions of staff which have to perform specific duties or ensure the continuous operation of certain services by a system of shifts worked in rotation and assigned to a post mentioned in Annex I, table II.b of the GCE.

Any request to remain in service beyond the age of 55 must be submitted by the servant concerned at the latest before the age of 52 if he wants to remain in service until 56 and at the latest before the age of 53 if he wants to request a further extension to remain in service until 57. If no such request is submitted within the specified time limits, a servant shall retire at the age of 55.

Any request to remain in service beyond the age of 57 must be submitted by the servant concerned at the latest 12 months prior to the start of the requested extension. Any servant aged 56 or over as at 1 July 2019 may submit such a request in the month following that date. If no such request is submitted within the specified time limits, a servant shall retire at the age of 57.

If a servant does not submit the request to remain in service within the specified time limits, he may nonetheless submit a belated request that shall be subject to management acceptance.

If, however, any unexpected (and duly substantiated) incident arises affecting the personal situation of a servant after the age of 52, 53 or 56 respectively, the servant concerned may submit a belated or new request or alter his initial request.

A servant occupying a post of Air Traffic Controller, Training Coordinator, Room Supervisor or Duty Supervisor may also retire, at his own request, on the last day of the month in respect of which the request was submitted where he has reached an age between 50 and 55 and satisfies the requirements for immediate payment of a pension in accordance with Article 9 of Annex IV. This request for an anticipated retirement shall be introduced at least one year prior the requested departure date. If, however, any unexpected and duly substantiated incident arises affecting the personal situation of a servant, he may submit a belated or new request or alter his initial request.

The servant subject to the provisions of the present paragraph may retain this entitlement to retire at 55, on request, when transferred after 1 July 2000 to an operational support post, provided he has worked as a controller and has kept his licence in order for seven years following establishment. His performance must be satisfactory. At the request of the servant and subject to acceptance by the Director General, a servant may remain in service for a maximum period of one year, renewable once only for a one-year period.

Conversion controllers recruited on the basis of Annex V, and subject to the provisions of the present paragraph, may retain, on request, the entitlement to retire as from the age of 55 when transferred after 1 July 2000 to an operational support post, provided they have worked as a controller and kept their licence in order for a minimum of five years following establishment complemented by five years' experience as an ATCO gained outside the Maastricht Operations Room. Their performance must be satisfactory.

3. Retirement provisions temporarily applicable to Flight Data Specialists referred to in Annex I, Table II.b as from 1 July 2000.

A servant occupying a post in the Operations Division (Annex I, Table II.b) on 1 July 2000 and performing "flight data" specialist functions may, at his request, leave the service on the last day of the month in which he reaches the age of fifty-eight.

The servant benefiting from this measure shall then be retired. He shall receive a retirement pension, without application of the penalties laid down in Article 9 of Annex IV, which shall take effect on the first day of the month following the month in which he reached the age of fifty-eight.

The servant subject to the provisions of this paragraph may retain his entitlement, at his request, when transferred after 1 July 2000 to another post falling under Annex I, Table II.b of the General Conditions of Employment.

4. Retirement provisions applicable to controllers recruited as of 1 July 2016.

A servant occupying a post of Air Traffic Controller, Training Coordinator, Room Supervisor, Military Room Supervisor or Duty Supervisor in the Operations Division (Annex I, Table II.b) shall be retired on the last day of the month in which he reaches the age of 57. In the case of Military Room Supervisors, the retirement age is without prejudice to the provisions of Annex XXII hereto, if applicable. At the request of the servant, the latter remains in service, provided his physical and mental fitness to perform air traffic control duties is maintained as well as his competence to perform air traffic control duties, for a maximum period of one year, renewable for maximum periods of one year until the servant reaches the age of 60. Nevertheless, if during the last two years of service prior to the extension the servant has been absent because of sickness for more than 20% of the average working time during that period, management shall seek the advice of the Agency's Medical Adviser and may revoke the extension on the basis of such advice.

Any request to remain in service beyond the age of 57 must be submitted by the servant concerned at the latest 12 months prior to the start of the requested extension.

If a servant does not submit the request to remain in service within the specified time limit, he may nonetheless submit a belated request that shall be subject to management acceptance.

In the event that the fitness or competence conditions are not met, servants may be assigned to other duties provided management accepts their request in the light of service requirements, taking into account their expertise. The assignment to other duties shall be subject to the provisions of the Rule of Application setting out the working conditions of staff which have to perform specific duties or ensure the continuous operation of certain services by a system of shifts worked in rotation.

If, however, any unexpected (and duly substantiated) incident arises affecting the personal situation of a servant after the age of 56, the servant concerned may submit a belated or new request or alter his initial request.

The concerned servant may also retire, at his own request, on the last day of the month in respect of which the request was submitted where he has reached an age between 52 and 57 and satisfies the requirements for immediate payment of a pension in accordance with Article 9 of Annex IV. This request for an anticipated retirement shall be introduced at least twelve months prior the requested departure date. If, however, any unexpected and duly substantiated incident arises affecting the personal situation of a servant, he may submit a belated or new request or alter his initial request.

The servant subject to the provisions of the present paragraph may retain the retirement age of 57, when transferred after 1 July 2016 to an operational support post, provided he has worked as a controller in the Maastricht Centre and has kept his licence in order for fifteen years following establishment. His performance must be satisfactory.

Conversion controllers recruited on the basis of Annex V, and subject to the provisions of the present paragraph, may retain, on request, the entitlement to retire as from the age of fifty-seven when transferred after 1 July 2016 to an operational support post, provided they have worked as a controller and kept their licence in order for a minimum of ten years following establishment complemented by five years' experience as an ATCO gained outside the Maastricht Operations Room. Their performance must be satisfactory.

5. All requests relating to anticipated retirement in accordance with paragraphs 1, 2 and 4 above shall be submitted at least twelve months prior to the requested date of retirement or extension of service. This period may be shortened by decision of the Director General in duly substantiated cases.

#### Article 54

A servant found by the Invalidity Committee to fulfil the conditions laid down in paragraph 1 of Article 78 shall, without prejudice to the provisions of Article 51 above, automatically be retired on the last day of the month in which the Director General recognises his permanent incapacity to perform his duties.

#### Section 7 (21)

### HONORARY RANK

#### Article 55

On termination of service a servant may be given an honorary rank either in his grade or in the next higher grade, by decision of the Director General.

No pecuniary benefits shall attach to such honorary rank.



## TITLE IV

### WORKING CONDITIONS OF SERVANTS

#### CHAPTER 1

#### HOURS OF WORK

##### Article 56 (15) (21)

1. Servants in active employment shall at all times be at the disposal of the Agency.
2. However, the normal working week shall not exceed forty-two hours, the hours of the working day to be determined by the Director General. Within the same limits, the Director General may, after consulting the Staff Committee, determine the hours to be worked by certain groups of servants engaged on particular duties.
3. The Director General shall introduce flexible working-time arrangements in an Office Notice.
4. Staff may not be required to work overtime, except in cases of urgency or exceptional pressure of work; night work and all work on Sundays and public holidays may be authorised only in accordance with the procedure laid down by the Director General. The total overtime, which a servant may be asked to work, shall not exceed 150 hours in any period of six months, prior to application of overtime factors.

Overtime worked by servants in function group AD and in function group AST, grade 5 to 11, shall carry no right to compensation or remuneration, except for servants occupying a post mentioned in Table III or Table II.a of Annex I.

As provided in a Rule of Application of the Director General, overtime worked by servants in grades AST/SC1 to AST/SC6 and grades AST1 to AST4, shall entitle them either to compensatory leave or remuneration where requirements of the service do not allow compensatory leave during two months following that in which the overtime was worked.

5. The working conditions of staff, which have to perform specific duties or ensure the continuous operation of certain services by a system of shifts worked in rotation, shall be laid down in a Rule of Application by the Director General subject to the approval of the Provisional Council.

Overtime and the constraints entailed by the inconvenient and exacting nature of shift work performed by this staff shall be compensated in accordance with the provisions of the Rule of Application referred to in the preceding paragraph. The said Rule of Application may embody departures from the provisions of paragraphs 1 and 2 of the present Article.

##### Article 56a (3) (15) (21)

1. A servant may request authorisation to work part-time.

The Director General may grant such authorisation if this is compatible with the interests of the service.

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

- a) to care for a dependent child under 9 years of age,
- b) 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,
- c) to care for a dependent child until he reaches the age of 14 when the servant is a single parent,
- d) in cases of serious hardship defined by the Director General in implementing provisions, 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 IIa shall not apply. Where both parents are employed in the service of EUROCONTROL, only one shall be entitled to such reduction,
- e) to care for a seriously ill or disabled spouse, relative in the ascending line, relative in the descending line, brother or sister,
- f) to take part in further training where the training is in the interest of the service, or
- g) for servants subject to the provisions of Article 53, paragraph 1, as of the age of 58 during the last three years before he reaches pensionable age.
- h) to benefit, during the last eight years prior to retirement, of acquiring leave days to be used in the three years prior to retirement.
- i) for servants who occupy a post of Air Traffic Controller, Training Coordinator, Room Supervisor or Duty Supervisor in the Operations Division (Annex I, Table II.b), as of the age of 50, for servants recruited before 1 July 2016 or as from the age of 52 for those recruited as from that date and under the conditions laid down at Article 7 of Annex IIa.

Where part-time is requested in order to take part in further training (point f), or during the last three years before reaching pensionable age, but not before the age of 58 (point g), or, when the servant occupies a post of Annex I, Table 2.b, for acquiring leave days during the last 8 years of service (point h), the Director General 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 granted 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 servant's career.

3. The Director General shall reply to the servant's request within 60 calendar days.
4. The rules governing part-time work and the procedure for granting authorisation are laid down in Annex IIa.
5. The Director General may define in a Rule of Application job functions for which, independent of the previous provisions, part-time arrangements may be offered. Part-time work may not be less than half the normal working time.
6. The Director General may furthermore define conditions for teleworking in the Rule of Application mentioned above.

#### Article 56b

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

Article 3, except for the last sentence of subparagraph 2, of Annex IIa and Article 59a shall apply.

The Director General may lay down detailed rules for the application of these provisions in the Rule of Application mentioned at Article 56a above.

### CHAPTER 2

#### LEAVE

#### Article 57 (5)

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

In the case of servants assigned to a post mentioned in Annex I, Table II.b of the present General Conditions of Employment and who ensure the continuous operation of certain services by a system of shifts worked in rotation, the annual leave entitlement shall be determined in the Rule of Application concerning working conditions of the staff referred to above; it shall be not less than 18 working days for a period of twelve full months of service.

Apart from this annual leave a servant may, exceptionally on application, be granted special leave. The rules relating to such leave are laid down in a Rule of Application.

#### Article 58 (21)

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 6 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 of 24 weeks. Premature birth for the purposes of this provision is a birth taking place before the end of the 34<sup>th</sup> week of pregnancy.

#### Article 59 (21)

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

The servant concerned shall notify the Agency of his incapacity, as soon as possible and at the same time state his present address. He shall produce a medical certificate if he is absent for more than three days. This certificate must be sent on the fifth day of absence at the latest, as evidenced by the date as postmarked. Failing this, and unless failure to send the certificate is due to reasons beyond his control, the servant's absence shall be considered as unauthorised.

A servant on sick leave may at any time be required to undergo a medical examination arranged by the Agency. If the examination cannot take place for reasons attributable to the servant, his absence shall be considered as unauthorised as from the date that the examination is due to take place.

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

If the servant considers the conclusions of the medical examination arranged by the Agency to be unjustified on medical grounds he may, within two working days of receipt of the decision declaring his absence unauthorised, submit to the Director General a request that the matter be referred to an independent doctor for an opinion.

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

The independent doctor's opinion, given after consultation of the servant's doctor and the Agency's medical officer, shall be binding.

Where the independent doctor's opinion confirms the conclusion of the examination arranged by the Agency, the absence shall be treated as unjustified from the date of that examination. Where the independent doctor's opinion does not confirm the conclusion of that examination, the absence shall be treated for all purposes as having been justified.

2. If, over a period of twelve months, a servant is absent for up to three days because of sickness without a medical certificate for a total of more than twelve days, he shall produce a medical certificate for any further absence because of sickness. His absence shall be considered to be unjustified as from the thirteenth day of absence on account of sickness without a medical certificate.
3. Without prejudice to the application of the rules on disciplinary proceedings, where appropriate, any absence considered to be unjustified under paragraphs 1 and 2 shall be deducted from the annual leave of the servant concerned. In the event that the servant has no outstanding leave entitlement, he shall lose the benefit of his remuneration for the corresponding period.
4. With a view to reintegrating a servant into full-time work following an illness or an accident, the Agency's Medical officer may, on the basis of a medical certificate, authorise him to work part-time on medical grounds for a maximum of 12 months over a three-year period. The Director General may, in line with an opinion from the Agency's Medical officer, derogate from this limitation if the reintegration of the servant into full-time work requires more than 12 months. However, the maximum period of part-time working on medical grounds may not exceed 24 months.

The time worked part-time on medical grounds may not be less than 50% of the time worked by a full-time official.

At the end of the 12-month period of part-time work on medical grounds, which may be extended by decision of the Director General, the servant is obliged to resume working full-time. If he is not deemed fit to work full-time by the Agency's Medical officer, on the basis of a medical certificate, the Director General shall refer the servant's case to the Invalidity Committee to consider partial permanent invalidity subject to the conditions of Article 6 of Annex IIa.

5. The Director General may refer to the Invalidity Committee the case of any servant whose sick leave totals more than twelve months in any period of three years to consider total permanent invalidity subject to the conditions of Article 78 of the present General Conditions of Employment. Such referral shall only be optional and shall not constitute a right for the servant.
6. A servant may be required to take leave after examination by the Agency's medical officer if his state of health so requires or if a member of his household is suffering from a contagious disease.

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

7. Without prejudice to special provisions applicable to staff in the technical divisions in pursuance of Article 5 above, servants shall undergo a medical check-up required by the Agency, to be carried out either by a medical officer designated by the Agency or by a medical practitioner chosen by the servant concerned.

In the latter case, the practitioner's fees shall be reimbursable by the Agency up to a maximum amount fixed for a period of no more than three years by the Director General.

#### Article 59a

The annual leave of a servant working part-time shall, for as long as he is so authorised, be reduced proportionally.

#### Article 60

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

If a servant wishes to spend sick leave elsewhere than at the place where he is employed, he shall obtain prior permission from the Director General.

### CHAPTER 3

#### PUBLIC HOLIDAYS

#### Article 61

A list of public holidays shall be drawn up by the Director General.

## TITLE V

### EMOLUMENTS AND SOCIAL SECURITY BENEFITS OF SERVANTS

#### CHAPTER 1

#### EMOLUMENTS

##### Section 1

#### REMUNERATION

##### Article 62

In accordance with a Rule of Application of the Director General and save as otherwise expressly provided, a servant who is duly appointed shall be entitled to the remuneration carried by his grade and step.

A servant may not waive his entitlement to remuneration.

Remuneration shall comprise:

- a) basic salary;
- b) family allowances;
- c) expatriation allowance;
- d) other allowances.

##### Article 62a

A servant's remuneration shall be subject to an internal tax for the benefit of the Organisation pursuant to the provisions of Annex VI.

##### Article 63 (17)

A servant's remuneration shall be expressed in euros. It shall be paid in the currency of the country in which the servant performs his duties or in euros.

Remuneration paid in a currency other than the euro shall be calculated on the basis of the exchange rates, as published in the Official Journal of the European Union on 1 July of each year.

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

##### Article 64 (17) (21)

A servant's remuneration expressed in euros shall, after the compulsory deductions set out in these Conditions of Employment or in any Rule of Application of the Director General have been made, be subject to adjustment to take account of the taxation system applicable and be weighted at a rate above, below or equal to 100%, depending on the living conditions in the relevant country of posting.

The weightings (correction coefficients) shall be set or withdrawn and annually updated in accordance with Annex VII at the time of the annual remuneration update provided for in Article 65.

No weighting shall be applicable in Belgium or Luxembourg, which shall serve as the reference places of employment.

#### Article 65 (17)

1. The remuneration of servants shall be updated every year.

Particular account shall be taken of any civil service salary increases in the Member States and the recruitment needs of the Agency.

The remuneration update shall be implemented by the Director General in accordance with Annex VII.

EUROCONTROL services shall carry out the annual updating of remuneration and pension components at the end of the third month following publication in the Official Journal of the European Union of the remuneration and pension update at the European Union.

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

2. In the event of any 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 Article 4 of Annex VII.
- 2a. The amounts referred to in paragraphs 1 and 2 shall be understood to be amounts and the weightings, the actual value of which at any given point in time shall be subject to update without the intervention of any other legal act.

#### Article 65a

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

#### Article 66 (21)

1. Basic monthly salaries applicable to staff falling under function groups AD and AST are set out in Annex III.a and in a separate table as laid down for function group AST/SC.
2. Basic monthly salaries applicable to staff falling under function group O are set out in Annex III.b.
3. Basic monthly salaries are determined for each grade and step. There shall be steps for each salary level in accordance with the scales given in Annex III.a and b.

#### Article 66a (17)

1. By way of derogation from Article 62a and Annex VI of the existing General Conditions of Employment and in order to take account of the application of the method for updating the remuneration and pensions provided for in Article 65 and Annex VII, a temporary measure

regarding remuneration paid by the Agency to servants in active employment, to be known as a "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 below, shall be 6%. The rate shall, however, be 7% for officials at grade AD15, step 2 and above.
3. a) The base for the special levy shall be the basic salary used to calculate remuneration, minus:
  - social security and pension contributions and a sum equivalent to the tax applicable at the European Union, before deduction of the solidarity levy, payable by a servant in the same grade and step without dependants entitling him to the allowance provided for by paragraph 1b) of Article 67 of the existing General Conditions of Employment;
  - an amount equal to the basic salary in grade AST1, step 1, of the scale set out in Annex III.
- b) The components used to determine the base for the solidarity levy shall be expressed in euros and weighted at 100.
4. The solidarity levy shall be deducted monthly at source and the proceeds entered as revenue in the Agency's budget.

#### Article 67 (21)

1. Family allowances shall comprise:
  - a) the household allowance;
  - b) the dependent child allowance;
  - c) the education allowance.
2. Servants in receipt of family allowances specified in this Article shall declare allowances of like nature paid from other sources; such latter allowances shall be deducted from those paid under the provisions of these General Conditions of Employment.
3. The dependent child allowance may be doubled by special reasoned decision of the Director General based on medical documents establishing that the child concerned is has a disability or a long which involves the servant in heavy expenditure.
4. The servant in receipt of an allowance under Article 41 shall receive the family allowances mentioned in paragraph 1 above, from which deductions shall be made in accordance with the provisions of paragraph 2.
5. Where such family allowances are paid to a person other than the servant, these allowances shall be paid in the currency of the country in which that person is resident, calculated where applicable on the basis of the exchange rates referred to in the second paragraph of Article 63. They shall be subject to the weighting for the country in question or, in the absence of such a weighting, a weighting of 100.

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



#### Article 67a

A servant working part-time shall be entitled to remuneration calculated as provided for in Annex IIa and the implementing provisions adopted by the Director General.

#### Article 68

(1) (4) (6) (8) (12) (16) (18) (19) (20) (22) (26) (28) (31)

The expatriation allowance shall be equal to 16% of the total of the basic salary, household allowance and dependent child allowance to which the servant is entitled. The expatriation allowance shall be not less than EUR 595.57 per month.

#### Article 69

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

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

#### Article 69a

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

Servants in the Operations Division who are entrusted with additional tasks may receive allowances.

Servants appointed to a post in the EOS ("Executive Operational Support") structure pertaining to function group O will be paid an allowance under the conditions laid down in a ruling of the Director General.

Within the frame of a decision taken by the Permanent Commission, a Rule of Application of the Director General will determine the type of tasks, the grades of staff concerned, and the conditions under which these allowances are paid.

#### Article 69b (9)

Servants in the Operations Division who are assigned tasks of Duty Supervisor, Room Supervisor, Deputy Supervisor <sup>(\*)</sup>, Principal ATC Officer,<sup>(\*)</sup> Flight Data Specialist Training Officer and Senior Flight Data Specialist shall be granted an allowance under the conditions laid down in a ruling of the Director General.

The amount of this allowance shall be taken into account for the purpose of calculating the contributions to the pension, sickness and accident schemes, pension entitlements and transfer of pension rights.

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<sup>(\*)</sup> The date of abolition of this post shall be no later than 30 June 2012.

Article 69c

Established servants in the Operations Division holding a post in function group AD, AST or O performing operational functions in the control room or support functions requiring operational experience shall be paid an operational functions allowance ("ATC allowance") under the conditions laid down in a Rule of Application of the Director General.

The amount of this allowance shall be added to the basic salary for the purpose of calculating the contributions to the pension, sickness and accident schemes; the allowance shall give entitlement to a pension, under the conditions laid down in Article 77. It shall be taken into consideration for the transfer of pension rights.

Article 69d

Established servants in the Operations Division assigned to an operational support post shall be granted an operational support allowance under the conditions laid down in a Rule of Application of the Director General.

Section 2

EXPENSES

Article 70

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

Section 3

FLIGHT TEST ALLOWANCES

Article 71 (15)

Article 71 is repealed.

CHAPTER 2

SOCIAL BENEFITS

Section 1

SOCIAL SECURITY BENEFITS

Article 72 (3) (21)

1. A servant, his spouse, where such spouse is not eligible for benefits of the same nature and of the same level by virtue of any other legal provision or regulations, his children and other dependants within the meaning of Article 2 of Rule of Application No. 7, are insured against sickness up to 80% of the expenditure incurred, pursuant to the provisions of a Rule of Application of the Director

General. This rate shall be increased to 85% for the following services: consultations and visits, surgical operations, hospitalisation, pharmaceutical products, radiology, analyses, laboratory tests and prostheses on medical prescription with the exception of dental prostheses. It shall be increased to 100% in cases of tuberculosis, poliomyelitis, cancer, mental illness and other illnesses recognised by the Director General as of comparable seriousness, and for early detection screening and in cases of confinement. However, reimbursement at 100% shall not apply in the case of occupational disease or accident having given rise to the application of Article 73.

The unmarried partner of a servant shall be treated as the spouse under the sickness insurance scheme, where the first three conditions in Article 1(2)(c) of Rule of Application No. 7 are met.

One-third of the contribution required to meet such insurance cover shall be charged to the servant but so that the amount charged to him shall not exceed 2% of his basic salary plus the allowances referred to in Articles 69b and 69c, if applicable.

- 1a. A servant whose service terminates and who provides evidence that he is not in gainful employment may, not later than one month following that in which his service terminates, apply to continue, for a maximum of six months after termination of service, to be insured against sickness as provided for in paragraph 1. The contribution referred to in the previous paragraph shall be calculated by reference to the last basic salary plus the allowances referred to in Articles 69b and 69c, if applicable, received by the servant, half the contribution being borne by him.

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

- 1b. Where the ex-spouse of a servant, a child who ceases to be a servant's dependant or a person who ceases to be treated as a dependent child within the meaning of Article 2 of Rule of Application No. 7 can provide evidence that he or she is not in gainful employment, he or she may continue for a maximum of one year to be insured against sickness as provided for in paragraph 1, in his or her capacity as insured persons covered under that servant's insurance; this cover shall not give rise to the levy of a contribution. This one-year period shall commence on the date of the decree absolute of divorce or of the loss of status of dependent child or of person treated as a dependent child.
2. A servant who has remained in the service of the Agency until the pensionable age as defined in Article 53 and Annex XIII, Part 1, or who is in receipt of an invalidity allowance shall be entitled to the benefits provided for in paragraph 1 above after he has left the service. The amount of contribution shall be calculated by reference to the amount of his pension or allowance.

Those benefits shall also apply to the recipient of a survivor's pension following the death of a servant who was in active employment or who remained in the service of the Agency until the pensionable age as defined in Article 53 and Annex XIII, Part I, or the death of a person in receipt of an invalidity allowance. The amount of contribution shall be calculated by reference to the amount of the survivor's pension.

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

- i) former servants entitled to retirement pensions who left the service of the Agency before reaching the pensionable age as defined in Article 53 and Annex XIII, Part 1;
- ii) persons entitled to a survivor's pension as a result of the death of a former servant who left the service of the Agency before reaching the pensionable age as defined in Article 53 and Annex XIII, Part 1.

The contribution referred to in paragraph 1 shall be calculated by reference to the former servant's pension before application, where appropriate, of the reduction coefficient provided for in Article 9 of Annex IV to the General Conditions of Employment.

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

- 2b. In the case of persons entitled to a retirement pension or a survivor's pension, the contribution referred to in paragraphs 2 and 2a may not be less than that calculated by reference to the basic salary corresponding to the first step in AST1 of the salary scale provided for at Annex III.a of the present General Conditions of Employment.
- 2c. Servants dismissed in accordance with Article 51 and not entitled to a retirement pension shall likewise be entitled to the benefits provided for in paragraph 1, on condition that they are not gainfully employed and that they bear half the contribution calculated by reference to their last basic salary.
- 3. Where the total expenditure not reimbursed for any period of twelve months exceeds half the servant's basic monthly salary plus the allowances referred to in Articles 69b and 69c, if applicable, or pension, special reimbursement shall be allowed by the Director General, account being taken of the family circumstances of the person concerned, in the manner provided in the Rule of Application referred to in paragraph 1 above. In particular, expenses which were not reimbursed because they were deemed excessive or related to non-reimbursable products/items shall not give entitlement to special reimbursement.
- 4. Persons entitled to the foregoing benefits shall declare the amount of any reimbursements paid or which they can claim under any other sickness insurance scheme provided for by law or regulation for themselves or for persons covered by their insurance.

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

### Article 73

- 1. A servant is, from the date of his entry into the service, insured against the risk of occupational disease or accident subject to the Rule of Application provided for in Article 72. He shall contribute to the cost of insuring against non-occupational risks up to 0.1% of his basic salary plus the allowances referred to in Articles 69b and 69c, if applicable.

Such Rule of Application shall specify which risks are not covered.

2. The benefits payable shall be as follows:

a) In the event of death:

Payment to the persons listed below of a lump sum equal to five times the deceased's annual basic salary plus the allowances referred to in Articles 69b and 69c, if applicable, calculated by reference to the amounts received during the twelve months before the accident:

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

b) In the event of total permanent invalidity:

Payment to the servant of a lump sum equal to eight times his annual basic salary plus the allowances referred to in Articles 69b and 69c, if applicable, calculated by reference to the amounts received during the twelve months before the accident.

c) In the event of partial permanent invalidity:

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

As provided in the Rule of Application, an annuity may be substituted for the payments provided for above.

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

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

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

Article 74

1. On the birth of a child to a servant, the person who has actual care of the child shall receive a grant of EUR 198.31.

The same grant shall be paid to a servant who adopts a child who is less than five years of age and is a dependant within the meaning of Article 2.2 of the Rule of Application provided for in Article 62 of these General Conditions of Employment.

2. This grant shall also be payable in the event of termination of pregnancy after not less than seven months.
3. The recipient of a grant on the birth of a child shall declare any grants of the same nature received from other sources for the same child; such grants shall be deducted from the grant provided for above. Where both parents are servants/officials of the Agency, the grant shall be paid once only.

#### Article 75

In the event of the death of a servant, a servant's spouse or dependent child, or any other dependent person who lived as part of the servant's household, the Agency shall reimburse the costs involved in transporting the body from the servant's place of employment to his place of origin.

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

#### Article 76

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

#### Article 76a

A surviving spouse who has a serious or protracted illness or who is disabled may receive financial aid increasing the pension from the Agency for the duration of the illness or disability on the basis of an examination of the social and medical circumstances of the person concerned. Rules implementing this Article shall be fixed by the Director General in a Rule of Application.

### CHAPTER 2

#### SOCIAL BENEFITS

#### Section 2

#### PENSIONS AND INVALIDITY ALLOWANCE

#### Article 77 (9) (21)

1. A servant who has completed at least ten years' service shall be entitled to a retirement pension. He shall, however, be entitled to such pension, irrespective of length of service, if he is over the pensionable age as defined in Article 53 and Annex XIII, Part 1, or if it has not been possible to reinstate him during a period of non-active status.
2. The maximum retirement pension shall be determined by the following two elements:

- 70% of the final basic salary carried by the last grade in which the servant was classified for at least one year and at the step acquired for at least one month, plus the allowance referred to in Article 69b if applicable, 1.80% of this basic salary, plus the aforementioned allowance if applicable, being payable to the servant for each year of service reckoned in accordance with Article 4 of Annex IV,
- the pension rights calculated on the basis of the allowance referred to in Article 69c, if applicable, under the conditions defined in paragraph 3 below.

Servants subject to the provisions of Article 53.4, recruited as student air traffic controller and then appointed as a controller, in accordance with paragraph 3 of the sole article of Annex XV, and who occupy, on their retirement date, a post of Air Traffic Controller, Training Coordinator, Room Supervisor or Duty Supervisor in the Operations Division (Annex I, Table II.b), are entitled to a pension equal to 70% of the final basic salary carried by the last grade in which the servant was classified for at least one year and at the step acquired for at least one month, plus the allowances referred to in Articles 69b and 69c if applicable.

The servant subject to the provisions of the previous subparagraphs may keep a pension equal to 70% of their last basic salary when transferred after 1 July 2016 to an operational support post, provided he has worked as a controller in the Maastricht Centre and has kept his licence in order for fifteen years following establishment. His performance must be satisfactory.

3. For the calculation of pension rights concerning the operational functions allowance (ATC allowance) provided for in Article 69c and referred to in the second indent of paragraph 2 above, this allowance shall give entitlement, for each year (or partial year) of service in which it is paid, to an amount in respect of pension rights equal to 1.80 % of the level of the allowance. A minimum of seven full years' payment of the allowance shall be required for the allowance to be taken into account in the calculation of the retirement pension. When the pension is awarded, pension rights attaching to the operational functions allowance shall be calculated by reference to the amount of the allowance corresponding to the grade in which the servant had been classified for at least one year upon ceasing to receive the said allowance.
- 3a. Where a servant who has been entitled to a functional allowance provided for in Article 69b of the present General Conditions of Employment, which has not been taken into account in the determination of the basic salary upon the servant's promotion/appointment to a higher grade pursuant to Annex XV, Sole Article, paragraph 2, of the present General Conditions of Employment ceases to be entitled to that allowance because his appointment to the function in question has terminated at his own request, he shall be reimbursed the amounts of the pension contributions withheld from this allowance during his career plus the annual interest provided for in Article 8 of Annex IV to the present General Conditions of Employment.
4. The amount of the retirement pension calculated on basic salary, increased by the allowance provided for in Article 69b, without taking account of the allowance provided for in Article 69c, must not be less than 4% of the minimum subsistence figure per year of service.

Pension rights calculated with reference to the allowance provided for in Article 69c shall give rise to an additional pension.

5. The pensionable age shall be 66 years for servants to whom Article 53.1 applies or 55 or 58 or 57 in the case of a servant to whom Article 53.2 or 53.3 or 53.4 applies respectively in his case.

Article 78 (15) (21)

1. A servant shall be entitled, in the manner provided in Chapter 3 of Annex IV, to an invalidity allowance in the case of total permanent invalidity rendering him incapable of performing the duties corresponding to a post in his grade.

Article 53 shall apply by analogy to recipients of an invalidity allowance. If the recipient of an invalidity allowance retires before the retirement age as defined in Article 53 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.

2. The invalidity allowance shall be equal to 70% of the servant's last basic salary increased by the allowances referred to in Articles 69b and 69c, if applicable. However, it may not be less than the minimum subsistence figure.

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

3. Servants whose duties have been terminated pursuant to Article 51 and who have not been offered reassignment to another post carrying an equivalent or lower grade shall also be entitled to the allowance referred to in the previous paragraph.

However, servants who decline an offer of reassignment to a post of equivalent grade shall receive, with immediate effect, only a proportional invalidity allowance equal to at least 6% of the minimum subsistence rate for each year of service. They may nevertheless be granted the allowance referred to in the preceding paragraph if the refusal of reassignment is warranted on medical grounds, which shall be assessed in accordance with the procedure laid down in respect of invalidity.

A servant who has accepted reassignment to a post carrying an equivalent grade or is a recipient of a proportional invalidity allowance shall recover his right to an allowance at the rate specified in paragraph 2 of the present Article, if the Invalidity Committee acknowledges that his disability has become total as a result of a worsening in the degree of physical or mental unfitness referred to in Article 51.

4. Servants who accept reassignment to a post carrying a lower grade shall receive the allowance referred to in the first subparagraph of the preceding paragraph, but the amount thereof shall be reduced by the sum by which the aggregate of the pension and the new basic salary exceeds the basic salary attaching to the former grade and step plus the allowances referred to in Articles 69b and 69c, if applicable. Each step increase or grade promotion shall raise proportionally the step and where appropriate the grade on which the aggregate ceiling is calculated. Where a servant leaves the Agency's service he shall recover forthwith the whole of his rights to an invalidity allowance under the conditions laid down in paragraph 2 of this Article.

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



#### Article 79 (21)

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

The amount of the survivor's pension payable to the surviving spouse of a servant who has died while in one of the administrative statuses specified in Article 37 shall be neither less than the minimum subsistence rate nor less than 35% of the last basic salary plus the allowances referred to in Articles 69b and 69c, if applicable, received by the servant.

This amount shall not be less than 42% of the final basic salary plus the allowances referred to in Articles 69b and 69c, if applicable, received by the servant where death is due to one of the circumstances set out in the last paragraph of Article 78.

The survivor's pension calculated on the allowance referred to in Article 69c shall be added to the above minima.

#### Article 79a

Article 79a is repealed.

#### Article 80 (21)

Where a servant or the person entitled to a retirement pension or invalidity allowance dies leaving no spouse entitled to a survivor's pension, the children dependent on the deceased within the meaning of Article 2 of Rule of Application No 7 at the time of his death shall be entitled to an orphan's pension in accordance with Article 21 of Annex IV.

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

Where a servant or the person entitled to a retirement or invalidity allowance dies but the conditions set out in the first paragraph are not satisfied, the dependent children within the meaning of Article 2 of Rule of Application No 7 shall be entitled to an orphan's pension in accordance with Article 21 of Annex IV; the pension shall, however, be equal to half the pension calculated in accordance with that Article.

For persons treated as dependent children within the meaning of Article 2.4 of Rule of Application No 7, the orphan's pension may not exceed an amount equal to twice the dependent child allowance.

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

Entitlement as provided for in the first, second and third paragraphs shall apply in the event of the death of a former servant who left the service before reaching pensionable age or 55 or 58 or 57, in the case of a servant to whom Article 53.2 or 53.3 or 53.4 applies respectively and requested that his retirement pension be deferred until the first day of the calendar month following that in which he reached pensionable age or 55 or 58 respectively.

Persons in receipt of an orphan's pension may not receive more than one such pension under these regulations. In such an eventuality, he shall be paid the highest pension.

#### Article 81

A person entitled to a retirement pension payable at the age of 63 years or later, or at the age of 55 or 58 in the case of a servant to whom Article 53.2 or 53.3 applies respectively, or to an invalidity allowance, or to a survivor's pension shall be entitled, subject to the conditions laid down in Rule of Application No. 7, to the family allowances specified in Article 67; the household allowance shall be calculated by reference to the pension or the allowance of the recipient.

These allowances shall be paid to recipients of a survivor's pension only in respect of the children dependent on the deceased servant or former servant at the time of death.

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

#### Article 81a (21)

1. Notwithstanding any other provisions, notably those concerning the minimum amounts payable to persons entitled to a survivor's pension, the total amount payable by way of survivor's pension plus family allowances less a sum equivalent to the tax applicable to officials of the European Union and other compulsory deductions under these General Conditions of Employment to the surviving spouse and other entitled persons may not exceed the following:
  - a) in the event of the death of a servant having one of the administrative statuses set out in Article 37, the amount of the remuneration which the servant would have received in the same grade and step if he had still been in the service, plus any family allowances received by him in that case and less the sum equivalent to the tax applicable to officials of the European Union and other compulsory deductions under these General Conditions of Employment;
  - b) for the period following the date on which the servant referred to in (a) above would have reached the age of 66, or 55 or 58 for a servant to whom Article 53.2 or 53.3 would have applied respectively, the amount of the retirement pension to which he would have been entitled thereafter, had he been alive, based on the same grade and step at the time of death, plus any family allowances which he would have received, less a sum equivalent to the tax applicable to officials of the European Union and other compulsory deductions under these General Conditions of Employment;
  - c) in the event of the death of a former servant entitled to a retirement pension or to an invalidity allowance, the amount of the pension to which he would have been entitled, had he been alive, subject to the allowances and deductions referred to in (b);
  - d) in the event of the death of a former servant who left the service before reaching pensionable age, or 55 or 58, for a servant to whom Article 53.2 or 53.3 would have applied respectively, and requested that his retirement pension be deferred until the first day of the calendar month following that in which he reached pensionable age, 55 or 58, the amount of the retirement pension to which he would have been entitled at the pensionable age, or 55 or 58 had he been alive, subject to the allowances and deductions referred to in (b);

- e) in the event of the death of a servant or a former servant entitled, on the day of his death, to an allowance under Article 41 or 42c of the General Conditions of Employment, the amount of the allowance to which he would have been entitled, had he been alive, subject to the allowances and deductions set out in (b);
  - f) for the period following the date on which the former servant referred to in (e) would have ceased to be entitled to the allowance, the amount of the retirement pension to which he would have been entitled on that date, had he been alive and satisfied the relevant age requirements for the grant of pension rights, subject to the allowances and deductions set out in (b).
2. For the purposes of paragraph 1, weightings shall be disregarded, which could affect the various amounts in question.
  3. The maximum amount as defined in subparagraphs (a) to (f) above shall be apportioned among the persons entitled to a survivor's pension in proportion to their respective entitlements, paragraph 1 being disregarded for this purpose.

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

#### Article 82 (21)

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

No correction coefficient shall be applicable to pensions.

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

As from 1 July 2019, if the recipient of the pension establishes his residence in a non-Member State, a weighting equivalent to 100% shall be applied provided that the former servant proves that he is liable to pay a tax on his pension in that State and that this tax is deducted as an indirect tax on income.

Otherwise, a weighting of below 100% shall be applied so that the former servant receives a pension, the amount of which expressed in euros is the same as the pension of a former servant resident in a Member State who is not liable to pay national tax on his pension.

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

2. Where the Commission, in accordance with Article 65, decides to update remunerations, the same update shall be applied to pensions.
3. The provisions of paragraphs 1 and 2 shall apply by analogy to recipients of an invalidity allowance.

#### Article 83 (21) (27) (29)

1. The payment of the benefits provided for in the present pension scheme shall constitute a charge on the Agency's budget. Member States shall jointly guarantee payment of such benefits.
2. Without prejudice to Article 15 of Annex XII, servants shall contribute one third of the cost of financing this pension scheme. The contribution shall be 8.75% of the servant's basic salary, plus the allowances referred to in Articles 69b and 69c, if applicable, with the weightings provided for in Article 64 not being taken into account. It shall be deducted monthly from the servant's salary. The contribution shall be adjusted in accordance with the rules laid down in Annex XII.

#### Article 83a (21)

1. The scheme shall be kept in balance in accordance with the detailed rules set out in Annex XII.
2. On the occasion of the five-yearly actuarial assessment in accordance with Annex XII and in order to ensure the balance of the scheme, the Commission shall decide on the rate of contribution and any change to the pensionable age.
3. Each year the Director General shall present to the Commission an updated version of the actuarial assessment referred to in paragraph 2, in accordance with Article 1(2) of Annex XII. Where it is shown that there is a gap of at least 0.25 points between the rate of contribution currently applied and the rate required to maintain actuarial balance, the Commission shall consider whether the rate should be adapted, in accordance with the arrangements laid down in Annex XII.

#### Article 84

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

#### Section 3

### APPLICATION OF NATIONAL SCHEMES

#### Article 84a

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

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

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

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

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

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

3. Any person entitled to sickness and/or accident benefits under Articles 72 and 73 of these General Conditions of Employment shall be required to declare any reimbursements of expenditure from a national social security scheme to which contributions have been paid in accordance with paragraph 2 above.

Where the benefits from a national scheme together with those from the Agency's scheme exceed the total benefits under Articles 72 and 73 of these General Conditions of Employment, the difference shall be deducted from the amount(s) payable by the Agency under Articles 72 and 73.

4. Where a servant's contributions to the Agency's pension scheme are reduced under the provisions of paragraph 2 above, the benefits or pensions under Articles 74 to 84 of these General Conditions of Employment payable to the servant or his dependants, who also receive, for the same period of service, benefits or pensions under a national pension scheme, shall be reduced by the amount of benefit or pension received from the national scheme in respect of the same period.

#### Section 4

#### SEVERANCE GRANT

#### Article 85 (21)

1. A servant aged less than the pensionable age, whose service terminates otherwise than by reason of death or invalidity and who is not entitled to an immediate or deferred retirement pension, shall be entitled on leaving the service:
  - a) where he has completed less than one year's service and has not made use of the arrangement laid down in Article 12 of Annex IV, to payment of a severance grant equal to three times the amounts withheld from his basic salary, plus the allowances referred to in Articles 69b and 69c, if applicable, in respect of his pension contributions;
  - b) in other cases, to the benefits provided under Article 11 of Annex IV or to the payment of the actuarial equivalent of such benefits to a private insurance company or pension fund of his choice, on condition that such company or fund guarantees that:
    - i) the capital shall not be repaid;
    - ii) a monthly income will be paid from age 60 at the earliest or 55 or 58, if Article 53.2 or 53.3 applies respectively in his case, and age 66 at the latest;
    - iii) provisions are included for reversion or survivor's pensions;
    - iv) transfer to another insurance company or other fund will be authorised only if such fund fulfils the conditions laid down in points i) to iii) above.
2. By way of derogation from paragraph 1(b), servants under the pensionable age who, since taking up their duties, have, in order to establish or maintain pension rights, paid into a national pension scheme, a private insurance scheme or a pension fund of their choice which satisfies the requirements set out in paragraph 1, and whose service terminates for reasons other than death or invalidity without their qualifying for an immediate or deferred retirement pension, shall be entitled,

on leaving the service, to a severance grant equal to the actuarial value of their pension rights acquired during his service for the Agency.

The above payments shall be reduced by the amount of the contributions paid into a national pension scheme in accordance with Article 4a, paragraph 2, and deducted from contributions to the Agency's pension scheme or borne by the Agency.

3. Where a servant's service has been terminated by removal from his post, the severance grant to be paid or, as the case may be, the actuarial equivalent to be transferred shall be determined by reference to the decision taken in accordance with Article 4, paragraph 1.h) of Annex XIVa to the General Conditions of Employment.

### CHAPTER 3

#### RECOVERY OF UNDUE PAYMENT

##### Article 86

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

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

### CHAPTER 4

#### SUBROGATION IN FAVOUR OF THE AGENCY

##### Article 86a

1. Where the death, accidental injury or sickness of a person covered by the General Conditions of Employment is caused by a third party, the Agency shall, in respect of the obligations incumbent upon it under the General Conditions of Employment consequent upon the event causing such death, injury or sickness, stand subrogated to the rights, including rights of action, of the victim or of those entitled under him against the third party.
2. The subrogation provided for by paragraph 1 shall extend inter alia to the following:
  - continued payment of remuneration in accordance with Article 59 to the servant during the period when he is temporarily unfit to work,
  - payments effected in accordance with Article 69 following the death of a servant or of a former servant entitled to a pension,
  - benefits paid under Articles 72 and 73 and their implementing rules, relating to insurance against sickness and accident,
  - payment of the costs involved in transporting the body, as referred to in Article 75,

- supplementary family allowances paid in accordance with Article 67(3) and with Article 2(3) and (5) of the ruling referred to in Article 62 of these General Conditions of Employment in respect of a dependent child suffering from serious illness, infirmity or handicap,
  - invalidity allowances paid in the event of accident or sickness resulting in permanent invalidity preventing the servant from performing his duties,
  - survivor's pensions paid in the event of the death of a servant or a former servant or the death of the spouse of a servant or a former servant entitled to a pension, where the spouse is neither a servant, nor an official subject to the Staff Regulations,
  - orphan's pensions paid regardless of age to the child of a servant or former servant where that child is prevented by serious illness, infirmity or handicap from earning a livelihood after the death of the person on whom he was dependent.
3. However, the Agency shall not be subrogated to rights of compensation in respect of purely personal damage such as non-material injury, damages for pain and suffering or compensation for disfigurement and loss of amenity over and above the allowance granted for those headings under Article 73.
  4. The provisions of paragraphs 1, 2 and 3 may not be a bar to direct action by the Agency.

## **TITLE VI**

### DISCIPLINARY MEASURES

#### Article 87

1. Any failure by a servant or former servant to comply with his obligations under these Conditions of Employment, whether intentionally or through negligence on his part, shall make him liable to disciplinary action.
2. Where the Director General or the body referred to in paragraph 1 of Article 22a becomes aware of evidence of failure within the meaning of paragraph 1, they may launch administrative investigations to verify whether such failure has occurred.
3. Disciplinary rules, procedures and measures shall be laid down in Annex XIVa to the General Conditions of Employment.

#### Article 88

Article 88 is repealed.

#### Article 89

Article 89 is repealed.

#### Article 90

Article 90 is repealed.



## TITLE VII

### APPEALS

#### Article 91

1. Any person to whom these provisions apply may submit to the Director General a request that he takes a decision relating to him. The Director General shall notify the person concerned of his reasoned decision within four months from the date on which the request was made. If at the end of that period no reply to the request has been received, this shall be deemed to constitute an implied decision rejecting it, against which a complaint may be lodged in accordance with the following paragraph.
2. Any person to whom these provisions apply may submit to the Director General a complaint against an act adversely affecting him, either where the Director General has taken a decision or where it has failed to adopt a measure prescribed by the General Conditions of Employment. The complaint must be lodged within three months. The period shall start to run:
  - on the date of publication of the act if it is a measure of a general nature;
  - on the date of notification of the decision to the person concerned, but in no case later than the date on which the latter received such notification, if the measure affects a specified person; if however an act affecting a specified person also contains a complaint against another person, the period shall start to run in respect of that other person on the date on which he receives notification thereof but in no case later than the date of publication;
  - on the date of expiry of the period prescribed for reply where the complaint concerns an implied decision rejecting a request as provided in paragraph 1.

The Director General shall notify the person concerned of his reasoned decision within four months from the date on which the complaint was lodged. If at the end of that period no reply to the complaint has been received, this shall be deemed to constitute an implied decision rejecting it, against which an appeal may be lodged under Article 92.

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

#### Article 92

1. Any dispute between the Agency and one of the persons referred to in the present General Conditions of Employment involving the non-observance, in substance or in form, of the provisions of the present General Conditions of Employment shall be referred to the Administrative Tribunal of the International Labour Organisation, in the absence of a competent national jurisdiction.
2. An appeal to the Tribunal shall lie only if:
  - the Director General has previously had a complaint submitted to him pursuant to Article 91(2) within the period prescribed therein, and
  - the complaint has been rejected by express decision or by implied decision.

3. Appeals under paragraph 2 shall be filed within three months. The period shall begin:
  - on the date of notification of the decision taken in response to the complaint;
  - on the date of expiry of the period prescribed for the reply, where the appeal concerns an implied decision rejecting a complaint submitted pursuant to Article 91(2); nevertheless, where a complaint is rejected by express decision after being rejected by implied decision, but before the period for lodging an appeal has expired, the period for lodging the appeal shall start to run afresh.
4. By way of derogation from paragraph 2, the person concerned may, after submitting a complaint to the Director General pursuant to Article 91(2), immediately file an appeal with the Tribunal, provided that such appeal is accompanied by an application either for a stay of execution of the contested act or for the adoption of interior measures. The proceedings in the principal action before the Tribunal shall then be suspended until such time as an express or implied decision rejecting the complaint is taken.
5. Appeals shall be investigated and heard as provided in the Rules of Procedure of the Tribunal.

## **TITLE VIII**

### TRANSITIONAL AND FINAL PROVISIONS

#### **CHAPTER 1**

##### TRANSITIONAL PROVISIONS

###### **Article 93**

Article 93 is repealed.

###### **Article 93a**

Article 93a is repealed.

###### **Article 94**

Article 94 is repealed.

###### **Article 94a**

Transitional provisions are set out in Annex XIII.

#### **CHAPTER 2**

##### FINAL PROVISIONS

###### **Article 95**

The general provisions for giving effect to these General Conditions of Employment shall be determined by Rules of Application, implementing rules and office notices issued by the Director General, who, in the case of the Rules of Application shall notify the Provisional Council.

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

###### **Article 96**

Any extension of the scope of these provisions and any amendments thereto can only be made in accordance with the procedure provided for in Article 12 of the Agency's Statute.

###### **Article 97**

Article 97 is repealed.

###### **Article 98**

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

**ANNEX I**

TYPES OF POSTS AS PROVIDED FOR IN ARTICLE 4, PARAGRAPH 2  
OF THE GENERAL CONDITIONS OF EMPLOYMENT

**TABLE I - ADMINISTRATIVE DIVISION** (3) (15) (21)**1. Function group AD**

Director	AD14 - AD15
Adviser or equivalent	AD13 - AD14
Head of Unit or equivalent	AD9 - AD13
Administrator	AD5 - AD12

**2. Function group AST**

Senior assistant	AST10 – AST11
Carrying out administrative, technical activities requiring a high degree of autonomy and carrying significant responsibilities in terms of staff management, budget implementation or political coordination	
Assistant	AST1 – AST9
Carrying out administrative, technical activities requiring a certain degree of autonomy, in particular with regard to the implementation of rules and regulations or general instructions or as supervisor or as personal assistant of a Head of Unit, of an Adviser, of a Director or of the Director General.	

Servants in post on 30 June 2016 shall be governed by the provisions of Part 2 of Annex XIII and in particular by Articles 18 and 19.

**3. Function group AST/SC**

Support Staff	AST/SC1 – AST/SC6
Carry out basic administrative or technical, clerical and secretarial tasks, performed under the supervision of officials or servants.	

**TABLE II - OPERATIONS DIVISION****Table II.a - OPERATIONAL SUPPORT STAFF (3) (15) (21)****1. Function group AD**

Adviser or equivalent	AD13 - AD14
Head of Unit or equivalent	AD9 - AD13
Administrator	AD5 - AD12

**2. Function group AST**

<p style="text-align: center;">Senior assistant</p> <p>Carrying out administrative, technical activities requiring a high degree of autonomy and carrying significant responsibilities in terms of staff management, budget implementation or political coordination</p>	AST10 – AST11
<p style="text-align: center;">Assistant</p> <p>Carrying out administrative, technical activities requiring a certain degree of autonomy, in particular with regard to the implementation of rules and regulations or general instructions or as supervisor or as personal assistant of a Head of Unit, of an Advisor, of a Director or of the Director General.</p>	AST1 – AST9

Servants in post on 30 June 2016 shall be governed by the provisions of Part 2 of Annex XIII and in particular by its Articles 18 and 19.

**3. Function group AST/SC**

<p style="text-align: center;">Support Staff</p> <p>Carry out basic administrative or technical, clerical and secretarial tasks, performed under the supervision of officials or servants.</p>	AST/SC1 – AST/SC6
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**TABLE II - OPERATIONS DIVISION****Table II.b - FUNCTION GROUP O** (9) (21) (24) (30)

Grade	Basic post	
08	Duty Supervisor Room Supervisor Military Room Supervisor	
07	Duty Supervisor Room Supervisor Training Coordinator Air Traffic Controller	EOS/Capacity Coordinator <sup>1</sup>
06	Room Supervisor Training Coordinator Air Traffic Controller	EOS/Capacity Coordinator EOS Capacity Support Senior Officer <sup>1</sup> EOS FMP Officer <sup>1</sup>
05	Air Traffic Controller	EOS Capacity Support Senior Officer EOS ADSS Senior Officer <sup>1</sup> EOS FMP Officer EOS ADSS Officer <sup>1</sup> Flow Controller
04	Air Traffic Controller	EOS Assistant to Duty Supervisor <sup>1</sup> EOS FMP Officer EOS ADSS Officer Flow Controller CSS Assistant
03	Air Traffic Controller <sup>2</sup> Flight Data Specialist Training Officer <sup>1</sup>	EOS Assistant to Duty Supervisor EOS Assistant CSS Assistant
02	Advanced Trainee Air Traffic Controller	EOS Assistant
01		EOS Assistant

<sup>1</sup> To be repealed when all staff members in post as at 1 October 2016 have left this post.

<sup>2</sup> To be repealed when no Air Traffic Controllers are assigned to this grade after 1 July 2019.

**TABLE III - ENGINEERING DIVISION** (3) (15) (21)**1. Function group AD**

Adviser or equivalent	AD13 - AD14
Head of Unit or equivalent	AD9 - AD13
Administrator	AD5 - AD12

**2. Function group AST**

<p style="text-align: center;">Senior assistant</p> <p>Carrying out administrative, technical activities requiring a high degree of autonomy and carrying significant responsibilities in terms of staff management, budget implementation or political coordination</p>	AST10 – AST11
<p style="text-align: center;">Assistant</p> <p>Carrying out administrative, technical activities requiring a certain degree of autonomy, in particular with regard to the implementation of rules and regulations or general instructions or as supervisor or as personal assistant of a Head of Unit, of an Advisor, of a Director or of the Director General.</p>	AST1 – AST9

Servants in post on 30 June 2016 shall be governed by the provisions of Part 2 of Annex XIII and in particular by its Articles 18 and 19.

**3. Function group AST/SC**

<p style="text-align: center;">Support Staff</p> <p>Carry out basic administrative or technical, clerical and secretarial tasks, performed under the supervision of officials or servants.</p>	AST/SC1 – AST/SC6
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**ANNEX II** (21)ALLOWANCE UNDER ARTICLES 41 AND 50A  
OF THE GENERAL CONDITIONS OF EMPLOYMENTSole Article

1. A servant to whom Article 41 or Article 50a of the General Conditions of Employment is applied shall be entitled:
  - a) for three months, to a monthly allowance equal to his basic salary plus the allowance referred to in Articles 69b and 69c, if applicable;
  - b) for a period varying with his age and length of service in accordance with the table shown in paragraph 2, to a monthly allowance equal to:
    - 85% of his basic salary plus the allowance referred to in Articles 69b and 69c if applicable, from the fourth to the sixth month;
    - 70% of his basic salary plus the allowance referred to in Articles 69b and 69c if applicable, for the next five years;
    - 60% of his basic salary plus the allowance referred to in Articles 69b and 69c if applicable, thereafter.

The allowance shall cease from the day on which the servant reaches the age of 66 years or 55 years or 57 years in the case of a servant to whom Article 53.2 or 53.4 applies respectively.

However, for servants working part-time in the years preceding their retirement pursuant to Article 55a, paragraph 2, point (g), the allowance may be granted only if the servant gives up part-time working and reimburses the amount provided for in the last paragraph of Article 4 of Annex IIa.

The basic salary for the purposes of this Article shall be that shown in the tables referred to in Article 66 of the General Conditions of Employment which are in force on the first day of the month for which the allowance is to be paid.

2. The period for which the servant is to receive the allowance provided for in Article 41 or Article 50a of the General Conditions of Employment 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



3. During the period of entitlement to the allowance, and for the first six months thereafter, the servant referred to in Article 41 and Article 50a of the General Conditions of Employment shall be entitled, in respect of himself and persons covered by his insurance, to benefits under the sickness insurance scheme provided for in Article 72 of the General Conditions of Employment, on condition that the servant pays the appropriate contribution calculated by reference, as the case may be, either to his basic salary plus the allowance referred to in Article 69b if applicable, or to the percentage thereof specified in paragraph 1 of this Article and that he is not gainfully employed.

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

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

Where the servant has started to draw a pension under the pension scheme provided for in the General Conditions of Employment he shall, for the purposes of Article 72 of the General Conditions of Employment, be treated in the same way as a servant who has remained in the service until the age of 66 years, or 55 years or 58 years, or 57 years in the case of a servant to whom Article 53.2, 53.3 or 53.4 applies respectively.

**ANNEX IIa** (15)

## PART-TIME WORK

Article 1 (3) (21)

The request for authorisation to work part-time shall be submitted by the servant through the servant's immediate superior at least two months before the requested date, except in duly justified urgent cases. This period of notice shall be increased to six months in the case of shift-working staff in the Engineering Division, except in duly justified urgent cases.

Servants assigned to a post of Air Traffic Controller, Training Coordinator, Room Supervisor or Duty Supervisor or assigned to a post in the EOS structure shall submit requests for part-time work at least nine months before the requested starting date, except in duly justified urgent cases.

Authorisation may be granted for a minimum of one month and a maximum of three years, without prejudice to the case referred to in Article 15 and point (g), (h) and (i) of paragraph 2 of Article 56a.

The authorisation may be renewed on the same terms. Applications for renewal shall be made by the servant concerned at least two months before expiry of the period for which the authorisation was granted and nine months for staff assigned to a post of Air Traffic Controller, Training Coordinator, Room Supervisor or Duty Supervisor or assigned to a post in the EOS structure. Part-time work may not be less than half the normal working time.

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

Article 2

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

In the case of servants assigned to a post of Air Traffic Controller, Room Supervisor or Duty Supervisor or assigned to a post in the EOS structure, the date of withdrawal may not be more than nine months following the date on which the request was submitted, except in duly substantiated cases.

The servant shall in any case resume his full-time duties at the latest at the expiry of the initial end-date of his part-time work.

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

Article 3 (3)

A servant shall be entitled, during the period for which part-time work is authorised, to a percentage of his remuneration including the allowances referred to in Article 69b and Article 69c, if applicable, corresponding to the percentage of the normal time worked. However, the percentage shall not be applied to the dependent child allowance, the basic amount of the household allowance or the education allowance. During the period of part-time work, the servant may not work overtime. Specific provisions concerning overtime applicable to servants in function group O (Annex I, Table II.b) who perform

overtime while working part-time shall be set out in a Rule of Application. During the period of part-time work, the servant may not engage in any other gainful activity, other than an activity in accordance with Article 15 of the General Conditions of Employment. This last provision shall not apply where the part-time work is performed pursuant to Article 56a.5 of the General Conditions of Employment.

Contributions to the sickness insurance scheme shall be calculated by reference to the basic salary payable to a servant working full time, plus the allowances referred to in Articles 69b and 69c, if applicable. Contributions to the pension scheme shall be calculated by reference to the basic salary received by a servant working part-time, plus the allowances referred to in Articles 69b and 69c, if applicable. However, the servant may also request that contributions to the pension scheme be calculated by reference to the basic salary payable to a servant working full time, in accordance with Article 83 of the General Conditions of Employment. This provision shall not apply where the part-time work is performed pursuant to Article 56a.5 of the General Conditions of Employment. Acquired pension rights, for the purposes of Articles 3, 4 and 5 of Annex IV, shall be calculated in proportion to the percentage of contributions paid.

### Article 3a

For a period of five years commencing on 1.1.13, servants assigned to a post of Air Traffic Controller in accordance with Table II.b of Annex I to the General Conditions of Employment may be granted part-time work at a rate of 30% by way of derogation from Article 56a.5 of the General Conditions of Employment.

For such part-time work, the provisions of Article 3 above shall be replaced by the following provisions:

- a) A servant shall be entitled, during the period for which part-time work is authorised, to 40% of his remuneration including the allowances referred to in Article 69b and Article 69c, if applicable.
- b) Contributions to the sickness insurance scheme shall be calculated by reference to the basic salary payable to a servant working full-time, including the allowances referred to in Articles 69b and 69c, if applicable.
- c) With regard to contributions to the pension scheme in accordance with Article 83.2 of the GCE, the following shall apply:
  - The servant's contribution of one third shall be calculated by reference to his basic salary at a rate of 40%, including the allowances referred to in Articles 69b and 69c at the same rate, if applicable.
  - The Agency's contribution of two thirds shall be applied to the full basic salary, including the allowances referred to in Articles 69b and 69c, if applicable.
  - With regard to the contribution which should be borne by the servant for the difference between the reduced basic salary plus allowances and the full basic salary and allowances, the Agency shall pay this part of the servant's contribution.
- d) Servants may receive authorisation to engage in an outside activity in accordance with Article 12 b of the General Conditions of Employment. When engaging in gainful employment, the provisions of Article 84a with regard to social security coverage shall be applicable by analogy.
- e) Specific provisions concerning overtime applicable to servants in function group O (Annex I, Table II.b) who perform overtime while working part-time shall be set out in a Rule of Application.

Article 3b

By way of derogation from Article 3 above concerning engagement in any other gainful employment, for a period of 5 years commencing on 1.1.13, servants assigned to a post of Air Traffic Controller in accordance with Table II.b of Annex I to the General Conditions of Employment and working part-time at a rate other than 30% may receive authorisation to engage in an outside activity in accordance with Article 12b of the General Conditions of Employment. This provision shall not apply where part-time work is authorised to allow a member of staff to care for a child in accordance with Article 56a.2 a) and b) of the present General Conditions of Employment.

Article 4 (21)

Notwithstanding the first sentence of the first paragraph of Article 3, servants authorised, in accordance with point (g) of Article 56a, paragraph 2 of the General Conditions of Employment 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 plus the allowance referred to in Articles 69b and 69c, if applicable:

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

Servants 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 plus the allowance referred to in Articles 69b and 69c, if applicable, received during the period of half-time work.

Article 5 (21)

1. The part-time working arrangements provided for in point h) of paragraph 2 of Article 56a shall be authorised, at the request of the servant, for a maximum period of eight years prior to retirement.
2. During this period, the servant shall work full-time. However, his remuneration shall be reduced on the basis of the calculation set out in Article 3.

At the beginning of each year in which the servant works part-time on this basis, he shall be required to declare the relevant percentage (50%, 60%, 70%, 80% or 90%) of working time to be applied to calculate his remuneration in accordance with Article 3.

The servant may also, for each year in question, decide to work full-time without this decision prolonging the eight-year period defined in Article 1.

3. This part-time working arrangement allows the servant to acquire full-day or half-day leave credits, as he wishes, to be used in the three years prior to retirement. For the month during which the full-day or half-day leave are taken, the servant is paid on a full time basis.
4. If upon retirement the servant has not exhausted his balance of leave days acquired under the present provisions, he shall lose his entitlement to any full days or half-days of leave not taken. However, where the requirements of the service preclude the taking of leave, the servant shall be entitled to financial compensation calculated on the basis of full days or half-days of leave.

The financial compensation shall be calculated at the time of the servants' retirement on the basis of the last salary received.

5. If the servant dies or resigns before retirement or decides to retire before the end of the eight-year period initially defined or is dismissed within the framework of a disciplinary procedure or for incompetence and has not exhausted his balance of leave days acquired under the present provisions, a financial compensation shall be payable to him or, if he has died, to his beneficiaries, calculated on the basis of full days or half-days of leave.

This financial compensation is also paid if the servant's service is terminated under Annex X or if he is assigned to non-active status under Article 41 before the end of the eight-year period initially defined.

6. Where servants are retired on grounds of invalidity within the meaning of Article 78 of the General Conditions of Employment during the present part-time working arrangements, the date of retirement shall be deferred in such a way as to allow them to use up the full days or half-days of leave already acquired.

Where the number of full days or half-days of leave remaining are insufficient to allow the date of retirement on grounds of invalidity to be deferred by one month, they shall give rise to financial compensation calculated on the basis of full days or half-days of leave in accordance with the second subparagraph of paragraph 4.

#### Article 6 (21)

##### Permanent invalidity considered partial

The provisions of this Article apply to servants subject to the provisions of Article 53.1 or Article 53.3 of the General Conditions of employment under 65 years of age in the case of servants recruited before 1 July 2016, and 66 in the case of servants recruited as from 1 July 2016 or to servants subject to the provisions of Article 53.2 or 53.4 who have not reached the retirement age laid down in these paragraphs.

When a servant who fulfils these conditions, subject to the conditions provided for in paragraph 4 of Article 59 of the General Conditions of Employment, is recognised by the Invalidity Committee as suffering from permanent invalidity considered partial preventing him from performing full-time duties corresponding to his type of post and grade, for as long as this partial incapacity lasts, he shall work part-time at a rate of 50%, 60%, 70%, 80% or 90% and he shall receive a partial invalidity allowance of 70% of his basic salary corresponding to the time not worked.

The total amount received by the servant, salary and invalidity allowance together, may not, however, be less than the minimum subsistence figure.

Entitlement to a partial invalidity allowance shall commence on the first day of the month following the decision of the Invalidity Committee.

Until a servant drawing a partial invalidity allowance has reached retirement age, the Agency may have him medically examined periodically to ascertain that he still satisfies the requirements for payment of the allowance.

If this is no longer the case, the servant shall resume full-time work.

As far as application of Articles 62a to 66a of the General Conditions of Employment is concerned, this partial invalidity allowance shall be treated in the same way as remuneration.

As regards application of the General Conditions of Employment and their Rules of Application, the servant shall be treated in the same way as servants working part-time at the percentage rate referred to above.

Contributions to the Sickness Insurance Scheme shall be calculated by reference to the basic salary payable to a servant working full-time. Contributions to the pension scheme shall be calculated by reference to the basic salary, reduced on account of the part-time work and on the basis of the partial invalidity allowance.

The pensions rights acquired are the same as those acquired by a servant working on a full time basis.

The basic salary, whether reduced or not, may be supplemented if applicable by the allowance referred to in Article 69c for the purposes of calculating the pension contributions.

#### Article 7 (21)

##### Right to part-time for ATCOs

1. Pursuant to the provisions of Article 56a.2.i) of the General Conditions of Employment, servants occupying the post of air traffic controller, training coordinator, room supervisor or duty supervisor in the Operations Division (Annex I, Table II.b) are authorised to work part-time as from the age of 50 if they have been recruited before 1 July 2016 or as from the age of 52 if they have been recruited as from that date. The first application to work part-time in the years prior to retirement must be submitted one year prior to the date proposed for the beginning of the period of part-time work. The date proposed by the servant may be deferred by a maximum of six months for duly substantiated service reasons. The application must be renewed by the servant at the end of each 12-month period, but the date for extending the part-time work may not be deferred.
2. Without prejudice to the general provisions related to part-time working, in accordance with Article 56a of the General Conditions of Employment, and following a staff request, the percentage of part-time working time granted in accordance with paragraph 1, shall be 80% or 90%. It shall be valid for a period of 12 months from the date on which the period of part-time work commences. It may be renewed under the same conditions, at the end of each 12-month period, until the servant retires. This percentage shall be taken into account for the calculation of the servant's remuneration, pursuant to Article 3 of the present Annex.
3. Rule of Application No 21b defines the rostering implementing provisions of the present Article.

**ANNEX III** (1) (4) (6) (8) (12) (16) (18) (19) (20) (21) (22) (26) (28) (31)

**SCALES OF BASIC MONTHLY SALARIES PROVIDED FOR IN ARTICLE 66  
OF THE GENERAL CONDITIONS OF EMPLOYMENT**

(Expressed in euros)

**ANNEX III.a**

(Applicable to all staff except those in function group O)

**Function groups AD and AST**

Grade	Step				
	1	2	3	4	5
16	19,938.39	20,776.22	21,649.27	21,649.27	21,649.27
15	17,622.20	18,362.70	19,134.32	19,666.68	19,938.39
14	15,575.08	16,229.57	16,911.55	17,382.08	17,622.20
13	13,765.76	14,344.21	14,946.99	15,362.83	15,575.08
12	12,166.66	12,677.91	13,210.63	13,578.19	13,765.76
11	10,753.29	11,205.14	11,676.00	12,000.84	12,166.66
10	9,504.09	9,903.48	10,319.66	10,606.75	10,753.29
9	8,400.03	8,753.03	9,120.84	9,374.59	9,504.09
8	7,424.23	7,736.20	8,061.30	8,285.56	8,400.03
7	6,561.79	6,837.51	7,124.83	7,323.07	7,424.23
6	5,799.51	6,043.21	6,297.17	6,472.37	6,561.79
5	5,125.81	5,341.20	5,565.64	5,720.49	5,799.51
4	4,530.35	4,720.72	4,919.10	5,055.97	5,125.81
3	4,004.07	4,172.33	4,347.67	4,468.61	4,530.35
2	3,538.94	3,687.65	3,842.60	3,949.53	4,004.07
1	3,127.83	3,259.26	3,396.21	3,490.72	3,538.94

**Function group AST/SC**

Grade	Step				
	1	2	3	4	5
SC6	5,125.81	5,341.20	5,565.64	5,720.49	5,799.51
SC5	4,530.35	4,720.72	4,919.10	5,055.97	5,125.81
SC4	4,004.07	4,172.33	4,347.67	4,468.61	4,530.35
SC3	3,538.94	3,687.65	3,842.60	3,949.53	4,004.07
SC2	3,127.83	3,259.26	3,396.21	3,490.72	3,538.94
SC1	2,764.48	2,880.64	3,001.68	3,085.21	3,127.83

Note: The above scale is applicable with effect from 1 July 2019.

**ANNEX III.b** (30) (31)  
(applicable to staff in function group O)

Grade	Step							
	1	2	3	4	5	6	7	8
O8	10,948.16	11,534.13	12,120.10	12,706.07	13,292.04	13,878.01	14,463.98	15,049.95
O7	9,468.86	9,976.26	10,483.66	10,991.06	11,498.46	12,005.86	12,513.26	13,020.66
O6	8,061.06	8,504.12	8,947.18	9,390.24	9,833.30	10,276.36	10,719.42	11,162.48
O5	6,974.83	7,303.59	7,632.35	7,961.11	8,289.87	8,618.63	8,947.39	9,276.15
O4	5,859.97	6,131.55	6,403.13	6,674.71	6,946.29	7,217.87	7,489.45	7,761.03
O3	5,345.42	5,602.67	5,859.92	6,117.17	6,374.42	6,631.67	6,888.92	7,146.17
O2	4,502.18	4,695.14	4,888.10	5,081.06	5,274.02	5,466.98	5,659.94	5,852.90
O1	4,030.53	4,194.89	4,359.25	4,523.61	4,687.97	4,852.33	5,016.69	5,181.05

Note: The above scale is applicable with effect from 1 July 2019.

The above scale shall be adjusted as provided for in Article 65 of the General Conditions of Employment on 1 July 2019. The resulting salary scale shall be increased by 3.5% with effect from 1 July 2020 to which the adjustment provided for in Article 65 of the General Conditions of Employment shall apply.



**ANNEX IV****PENSION SCHEME**

Chapters	Contents	Articles	Pages
1	General provisions	1 and 2	79
2	Retirement pension	3 to 12a	79
3	Invalidity allowance	13 to 16	83
4	Survivor's pension	17 to 29	84
5	Provisional pensions	30 to 33	87
6	Pension increases in respect of dependent children	34 and 35	88
7	Section 1: Funding of the pension scheme	36 to 39	88
	Section 2: Calculation of pension	40 to 44	89
	Section 3: Payment of benefits	45 to 47	90

**CHAPTER 1****GENERAL PROVISIONS****Article 1**

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

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

**Article 2**

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

**CHAPTER 2****RETIREMENT PENSION****Article 3**

A retirement pension shall be payable on the basis of the total number of years of pensionable service acquired by the servant. Each year of service reckoned as provided in Article 4 shall entitle him to one year of pensionable service and each complete month to one-twelfth of a year of pensionable service.

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

Article 4 (21)

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 3:

- a) the period of service as a servant of the Agency in one of the administrative statuses set out in Article 37(a), (b) and (e) of the General Conditions of Employment and, on the conditions laid down in the last sentence of the second subparagraph of Article 40.3 of the General Conditions of Employment, the administrative status referred to in Article 37(c) of the General Conditions of Employment;
- b) periods of entitlement to the allowance under Articles 41, 42c and 50a of the General Conditions of Employment up to a maximum of five years;
- c) periods of service on a contractual basis prior to the entry into force of the General Conditions of Employment;
- d) periods of entitlement to an invalidity allowance;
- e) periods of service in any other capacity in accordance with the Conditions of Employment of Contract Staff at EUROCONTROL. However, where members of the contract staff within the meaning of those Conditions of Employment become servants, 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 servants 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 a servant. 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 of the last basic salary received as a member of the contract staff. This provision shall apply *mutatis mutandis* where servants become members of the contract staff.

Article 5 (21) (30)

Notwithstanding the provisions of Article 3 of this Annex, the servant who remains in service after the pensionable age or the age of 55 in the case of Air Traffic Controller in active service on 30 June 2016 to whom Article 53.2 or Appendix IV applies and who remains in a post of Air Traffic Controller, Training Coordinator, Room Supervisor or Duty Supervisor, shall be entitled to an increase of his pension equal to 1.5% of the basic salary taken into account for the calculation of his pension per year worked after that age and before the age of 57, with the provision that the total of his pension plus the increase does not exceed 70% of his final salary as referred to in the second paragraph of Article 77 of the General Conditions of Employment.

Such increase shall likewise be payable in the event of death of a servant who has remained in the service after the pensionable age.

Article 6 (21)

The minimum subsistence figure for the purpose of calculating pension benefits shall correspond to the basic salary of a servant at the first step of AST1 of the salary scale provided for at Annex III.a of the present General Conditions of Employment.

Article 7

Article 7 is repealed.

Article 8 (13)

"Actuarial equivalent of the retirement pension" means the capital value of the benefits accruing to the servant by reference to the mortality table referred to in Article 9 of Annex XII and subject to 3.1% interest per annum, which rate may be revised in accordance with the rules laid down in Article 10 of Annex XII.

Article 9 (21)

A servant leaving the service before reaching the pensionable age as defined in Article 53 and paragraph 5 of Article 77 may request that his retirement pension:

- be deferred until the first day of the calendar month following that in which he reaches the pensionable age;
- be paid immediately, provided that he is not less than 58 years of age in the case of a servant to whom paragraph 1 of Article 53, or 50 or 53 or 52 in the case of a servant to whom paragraph 2 of Article 53 or paragraph 3 of Article 53 or paragraph 4 of Article 53 applies respectively. In this case, the retirement pension shall be reduced by an amount calculated by reference to the servant's age when he starts to draw his pension.

The pension shall be reduced by 3.5% for every year before the one in which servants would become entitled to a retirement pension within the meaning of Article 77 of the General Conditions of Employment. If between the age at which entitlement to a retirement pension is acquired within the meaning of Article 77 of the General Conditions of Employment and the age of the person concerned at the time, the difference exceeds an exact number of years, an extra year shall be added to the reduction.

Article 9a

For the purposes of determining the reduced pension of servants who have acquired pension rights exceeding the equivalent of 70% of their final basic salary as referred to in the second paragraph of the General Conditions of Employment, plus the allowance referred to in Article 69b if applicable, and who request immediate payment of their retirement pension in accordance with Article 9, the reduction under Article 9 shall be applied to a notional figure corresponding to the years of pensionable service rather than to an amount capped at 70% of the final basic salary as referred to in the second paragraph of Article 77 of the General Conditions of Employment, plus the allowance referred to in Article 69b if applicable. In no case, however, may the reduced pension thus calculated exceed 70% of the last basic salary as referred to in the second paragraph of Article 77 of the General Conditions of Employment, plus the allowance referred to in Article 69b if applicable.

#### Article 10

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

#### Article 11

A servant who leaves the service of the Agency to:

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

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

#### Article 12

1. A servant who enters the service of the Agency after:

- leaving the service of a government administration or of a national or international organisation, or
- engaging in an employed or self-employed activity,

shall be entitled, if the regulations or the contract to which he was subject in his previous post so allow, after establishment but before becoming eligible for payment of a retirement pension within the meaning of Article 77 of the General Conditions of Employment, to have paid to the Agency the capital value updated to the date of the actual transfer of pension rights acquired by virtue of such service or activities.

In such case the Agency shall, taking into account the servant's basic salary plus the allowances provided for in Article 69b and 69c if applicable, age and exchange rate at the date of application for a transfer, determine by means of general implementing provisions the number of years of pensionable service with which he shall be credited under the Agency pension scheme in respect of the former period of service, on the basis of the capital transferred, after deducting an amount representing capital appreciation between the date of the application for a transfer and the actual date of the transfer.

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

2. Paragraph 1 shall also apply to a servant who is reinstated following expiry of a period of leave on personal grounds under Article 40 of the General Conditions of Employment.

### Article 12a

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

## CHAPTER 3

### INVALIDITY ALLOWANCE

#### Article 13

1. Subject to the provisions of Article 1, a servant aged less than sixty-five years, or fifty-five or fifty-eight years in the case of a servant to whom Article 53.2 or 53.3 applies respectively, who at any time during the period in which he is acquiring pension rights is recognised by the Invalidation Committee to be suffering from total permanent invalidity preventing him from performing the duties corresponding to a post in his grade, and who is obliged on these grounds to end his service with the Agency shall be entitled, for so long as such incapacity persists, to the invalidity allowance referred to in Article 78 of the General Conditions of Employment.
2. Persons in receipt of an invalidity allowance may not engage in gainful employment without the prior authorisation of the Director General. Any income from such gainful employment which, in combination with the invalidity allowance, exceeds the final total remuneration received while in active service as determined on the basis of the salary scale in force on the first day of the month in which the allowance is to be paid, shall be deducted from the invalidity allowance.

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

#### Article 14

The right to receive payment of an invalidity allowance shall have effect from the first day of the calendar month following the servant's retirement under Article 54 of the General Conditions of Employment.

When the former servant ceases to satisfy the requirements for payment of the allowance he must be reinstated in the first post corresponding to his grade which falls vacant in his function group or service, provided that he meets the requirements for that post. If he declines the post offered to him, he shall retain his right to reinstatement, subject to the same proviso, when the next vacancy corresponding to his grade occurs in his function group or service; if he declines a second time, he may be required to resign.

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

Article 15 (21)

While a former servant drawing an invalidity allowance is aged less than the pensionable age as defined in Articles 53 and 77.5, the Agency may have him medically examined periodically to ascertain that he still satisfies the requirements for payment of the allowance.

Article 16

Article 16 is repealed.

CHAPTER 4

## SURVIVOR'S PENSION

Article 17

Where a servant dies having one of the administrative statuses set out in Article 37 of the General Conditions of Employment, the surviving spouse shall be entitled, provided that the couple were married for at least one year at the time of death and subject to the provisions of Article 1 and Article 22, to a survivor's pension equal to 60% of the retirement pension which the servant would have been paid if he had qualified, irrespective of length of service or of age, for such pension at the time of death.

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

Article 18 (21)

Where a former servant was in receipt of a retirement pension, the surviving spouse shall be entitled, provided that the couple were already married before the servant left the service of the Agency and that the marriage had lasted at least one year, and subject to the provisions of Article 22, to a survivor's pension equal to 60% of the retirement pension which the spouse was receiving at the time of his death.

The minimum survivor's pension shall be 35% of the last basic salary, plus the allowances referred to in Article 69b if applicable; the amount of the survivor's pension shall in no case, however, exceed the amount of the retirement pension which the spouse was receiving at the date of his death.

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

Article 18a (21)

The surviving spouse of a former servant who left the service before reaching the pensionable age, 55 or 58 or 57 years in the case of a servant to whom Article 53.2 or 53.3 or 53.4 applies respectively, and who requested that his retirement pension be deferred until the first day of the calendar month following that during which he reached the pensionable age or 55 or 58 or 57 years shall be entitled, provided that the couple were already married before the servant left the service of the Agency and that the marriage had lasted at least one year, and subject to the provisions of Article 22, to a survivor's pension equal to 60% of the retirement pension which would have been payable to the spouse at the pensionable age or

55 years or 58 years or 57 years. The minimum survivor's pension shall be 35% of the last basic salary, plus the allowances referred to in Article 69b if applicable; the survivor's pension shall in no case, however, exceed the amount of the retirement pension to which the servant would have been entitled at the pensionable age or 55 years or 58 years or 57 years respectively.

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

#### Article 19

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

The minimum survivor's pension shall be 35% of the final basic salary, plus the allowances referred to in Articles 69b and 69c if applicable; the amount of the survivor's pension shall in no case, however, exceed the amount of the invalidity allowance which the spouse was receiving at the time of his death.

#### Article 20

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

#### Article 21

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

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

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

Orphans shall be entitled to education allowance in accordance with the relevant provisions of the General Conditions of Employment.

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

#### Article 22

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

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

For the purposes of calculating this apportionment, children of a previous marriage of either spouse who are recognised as dependants within the meaning of Article 2 of Rule of Application No. 7 shall be included in the category of children of the marriage to the servant or former servant in receipt of a retirement pension or invalidity allowance.

In the case envisaged in the second paragraph, ascendants who are recognised as being dependants within the meaning of Article 2 of Rule of Application No. 7 shall be treated in the same way as dependent children and, for the purpose of calculating the apportionment, included in the category of descendants.

#### Article 23

Article 23 is repealed.

#### Article 24

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

The right to receive payment of survivor's pension shall cease at the end of the calendar month in which the recipient of the pension dies or ceases to satisfy the requirements for payment of the pension. Similarly the right to an orphan's pension shall cease if the recipient ceases to be regarded as a dependent child within the meaning of Article 2 of Rule of Application No. 7.

#### Article 25

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

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



Article 26

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

Article 27 (21)

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

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

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

Article 28

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

If any of the persons entitled to pension dies or renounces his/her share, his/her share shall accrue to the shares of the other persons, except where there are orphan's rights under the second paragraph of Article 80 of the General Conditions of Employment.

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

Article 29

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

CHAPTER 5

## PROVISIONAL PENSIONS

Article 30

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

#### Article 31

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

#### Article 31a

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

#### Article 32

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

#### Article 33

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

### CHAPTER 6

#### PENSION INCREASES IN RESPECT OF DEPENDENT CHILDREN

#### Article 34

The provisions of the second paragraph of Article 81 of the General Conditions of Employment shall apply to persons in receipt of a provisional pension.

The provisions of Articles 80 and 81 of the General Conditions of Employment shall also apply to children born less than 300 days after the death of the servant or former servant in receipt of a retirement pension or invalidity allowance.

#### Article 35

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

### CHAPTER 7

#### Section 1

#### FUNDING OF THE PENSION SCHEME

#### Article 36

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

#### Article 37

A servant on secondment shall continue to pay the contribution referred to in the preceding Article on the basis of the salary carried by his step and grade, plus the allowances referred to in Articles 69b and 69c, if applicable. This shall also apply, up to a maximum of five years as provided in Article 4, to servants receiving the allowance provided for in respect of non-active status and to servants on leave on personal grounds who are continuing to acquire further pension rights on the conditions laid down in Article 40.3 of the General Conditions of Employment.

All benefits to which any such servant or those entitled under him may be entitled under this pension scheme shall be calculated on the basis of such salary plus the allowance referred to in Article 69b, if applicable.

#### Article 38

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

#### Article 39

Article 39 is repealed.

#### Section 2

### CALCULATION OF PENSION

#### Article 40

The Agency shall be responsible for calculating the amount of retirement, survivor's or provisional pension or invalidity allowance. A detailed statement of the calculation shall be communicated to the servant or to those entitled under him at the same time as the decision awarding the pension.

A retirement pension or invalidity allowance shall not be paid concurrently with the salary payable by the Agency nor with the allowance payable under Article 41 of the General Conditions of Employment. Similarly, they shall be incompatible with any remuneration derived from a post within the Agency or within other bodies or undertakings created by the Organisation.

#### Article 41

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

They shall be liable to modification or withdrawal if the award was contrary to the provisions of the General Conditions of Employment or of this Annex.

Article 42

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

Article 43

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

Article 44

Where a servant has been deprived, in whole or in part, of his pension rights under Article 87 of the General Conditions of Employment, he shall be entitled to claim reimbursement in proportion to the amount by which his pension has been reduced of the pension contributions he has paid.

Section 3

PAYMENT OF BENEFITS

Article 45 (21)

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

These benefits shall be provided by the Agency.

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

For pensioners residing outside the euro zone, pensions may by way of exception be paid in foreign currency in the country of residence of the pensioner, converted on the basis of the quarterly exchange rates used for the implementation of the Agency budget.

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

Article 46

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

Article 47

Article 47 is repealed.

**ANNEX V** (15)SPECIAL CONDITIONS GOVERNING THE RECRUITMENT, PROFESSIONAL TRAINING,  
ADAPTATION AND QUALIFICATION OF AIR TRAFFIC CONTROL STAFF AS PROVIDED FOR  
IN ARTICLE 32 OF THE GENERAL CONDITIONS OF EMPLOYMENT**CHAPTER 1**

## GENERAL PROVISIONS

**Article 1**

The purpose of this Annex is to lay down the special conditions governing the recruitment, professional training, adaptation and qualifications of persons who are required to complete a period of instruction or special course with a view to their being appointed to a post of Air Traffic Controller in the Operations Division or being established in the corresponding grade.

The stipulations of the present Annex, which is provided for in Article 32 of the General Conditions of Employment, supplement the latter.

**Article 2**

Applications shall be invited for the purpose of filling vacant posts, with due regard to the specific functions to be fulfilled, from candidates who:

- 1) have the requisite higher secondary education to enable them to undergo the necessary training successfully (hereinafter referred to as 'ab-initio students');
- 2) hold an air traffic controller licence supplemented by a valid endorsement and have the requisite higher secondary education to enable them to undergo the necessary conversion training successfully (hereinafter referred to as 'Conversion Controllers').

**CHAPTER 2**

## RECRUITMENT OF AB-INITIO STUDENTS

**Article 3**

By decision of the Director General, a competition shall be held for ab-initio students which shall be open to persons with a higher secondary education who are not less than 17 and not more than 25 years of age.

Candidates selected by virtue of the competition provided for in the present Article shall be required to fulfil the conditions laid down in Articles 5 and 28 of the General Conditions of Employment.

**Article 4**

In order to acquire the general training and qualifications necessary for their future duties, ab-initio students shall be required to undergo a period of instruction normally lasting not more than four years.

Ab-initio students shall be attached to the Maastricht Centre. Courses shall be divided into several periods, some of which may be spent in several services of the Agency or with other certified training providers.

The application of the present Article, including the organisation of the courses, the syllabus and the examinations, shall be laid down in a Rule of Application issued by the Director General.

#### Article 5

Ab-initio students shall be subject to the provisions of a Rule of Application of the Director General which shall lay down, within the scope of the present Annex, and if necessary by reference to the General Conditions of Employment and the Rules of Application thereof, in particular their rights and obligations, the disciplinary measures to which they are liable as well as their emoluments and the social security benefits to which they are entitled.

#### Article 6 (16) (18) (19) (20) (22) (26) (28) (31)

1. The monthly basic remuneration of ab-initio students shall be as follows:
  - from the date of appointment until the end of the first training phase, EUR 1448.46;
  - from the beginning to the end of the second training phase, EUR 2027.83;
  - from the beginning of the third training phase until they are appointed as Advanced Trainee Air Traffic Controllers, EUR 2838.97.

If the ab-initio students are not provided with accommodation by EUROCONTROL until the end of phase II, the amounts above shall be increased by EUR 400 net per month.

2. The remuneration of ab-initio students shall be adjusted pursuant to the provisions of Articles 64 and 65 of the General Conditions of Employment. It shall serve as a basis for the calculation of the various allowances and reimbursement of expenses granted to students. Ab-initio students shall not be entitled to the expatriation allowance under Article 68 of the General Conditions of Employment.

#### Article 7

1. Ab-initio students shall be insured under the social security scheme for servants in respect of sickness and accident in accordance with Articles 72 and 73 of the General Conditions of Employment.

This provision shall not, however, preclude the possibility of group insurance being taken out to cover specific risks or the payment of supplementary allowances.

Ab-initio students shall contribute towards the cost of sickness and accident insurance at the rates laid down in the aforesaid Articles 72 and 73.

2. Ab-initio students shall not fall under the Agency's pension scheme, but shall instead be covered by a special scheme, for which arrangements shall be laid down in a Rule of Application issued by the Director General.

This special scheme shall be financed in accordance with the system laid down for servants in Article 83 of the General Conditions of Employment.

3. Ab-initio students shall provide evidence that they have personal liability insurance cover prior to their appointment.

#### Article 8

Notwithstanding Articles 34 and 35 of the General Conditions of Employment, ab-initio students who pass the end-of-course examination shall be appointed to the post of Advanced Trainee Air Traffic Controller pursuant to the provisions of paragraph 3 of the sole article of Annex XV.

The period as an ab-initio student shall be treated as equivalent to service as a servant as defined in Article 4 of Annex IV. As such, it shall be taken into account for the calculation of the annual instalments within the meaning of Article 3 of the said Annex.

### CHAPTER 3

#### RECRUITMENT OF CONVERSION CONTROLLERS

#### Article 9

Posts vacant in the Operations Division may also be filled by Conversion Controllers, i.e. candidates with a higher secondary education who hold an air traffic controller licence supplemented by a valid endorsement when applying.

On appointment, they shall be required to successfully complete a special adaptation course and further training courses before completion of the probationary period provided for in Article 36 of the General Conditions of Employment, on which their establishment shall depend. They shall be established only on obtaining their second unit rating. Conversion Controllers shall be subject to the General Conditions of Employment and the Rules of Application thereof, and shall be governed by the same terms and conditions as servants serving the probationary period referred to in Article 36 of the General Conditions of Employment.

Special conditions of entry giving proof of several years of experience appropriate to the vacant posts shall be specified by the Director General.

#### Article 10

The organisation and length of the special adaptation and further training courses shall be determined by a Rule of Application issued by the Director General, which shall specify all other conditions of the aforesaid special courses.

#### Article 11

1. Notwithstanding Article 35 of the General Conditions of Employment, the grade offered on recruitment to Conversion Controllers shall be determined as follows:
  - The grade on appointment shall be no higher than O4.
  - The step in this grade shall not be higher than step 5. In order to determine the step, account shall be taken of the quality and length of previous experience, which shall have been gained in

conditions similar to those at the Maastricht Centre. In exceptional cases, step 6 may be allocated by the Director General if the candidate is able to prove experience at a highly qualified level.

2. The date on which the Conversion Controller becomes fully qualified for a post of controller at the Maastricht Centre shall be considered as the date of commencement of the five-year period specified for promotion to the next higher grade.

#### CHAPTER 4

##### PROVISIONS COMMON TO CONVERSION CONTROLLERS AND AB-INITIO STUDENTS

#### Article 12

The requirements as regards age, experience and length of service shall be applicable with reference to 1 October of the year in which the competition is held.

#### Article 13

The organisation and programme of the competition shall be specified in a Rule of Application issued by the Director General. Notices regarding the selection tests shall indicate the requirements to be met by candidates, the type of examination and the number of vacancies.

The list of candidates admitted to the competition shall be drawn up by the Director General. No person shall be permitted to take the same selection test more than two times. At least two years need to have elapsed between these two tests.

The Selection Board shall draw up lists of successful candidates in alphabetical order at the end of the selection process.

Supplementary pass-lists may be drawn up in order to allow any posts remaining unfilled owing to the withdrawal of selected candidates or their rejection on the grounds of physical or mental unfitness to be filled. These supplementary lists shall cease to be valid three months after the start of the training.

#### Article 14

1. Successful candidates shall be admitted as conversion controllers or ab-initio students by decision of the Director General provided that they fulfil the physical and mental requirements.

They shall also be required to sign a standard letter of engagement specifying, inter alia:

- a) the individual's status, whether conversion controller or ab-initio student;
- b) the type and duration of the special adaptation course or period of instruction to which the post applied for is subject;
- c) the amount of the relevant salary and associated benefits;
- d) where appropriate, the candidate's obligation to remain in the service of the Agency for a given period and the refund he is liable to pay pursuant to Article 33 of the General Conditions of Employment



2. Successful candidates who fail to report for duty on the scheduled date shall forfeit their place on the pass-list. Subject to their furnishing valid reasons for their default, their admission shall be deferred to a later date by decision of the Director General. After this date, or if valid reasons are not furnished, candidates shall be refused admission.

#### Article 15

Conversion controllers or ab-initio students who are established Agency officials or servants shall be placed on secondment for the duration of their course or period of instruction.

Notwithstanding any provision to the contrary, they may, for that period, opt either for the remuneration to which they were entitled in their original grade or for that of conversion controller or ab-initio student.

#### Article 16

1. Any conversion controller whose results are deemed unsatisfactory may, by decision of the Director General on the recommendation of the Review Board, be allowed to repeat that part of the course or period of instruction in which he failed, be appointed to a lower grade, be discharged or be returned to his service if he was already an official or a servant.
2. Any ab-initio student whose results or conduct in service are deemed unsatisfactory may, by decision of the Director General on the recommendation of the Review Board, be allowed to repeat that part of the course or period of instruction in which he failed, be discharged, or be returned to his service if he was already an official or a servant.
3. Dismissal due to fault on the part of a conversion controller or an ab-initio student may be treated as equivalent to a unilateral breach of appointment as provided for in the second paragraph of Article 33 of the General Conditions of Employment.

#### Article 17

The Review Board shall consist of:

- a chairman appointed by the Director General;
- one member appointed by the Director General;
- one member appointed by the Staff Committee.

Alternates shall be appointed for each member, but shall only sit on the Board in the absence of the member concerned.

When the Review Board is called upon to give an opinion on the repetition of a course or a period of instruction, or the termination of the training, the person who made the recommendation shall not sit on the Review Board.

The Review Board may also be called upon to give its opinion on the termination of the training of an ab-initio student following a period of sickness, under the conditions provided for by the Rule of Application setting out the special conditions applicable to ab-initio students.

The person whose case is being examined by the Review Board may request to be heard by this Board.

**ANNEX VI****DETERMINATION OF THE AMOUNT AND METHOD OF LEVY OF THE TAX  
ON EUROCONTROL STAFF REMUNERATION****Article 1**

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

**Article 2**

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

**Article 3**

(1) (4) (6) (8) (12) (16) (18) (19) (20) (21) (22) (26) (28) (31)

1. The salaries and other emoluments subject to the tax (basic taxable amount) shall include all remuneration, benefits and allowances received by persons liable in the performance of official duties, as well as the allowances payable in the event of assignment to non-active status or retirement in the interests of the service and the interim allowance payable to a former Director General, with the exception of moneys and allowances, whether lump sums or not, which represent reimbursement of expenses actually incurred in the performance of the said duties.
2. The following shall be deducted from the basic taxable amount:
  - a) contributions in respect of pensions and social security;
  - b) the following allowances and benefits:
    - i) household allowance
    - ii) dependent child allowance
    - iii) education allowance
    - iv) expatriation allowance
    - v) installation allowance
    - vi) resettlement allowance
    - vii) birth grant.
3. The following shall not be included in the basic taxable amount:
  - a) reimbursement in respect of medical expenses and funeral expenses;
  - b) lump-sum payments in the event of death or total or partial permanent invalidity;
  - c) payments by way of compensation for damage suffered in the cases mentioned in Article 24 of the General Conditions of Employment.
4. The amount obtained by applying the preceding provisions shall be subject to an abatement of 5% for occupational expenses, up to a maximum of EUR 113.40 per month.

Article 4

(1) (4) (6) (8) (12) (16) (18) (19) (20) (22) (26) (28) (31)

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

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

With effect from 1 July 2019, the above amounts are subject to a weighting factor of 2.980661 based on the level of remuneration at 1 July 2019.

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

2. Notwithstanding the provisions of paragraph 1 above,
- a) remuneration in respect of overtime (whether lump sums or not), and
  - b) remuneration in respect of unusual working hours, the allowances provided for in Article 69a of the General Conditions of Employment and the allowance provided for in Article 69d thereof;

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

Article 5

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

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

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

Article 6

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

Article 7

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

Article 8

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

**ANNEX VII** (17)ARRANGEMENTS FOR THE ADJUSTMENT OF THE REMUNERATION  
AND PENSION COMPONENTS FROM 1 JANUARY 2013 TO 31 DECEMBER 2013Article 1

The Director General shall submit to the first Provisional Council session of 2014 a report on remuneration and pension trends at 1 July of the year preceding that in which the review is carried out.

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

Article 2 (18)

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

The trend in the remuneration and pension adjustment method shall be determined according to the remuneration and pension adjustment method which is the subject of Annex XI to the Staff Regulations of officials of the European Union, applicable from 1 July 2004 to December 2012 but taking into consideration, for the change in the cost of living in Brussels, the Harmonised Index of Consumer Prices for Belgium instead of the Brussels International Index provided for in the above-mentioned Annex XI and, for the trend in the purchasing power of salaries of national civil servants, a sample comprising the twenty eight Member States of the European Union instead of the eight Member States provided for in the above-mentioned Annex XI.

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

Article 3

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

Article 4

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

Article 5

This Annex shall enter into force on 1 January 2013 for a period of one year expiring on 31 December 2013 and shall apply to the remuneration and pension adjustment with effect from 1 July 2013 in respect of the reference period 1 July 2012 to 30 June 2013.

**ANNEX VII** (17)ARRANGEMENTS FOR THE UPDATING OF THE REMUNERATION  
AND PENSION COMPONENTS AS FROM 1 JANUARY 2014Article 1

The Director General shall send to the Provisional Council each year, once the annual update of remuneration and pensions at the European Union has been published in the Official Journal of the European Union and not later than the end of the second month following this publication, an information report on the European Union remuneration and pension update with effect from 1 July of the previous year.<sup>(\*)</sup>

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

Article 2

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

The trend in the remuneration and pension update method shall be determined according to the remuneration and pension update method which is the subject of Articles 64 and 65 and of Annex XI to the Staff Regulations of officials of the European Union, applicable as from 1 January 2014.

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

Article 3

The Director General shall implement the annual update of remuneration and pensions as described in Articles 1 and 2 of the present Annex and in accordance with Articles 64, 65 and 82 of the General Conditions of Employment.

The annual updating of remuneration and pension components shall be due at the end of the third month following its publication in the Official Journal of the European Union.

Article 4

Interim remuneration and pension updates shall be implemented *mutatis mutandis* and as provided in Article 4 of the aforementioned Annex XI.

Article 5

This Annex shall enter into force on 1 January 2014 for a period expiring on 31 December 2023.

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<sup>(\*)</sup> The publication of the annual update in the Official Journal of the European Union normally takes place every year in December. The report of the Director General to the Provisional Council is therefore sent at the beginning of the year following this publication.

**ANNEX VIII**

## TEMPORARY SOCIAL ALLOWANCE

Sole Article (1) (21)

1. A former servant appointed for a limited or undetermined period who is unemployed when his/her service has been terminated either pursuant to the provisions of Article 52 or pursuant to the provisions of Annex X to the General Conditions of Employment:

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

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

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

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

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

The allowance shall nevertheless be granted if the former servant is unable to register as seeking employment in the absence of any competent national authority or if his/her application is rejected by a national authority. In such cases, he/she shall not be required to forward every month the certificates referred to under c). The allowance may also be granted or maintained, even where the national obligations referred to under b) have not been fulfilled, in cases of illness, accident, maternity, invalidity or a situation recognised as being similar or where the national authority, competent to meet those obligations, has given a dispensation.

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

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

- 60% of the basic salary for an initial period of 12 months,

- 45% of the basic salary from the 13th till the 18th month,
- 30% of the basic salary from the 19th till the 24th month.

Other than during an initial six-month period, in which the lower limit specified below is applicable but the upper limit is not, the amounts thus defined shall not be lower than 50% of the minimum subsistence figure provided for in Article 6 of Annex IV, or higher than that figure.

4. The temporary social allowance shall be paid to the former servant for a maximum of 24 months from the date of termination of service. If, however, during that period the former servant ceases to fulfil the conditions laid down in paragraphs 1 and 2 of the present Article, payment of the temporary social allowance shall be suspended. Payment shall be resumed if before the expiry of that period the former servant again fulfils the said conditions and has not acquired the right to national unemployment benefit.
5. A former servant who is eligible for the temporary social allowance shall be entitled to the family allowances provided for in Article 67 of the General Conditions of Employments.

The household allowance shall be calculated on the basis of the temporary social allowance; the minimum amount provided for in Article 1 of Rule of Application No. 7 shall still apply.

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

A former servant who is eligible for the temporary social allowance shall be entitled, as provided for in Article 72 of the General Conditions of Employment, to insurance cover against sickness without having to make any contribution.

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

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

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

Allowances paid in a currency other than the euro shall be calculated at the exchange rates referred to in the second paragraph of Article 63 of the General Conditions of Employment.

7. A servant appointed for a limited or undetermined period shall contribute a third to the financing of the unemployment insurance scheme.

That contribution shall be fixed at 0.1% of the basic salary of the person concerned, not taking into account the adjustment provided for in Article 64 of the General Conditions of Employment. That contribution shall be deducted monthly from the salary of the person concerned and paid, together with the remaining two thirds to be borne by the Agency, into an Unemployment Fund. The Agency shall pay its contribution each month, no later than eight days after the payment of remunerations.



8. The temporary social allowance paid to a former servant who is unemployed shall be subject to the provisions of Annex VI to the General Conditions of Employment relating to the “determination of the amount and method of levy of the tax on EUROCONTROL staff remuneration”.
9. The national departments with responsibility for employment and unemployment, acting in accordance with their national legislation, and the Agency shall cooperate with each other in an effective manner in order to ensure that the present provisions are properly applied.
10. One year after the introduction of this unemployment insurance scheme and every two years thereafter, the Director General shall submit a report on the financial situation of the scheme to the Permanent Commission. Independently of this report, the Director General may submit to the Permanent Commission proposals adjusting the contributions provided for in paragraph 7 of the present Article if the application of the scheme so requires. The Permanent Commission shall act on these proposals in accordance with the conditions laid down in the final subparagraph of paragraph 3 of the present Article.
11. The provisions of this Article shall also apply to servants appointed for a limited period before 1 May 2002.

**ANNEX IX**

TEMPORARY PROVISIONS OF THE GENERAL CONDITIONS OF EMPLOYMENT RELATING  
TO THE CONVERSION OF LIMITED-TERM APPOINTMENTS VALID ON 1 MAY 2002  
INTO APPOINTMENTS FOR AN UNLIMITED PERIOD

Sole Article

1. A servant appointed for a limited period which has not expired on 1 May 2002 may be granted an appointment for an unlimited period, provided that his performance is satisfactory and that the duties associated with his post are not of a temporary nature.  
If the Director General does not intend to convert the appointment of a servant appointed for a limited period, he shall consult the Joint Committee.
2. Limited-term appointments shall be converted to appointments for an unlimited period at the grade and step reached at the time of the decision to convert such appointments.
3. Decisions relating to conversion shall be taken within six months of the date on which these amendments enter into force.

**ANNEX X** (29)

SPECIAL PROVISIONS OF THE GENERAL CONDITIONS OF EMPLOYMENT  
 APPLICABLE TO SERVANTS APPOINTED FOR AN UNDETERMINED  
 OR LIMITED BETWEEN 1 MAY 2002 AND 30 JUNE 2019

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CHAPTER 1

## GENERAL PROVISIONS

Article 1

1. The purpose of this Annex is to determine the special procedures governing inter alia appointments, termination of service and compensation in the event of termination of service which apply to the servants referred to in Article 1.4 of the General Conditions of Employment.

These special provisions shall in some cases derogate from, and in others supplement, certain provisions of the General Conditions of Employment

2. The principle governing the duration of the appointments of the servants referred to in Article 1.4 of the General Conditions of Employment shall be as follows:
  - where the duties are of a lasting nature, the servant shall be appointed for an undetermined period, subject to the conditions set out in Chapter 2 below;
  - where the duties are not of a lasting nature or where the relevant unit is in the process of being set up, the servant shall be appointed for a limited period, subject to the conditions set out in Chapter 3 below.

#### Article 2

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

#### Article 3

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

### CHAPTER 2

#### SPECIAL PROVISIONS OF THE GENERAL CONDITIONS OF EMPLOYMENT RELATING TO APPOINTMENTS FOR AN UNDETERMINED PERIOD

#### Section 1

#### CONDITIONS GOVERNING THE AWARD OF APPOINTMENTS FOR AN UNDETERMINED PERIOD

#### Article 4

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

#### Section 2

#### PROCEDURE AND NOTICE APPLICABLE IN THE EVENT OF TERMINATION OF SERVICE OF A SERVANT APPOINTED FOR AN UNDETERMINED PERIOD

#### Article 5 (21)

1. The Director General may terminate the service of a servant appointed for an undetermined period where the duties the servant performs cease or are substantially changed, with or without deletion of the budgetary post.

2. Prior to taking such a decision, the Director General shall explore all the options for reassigning the servant to a different post in his function group, at the same or a lower grade, including if necessary retraining measures. Any termination of service proposal shall adduce the reasons therefore and be communicated to the servant concerned. The servant shall be entitled to make any comments thereon which he considers relevant. The reasoned decision shall be taken by the Director General after consulting the Joint Reports Committee.
3. Where a servant is appointed in accordance with the provisions of paragraph 2 above to a post carrying a lower grade than his previous post, the decision by the Director General shall specify his new grade, his step and his seniority in the step.

In such cases, and if the servant would not reach, one year before his retirement, a grade and step with a basic salary at least equal to the grade and step he had reached prior to his appointment to the lower grade, the pension rights provided for in Article 77 of the General Conditions of Employment shall be calculated in proportion to the number of months' service completed prior to and following his appointment to the lower grade. The basic salary taken into account in this calculation for each of the two periods of service shall be:

- for the period worked prior to the servant's appointment to the lower grade, the salary attaching to the last grade and step reached prior to that appointment,
  - for the period worked following the servant's appointment to the lower grade, the salary attaching to the last grade and step reached at least one year prior to retirement.
4. The length of the period of notice for termination of service shall be six months plus one month per five-year period of service completed with the Agency as an official or a servant.  
The notice shall begin to run on the first day of the month following that in which the reasoned decision to terminate service is notified to the servant.  
The period of notice shall not, however, begin to run during maternity leave or sick leave, provided such sick leave does not exceed three months. The notice shall be suspended during maternity leave, and, subject to a limit of three months, during sick leave.  
For the duration of the period of notice, the Director General shall grant the servant concerned the time needed to find new employment and make private arrangements in connection with his resettlement.
  5. A servant appointed for an undetermined period shall be required to resign:
    - either at the end of the period of notice for servants covered by the provisions of Article 7 below;
    - or at the age of sixty-three at the latest for servants covered by the provisions of Article 8 below.

Section 3COMPENSATION IN THE EVENT OF TERMINATION OF SERVICE OF A SERVANT  
APPOINTED FOR AN UNDETERMINED PERIODArticle 6

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

Article 7

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

The basic salary for the purposes of this Article shall be that referred to in the tables in Article 66 of the General Conditions of Employment which are in force on the first day of the month during which the compensation is payable.

The compensation shall be expressed and paid in euros.

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

Article 8 (29)

1. A servant aged 55 years or more shall receive a monthly allowance equivalent to 60% of the total of the basic salary for the grade and step held at the time of departure, determined by reference to the tables referred to in Article 66 of the General Conditions of Employment in force on the first day of the month for which the allowance is payable.  
The total duration of entitlement to this allowance is fixed in paragraph 6 below.  
He may, however, opt for the compensation for termination of service provided for in Article 7 above, which is calculated on the basis of his actual age.

2. The allowance shall be subject to the adjustment laid down in Article 64 of the General Conditions of Employment, applicable by analogy, and weighted at the rate for pensions fixed for the country inside or outside the Member States of the Organisation where the recipient proves he has his residence.

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

The allowance shall be expressed in euros and paid in the currency of the country of residence of the recipient. However, if it is subject to the weighting of 100 in accordance with the provisions of the preceding subparagraph, it shall be paid in euros.

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

Gross income accruing to the servant from any new employment shall be deducted from the allowance, in so far as that income plus that allowance exceed the total gross remuneration last received by the servant, determined by reference to the salary scales in force on the first day of the month for which the allowance is payable. That remuneration shall be weighted as provided for in the first paragraph above.

Gross income and total gross remuneration last received, as referred to above, mean sums paid after deduction of social security contributions and before deduction of tax.

The servant concerned shall provide the written proof required by the Agency when the annual return of gross income accruing to him from any new employment is requested and shall in the interval between annual requests notify the Agency of any factor which may affect his right to the allowance.

3. Under the conditions referred to in Article 67 of the General Conditions of Employment and Articles 1, 2 and 3 of Rule of Application No. 7, a servant entitled to an allowance under this Article shall receive family allowances; the household allowance shall be calculated by reference to that allowance.
4. The allowance and other various allowances received shall be subject to the internal tax provided for in Annex VI of the General Conditions of Employment, which shall be applicable by analogy, as well as Rule of Application No. 27.
5. Recipients of the allowance shall be entitled, in respect of themselves and persons covered by their insurance, to benefit under the sickness insurance scheme provided for in Article 72 of the General Conditions of Employment on condition that they pay the relevant contribution, calculated on the basis of the allowance, and are not gainfully employed. For the purposes of Article 72, the servant shall be treated in the same way as a servant who has remained in service until his pensionable age.
6. During the period for which he is entitled to receive the allowance, the servant shall continue to acquire further rights to retirement pension based on the salary attaching to his grade and step, subject to payment during that period of the contribution provided for in the General Conditions of Employment by reference to that salary and those allowances, and provided that the total amount of pension rights does not exceed 70%.  
The allowance shall cease on the last day of the month in which the servant reaches his pensionable age but at the earliest at the age of 63.

At that point the servant shall automatically receive a retirement pension, which shall take effect on the first day of the month following the month in which the allowance was paid for the last time.

However, a servant may, at any time, request that his allowance be converted into a retirement pension calculated on the basis of the pension rights acquired in the EUROCONTROL pension scheme at the date of effect of his request.

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

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

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

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

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

### CHAPTER 3

#### SPECIAL PROVISIONS OF THE GENERAL CONDITIONS OF EMPLOYMENT RELATING TO LIMITED-TERM APPOINTMENTS

##### Section 1

#### CONDITIONS GOVERNING THE AWARD AND DURATION OF LIMITED-TERM APPOINTMENTS

##### Article 9 (29)

1. Where a servant is recruited to perform tasks which are of limited duration, the duration of the appointment shall correspond to the duration of the tasks, but may not exceed five years. The appointment may be renewed in order to allow the servant to complete the tasks under way, but the total length of the appointment, including its renewal period, may not exceed nine years.



2. Where the servant is recruited to a unit which is in the process of being set up or to perform tasks the future of which is not yet certain, the duration of his appointment shall, as a general rule, be limited to five years. In exceptional circumstances, the appointment may be renewed, but its total duration, including the renewal period, may not exceed nine years.

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

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

## Section 2

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

#### Article 10 (21)

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

Section 3COMPENSATION IN THE EVENT OF TERMINATION OF SERVICE OF A SERVANT  
APPOINTED FOR A LIMITED-TERM PERIODArticle 11

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

Article 12

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

The basic salary for the purposes of this Article shall be that shown in the tables referred to in Article 66 of the General Conditions of Employment which is in force on the first day of the month during which the compensation is payable.

The compensation shall be expressed and paid in euros.

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

Article 13 (29)

## Final provisions

If a servant appointed before 1 May 2002 for an unlimited period or from 1 May 2002 for an undetermined period in accordance with the provisions of Annex X is appointed to another post after 30 June 2019 for a limited term, he shall retain his conditions of appointment.

**ANNEX Xb** (29)SPECIAL PROVISIONS OF THE GENERAL CONDITIONS OF EMPLOYMENT APPLICABLE TO  
SERVANTS APPOINTED AS FROM 1 JULY 2019Section 1CHAPTER 1

## GENERAL PROVISIONS

Article 1

1. The purpose of this Annex is to determine the special procedures governing inter alia appointments, termination of service and compensation in the event of termination of service which apply to the servants referred to in Article 1.5 of the General Conditions of Employment.

These special provisions shall in some cases derogate from, and in others supplement, certain provisions of the General Conditions of Employment.

2. The servants recruited as from 1 July 2019 referred to in Article 1.5 of the General Conditions of Employment shall be appointed for a limited term, subject to the conditions set out in Chapter 2 below.
  1. By way of derogation from paragraph 2, servants belonging to function group O as referred to in Table II.b of Annex I to the General Conditions of Employment shall be directly recruited for an undetermined period as set out in Article 6.2 below.
  2. Directors shall not be governed by the present Annex.
5. The status provided for in Article 37(d) ("non-active status") of the General Conditions of Employment shall not apply to the servants referred to in this Annex.
6. Granting leave on personal grounds pursuant to the provisions of Article 40 of the General Conditions of Employment may not result in the extension of the duration of a limited-term appointment, the renewal of such an appointment, or the suspension of the date on which the notice provided for in Articles 4.3 and 7.4 of this Annex starts to run.

## CHAPTER 2

### SPECIAL PROVISIONS RELATING TO LIMITED-TERM APPOINTMENTS

#### Section 1

#### CONDITIONS GOVERNING THE AWARD OF THE LIMITED-TERM APPOINTMENTS

##### Article 2

The duration of the limited-term appointments under this Annex shall not exceed five years.

This appointment may be renewed several times for one or more years, but its total duration, including all renewal periods, may not exceed nine years.

##### Article 3

If a servant appointed as from 1 July 2019 for a limited term in accordance with the provisions of Article 2 of this Annex is appointed for a limited term to another post on the basis of Article 30.1 of the General Conditions of Employment, to another post for a limited term, the total duration of his service with the Agency may not exceed nine years. However, after five years of service with the Agency, the appointment of such a staff member, even if he is assigned to different posts, may be converted to an appointment for an undetermined period in accordance with the provisions of Article 6 of this Annex.

#### Section 2

#### PROCEDURE AND NOTICE APPLICABLE IN THE EVENT OF TERMINATION OF SERVICE OF A SERVANT APPOINTED FOR A LIMITED TERM

##### Article 4

1. A servant appointed for a limited term pursuant to this Annex shall carry out his duties until the date provided for in his act of appointment or its renewal.
2. In exceptional circumstances, however, the Director General may terminate an appointment for a limited term period before its end-date where the duties carried out cease or are fundamentally changed, with or without deletion of the budgetary post. Prior to taking such a decision, the Director General shall explore all the options for reassigning the servant to a different post, at the same or a lower grade in his function group, including if necessary retraining measures. Any termination of service proposal shall adduce the reasons therefor and be communicated to the servant concerned. The servant shall be entitled to make any comments thereon which he considers relevant before the decision is taken. The reasoned decision shall be taken by the Director General after consulting the Joint Reports Committee.
3. In the case of servants who fall under the provisions of paragraph 2 above, the length of the period of notice for termination of service shall be six months, plus one month if the servant has completed at least five years' service with the Agency in that capacity. The notice shall begin to run on the first day of the month following that in which the servant is notified of the reasoned decision to terminate service.

The period of notice shall not, however, begin to run during maternity leave or sick leave, provided that such sick leave does not exceed three months. The notice shall be suspended during maternity leave, and, subject to a limit of three months, during sick leave.

For the duration of the period of notice, the Director General shall grant the servant concerned the time needed to find new employment and make private arrangements in connection with his resettlement.

4. On expiry of the period for which he was appointed, and no later than nine years after commencement thereof, the servant shall be required to resign. He shall also be required to resign upon expiry of the period of notice provided for in paragraph 3 above.

### Section 3

## COMPENSATION IN THE EVENT OF TERMINATION OF SERVICE OF A SERVANT APPOINTED FOR A LIMITED TERM

### Article 5

1. A servant whose service is terminated in accordance with the provisions of Article 4.2 above shall be entitled to compensation proportionate to his years of service with the Agency equal to six months' basic salary, plus one month for each full year of service.
2. Compensation shall be paid on expiry of the period of notice in the form of a sum incorporating the cost of-living weighting of the last place of employment, which sum shall be subject to EUROCONTROL internal tax. In order to calculate the internal tax applicable to the compensation, each basic monthly salary payable shall be taxed individually on the basis of the internal tax scale.
3. The basic salary for the purposes of this Article shall be that shown in the table referred to in Article 66 of the General Conditions of Employment which is in force on the first day of the month during which the compensation is payable.
4. The compensation shall be expressed and paid in euros.
5. The compensation shall not be payable if the servant has refused to be appointed, prior to expiry of the period of notice, to another Agency post of the same grade.

## CHAPTER 3

### SPECIAL PROVISIONS RELATING TO APPOINTMENTS FOR AN UNDETERMINED PERIOD

#### Section 1

### CONDITIONS GOVERNING THE AWARD OF APPOINTMENTS FOR AN UNDETERMINED PERIOD

#### Article 6

1. Where a post is of a lasting nature, the Director General shall, in the interests of the service, convert the appointment of a servant appointed as from 1 July 2019 pursuant to Article 2 and who has performed a minimum of five years of service as a servant to an appointment for an undetermined

period, provided that his performance is satisfactory. He shall be governed by the provisions of the present Chapter.

2. Pursuant to Article 1.3, servants appointed to a post belonging to function group O as referred to in Table II.b of Annex I, to the General Conditions of Employment, shall be given an appointment for an undetermined period.

## Section 2

### PROCEDURE AND NOTICE APPLICABLE IN THE EVENT OF TERMINATION OF SERVICE OF A SERVANT APPOINTED FOR AN UNDETERMINED PERIOD

#### Article 7

1. The Director General may terminate the service of a servant appointed for an undetermined period where the duties which the servant carries out cease or are substantially changed, with or without deletion of the budgetary post.
2. Prior to taking such a decision, the Director General shall explore all the options for reassigning the servant to a different post in his function group, at the same or a lower grade, including if necessary retraining measures. Any termination of service proposal shall adduce the reasons therefor and be communicated to the servant concerned. The servant shall be entitled to make any comments thereon which he considers relevant. The reasoned decision shall be taken by the Director General after consulting the Joint Reports Committee.
3. Where a servant is appointed in accordance with the provisions of paragraph 2 above to a post carrying a lower grade than his previous post, the decision by the Director General shall specify his new grade, step and seniority in the step.

In such cases, and if the servant would not reach, one year before his retirement, a grade and step with a basic salary at least equal to the grade and step he had reached prior to his appointment to the lower grade, the pension rights provided for in Article 77 of the General Conditions of Employment shall be calculated in proportion to the number of months' service completed prior to and following his appointment to the lower grade. The basic salary taken into account in this calculation for each of the two periods of service shall be:

- for the period worked prior to the servant's appointment to the lower grade, the salary attaching to the last grade and step reached prior to that appointment;
  - for the period worked following the servant's appointment to the lower grade, the salary attaching to the last grade and step reached at least one year prior to retirement.
4. The length of the period of notice for termination of service shall be six months plus one month per five-year period of service completed with the Agency as an official or servant.

The notice shall begin to run on the first day of the month following that in which the servant is notified of the reasoned decision to terminate service.

The period of notice shall not, however, begin to run during maternity leave or sick leave, provided that such sick leave does not exceed three months. The notice shall be suspended during maternity leave, and, subject to a limit of three months, during sick leave.

For the duration of the period of notice, the Director General shall grant the servant concerned the time needed to find new employment and make private arrangements in connection with his resettlement.

5. A servant appointed for an undetermined period shall be required to resign:
  - either at the end of the period of notice for servants covered by the provisions of Article 9 below;
  - or at the latest at pensionable age for servants covered by the provisions of Article 10 below.

### Section 3

#### COMPENSATION IN THE EVENT OF TERMINATION OF SERVICE OF A SERVANT APPOINTED FOR AN UNDETERMINED PERIOD

#### Article 8

A servant whose service is terminated pursuant to Article 7 above shall be entitled to the compensation as provided for in Articles 9 and 10 below.

#### Article 9

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

The basic salary for the purposes of this Article shall be that shown in the table referred to in Article 66 of the General Conditions of Employment which is in force on the first day of the month during which the compensation is payable.

The compensation shall be expressed and paid in euros.

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

#### Article 10

1. A servant aged 55 or over shall receive a monthly allowance equivalent to 60% of the total basic salary for the grade and step held at the time of departure, determined by reference to the table referred to in Article 66 of the General Conditions of Employment in force on the first day of the month for which the allowance is payable.

The total duration of entitlement to this allowance shall be as determined in paragraph 6 below.

He may, however, opt for compensation for termination of service as provided for in Article 9 above, which shall be calculated on the basis of his actual age.

2. The allowance shall be subject to the adjustment laid down in Article 64 of General Conditions of Employment, applicable by analogy, and weighted at the rate for pensions fixed for the country inside or outside the Member States of the Organisation where the recipient proves he has his residence.

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

The allowance shall be expressed in euros and paid in the currency of the country of residence of the recipient. However, if it is subject to the weighting of 100 in accordance with the provisions of the preceding subparagraph, it shall be paid in euros.

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

Gross income accruing to the servant from any new employment shall be deducted from the allowance, insofar as that income plus that allowance exceed the total gross remuneration last received by the servant, determined by reference to the salary scales in force on the first day of the month for which the allowance is payable. That remuneration shall be weighted as provided for in the first paragraph above.

Gross income and total gross remuneration last received, as referred to above, shall mean the sums paid after deduction of social security contributions and before deduction of tax.

The servant concerned shall provide the written proof required by the Agency when the annual return of gross income accruing to him from any new employment is requested, and shall in the interval between annual requests notify the Agency of any factor which may affect his right to the allowance.

3. Under the conditions referred to in Article 67 of the General Conditions of Employment and Articles 1, 2 and 3 of Rule of Application No 7, a servant entitled to an allowance under this Article shall receive family allowances. The household allowance shall be calculated by reference to that allowance.



4. The allowance and other allowances received shall be subject to the internal tax provided for in Annex VI to the General Conditions of Employment, which shall be applicable by analogy, as shall Rule of Application No 27.
5. Recipients of the allowance shall be entitled, in respect of themselves and persons covered by their insurance, to benefit under the sickness insurance scheme provided for in Article 72 of the General Conditions of Employment on condition that they pay the relevant contribution, calculated on the basis of the allowance, and are not gainfully employed. For the purposes of Article 72, the servant shall be treated in the same way as a servant who has remained in service until his retirement age.
6. During the period for which he is entitled to receive the allowance, the servant shall continue to acquire further retirement pension rights based on the salary attaching to his grade and step, subject to payment during that period of the contribution provided for in the General Conditions of Employment by reference to that salary and those allowances, and provided that the total amount of pension rights does not exceed 70%.

The allowance shall cease on the last day of the month in which the servant reaches his pensionable age.

At that point, the servant shall automatically receive a retirement pension, which shall take effect on the first day of the month following the month in which the allowance was paid for the last time.

However, a servant may, at any time, request that his allowance be converted into a retirement pension calculated on the basis of the pension rights acquired under the EUROCONTROL pension scheme on the effective date of his request.

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

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

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

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

On the death of the servant in receipt of the allowance, dependent children within the meaning of Article 2 of Rule of Application No 7 shall be entitled to an orphan's pension under the conditions set out in Article 80 of the said General Conditions of Employment and in Article 21 of Annex IV to the General Conditions of Employment.

**ANNEX XI**PROVISIONS OF THE GENERAL CONDITIONS OF EMPLOYMENT RELATING TO THE  
APPLICATION OF ARTICLE 52 OF THE GENERAL CONDITIONS OF EMPLOYMENTSole Article (21)

1. As regards the application of the first subparagraph of Article 52.1 of the General Conditions of Employment, the word "incompetent" shall be interpreted as meaning that the performance of the servant is not satisfactory in the annual reports referred to in Article 43 of the General Conditions of Employment.

Incompetence shall be assessed with reference to the following: description of the post, determination of the objectives of the job, periodical report appraising performance and professional development.

2. Where a servant's performance is not considered satisfactory, his manager shall immediately take remedial measures to allow the servant to achieve a satisfactory level of performance. These measures shall be defined in a Rule of Application of the Director General.
3. If, despite such remedial measures, the servant does not succeed in achieving a satisfactory level of performance by the deadline of 5 years set in Article 52 of the General Conditions of Employment, a dismissal procedure shall be initiated, subject to the conditions laid down in the aforementioned Rule of Application.

**ANNEX XII**

## RULES FOR IMPLEMENTING ARTICLE 83A OF THE GENERAL CONDITIONS OF EMPLOYMENT

**CHAPTER 1**

## GENERAL PRINCIPLES

Article 1

1. In order to determine the contribution of servants to the pension scheme referred to in Article 83(2) of the General Conditions of Employment, the Director General shall, every five years starting on 1 July 2005, carry out the actuarial assessment of the balance of the pension scheme referred to in Article 83a(2) of the General Conditions of Employment. This assessment shall indicate whether the contribution of the servants is sufficient to finance one third of the cost under the pension scheme.
2. In preparation for the examination referred to in Article 83a(3) of the General Conditions of Employment, the Director General shall every year update this actuarial assessment, having regard to changes in the population as defined in Article 9 of this Annex, in the interest rate as defined in Article 10 of this Annex and in the rate of annual change in the salary scales of Agency servants as defined in Article 11 of this Annex.
3. The assessment and updates shall be carried out each year n, on the basis of the population of active members of the pension scheme at 31 December of the previous year (n-1).

Article 2 (21)

Any update of the contribution rate shall take effect on 1 July at the same time as the annual update of remunerations under Article 65 of the General Conditions of Employment.

**CHAPTER 2**

## ASSESSMENT OF THE ACTUARIAL BALANCE

Article 3

The five-yearly actuarial assessments shall lay down the conditions for balance by taking into account, as charges on the scheme, the retirement pension as defined in Article 77 of the General Conditions of Employment, the invalidity allowance as defined in Article 78 of the General Conditions of Employment, survivors' pensions as defined in Articles 79 and 80 of the General Conditions of Employment.

Article 4 (21)

1. The actuarial balance shall be assessed on the basis of the method for calculation set out in this chapter.
2. In accordance with this method, the "actuarial value" of pension rights
  - acquired prior to 1 January 2005 shall represent the obligation in respect of past service prior to this date,

- acquired between 1 January 2005 and the date of calculation shall represent the obligation in respect of the periods of service between these two dates,
  - acquired after the date of calculation shall represent the obligation in respect of future service.
3. It is assumed that all retirements (except for invalidity) will occur at a fixed average age (r). The average retirement age shall be updated only on the occasion of the five-yearly actuarial assessment referred to in Article 1 of this Annex and may be different for different groups of staff.
  4. In determining the actuarial values:
    - a) the future changes in each servant's basic salary and other pensionable allowance between the calculation date and the assumed retirement age shall be taken into account (projected salaries);
    - b) the pension rights acquired before 1 January 2005 (the past service liability) shall not be taken into account;
    - c) pension rights acquired after 1 January 2005 shall be taken into account.
  5. All the relevant provisions provided for in these General Conditions of Employment (particularly in Annexes IV and XIII) shall be taken into account in the actuarial evaluation of the service cost.
  6. A smoothing process shall be applied to determine the real discount rate and the rate of annual change in the salary scales of servants. The smoothing shall be obtained through a 30-year moving average for the interest rate and for the increase in the salary scales, and other pensionable allowances.

#### Article 5 (29)

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

Contribution rate = actuarial value of obligations subsequent to 1 January 2005/actuarial value of projected salaries
2. Without prejudice to Article 15, servants' contributions to the cost of financing the pension scheme shall be calculated as being equal to one third of the result of the formula set out in paragraph 1 above.
3. The cost of the liabilities shall be the sum of:
  - a) the cost of the retirement liabilities (detailed in Article 6 of this Annex), i.e. the actuarial value of the pension rights that will be earned since 1 January 2005, including the value of the portion of that pension that will become payable to the surviving spouse and/or dependent children upon the death of the servant after retirement (reversion);
  - b) the cost of the invalidity liabilities (detailed in Article 7 of this Annex), i.e. the actuarial value of the pension rights that will become payable to the active servants who are expected to become invalids after the date of calculation; and

- c) the cost of the survivor's liabilities (detailed in Article 8 of this Annex), i.e. the actuarial value of the pension rights that will become payable on behalf of active servants who are expected to die after 1 January 2005.
4. The evaluation of the cost of the liabilities shall be based on the pension rights and on the appropriate annuities, as detailed in Articles 6 to 8 of this Annex.

These annuities shall give the actuarial present value of EUR 1 per year, taking into account the interest rate, the rate of annual change in the salary scales and the probability to be still alive at the age of retirement.

5. The minimum subsistence figures mentioned in Chapter 2 of Title V of the General Conditions of Employment and in Annex IV shall be taken into account.

#### Article 6

1. In order to calculate the value of retirement pensions, the pension rights acquired since 1 January 2005 shall be calculated for each servant in active service by multiplying his/her projected basic salary at the age of retirement by the percentage of pension rights acquired since 1 January 2005.
2. The Projected basic Salary (PS) at retirement shall be calculated starting from the basic salary at 31 December of the previous year and taking into account the rate of annual increase in the salary scales and the estimated annual rate of increase due to seniority and promotions.

Since the calculations shall be made in real terms, net of inflation, the rate of annual change in the salary scales and the annual rate of increase due to seniority and promotions shall be rates of increase net of inflation.

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

#### Article 7

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

Article 8

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

CHAPTER 3

## SYSTEM OF COMPUTATION

Article 9

1. The demographic parameters to be taken into consideration for the actuarial assessment shall be based on observation of the population of participants in the scheme, comprising staff in active service and pensioners. This information shall be collected annually by the Director General.

From the observation of this population shall be deduced in particular the structure of the population, the average age of retirement and the invalidity table.

2. The mortality table shall relate to a population which has characteristics as close as possible to those of the population of members of the scheme. It shall be updated only on the occasion of the five-yearly actuarial assessment referred to in Article 1 of this Annex.

Article 10 (21)

1. The interest rates to be taken into consideration for the actuarial calculations shall be based on the observed average annual interest rates on the long-term public debt of Member States of the European Union as published by the Commission. An appropriate consumer price index shall be used to calculate the corresponding interest rate net of inflation as needed for the actuarial calculations.
2. The effective annual rate to be taken into consideration for the actuarial calculations shall be the average of the real average interest rates for the 30 years preceding the current year.

Article 11 (21)

1. The annual change in the salary scales of servants to be taken into consideration for the actuarial calculations shall be based on the specific indicators referred to in Article 1(4) of Annex XI of the Staff Regulations of officials of the European Union.
2. The effective annual rate to be taken into consideration for the actuarial calculations shall be the average of the net specific indicators for the European Union for the 30 years preceding the current year.

Article 11a (21)

Until 2020, for the application of Articles 4(6), 10(2) and 11(2) of this Annex, the moving average shall be calculated on the basis of the following time scale:

End 2016 – 20 years  
 End 2017 – 22 years  
 End 2018 – 24 years  
 End 2019 – 26 years  
 End 2020 – 28 years.

Article 12 (21)

The rate in Article 8 of Annex IV for the calculation of compound interest shall be the effective rate referred to in Article 10 of this Annex and shall, if necessary, be updated on the occasion of the five-yearly actuarial assessments.

With respect to the update, the rate referred to in Article 8 of Annex IV shall be understood as a reference rate. The Director General shall publish the updated effective rate within two months following publication thereof in the *Official Journal of the European Union* for information purposes.

CHAPTER 4

## IMPLEMENTATION

Article 13

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

CHAPTER 5

## REVISION CLAUSE

Article 14 (21)

Article 14 is repealed.

CHAPTER 6 (29)Article 15

By way of derogation from Article 83.2 of the General Conditions of Employment, the possible increase in the contribution rate resulting from the new employment policy implemented with effect from 1 July 2019 shall be financed by the Agency budget and shall not affect the staff contribution rate. This derogation shall apply from 1 January 2020 to 31 December 2030.

The impact of the employment policy shall be estimated annually when the annual actuarial assessment is carried out in accordance with Article 1. 2 of the present Annex.



**ANNEX XIII**

TRANSITIONAL MEASURES APPLICABLE TO SERVANTS

**PART 1**

PENSIONS

Article 1 (21)

1. The pensions of servants who retire before 1 July 2005 shall be subject to the correction coefficient referred to in point (b) of Article 3(5) of Annex XI to the Staff Regulations of Officials of the European Union for EUROCONTROL Member States in which they have established proven main residence.

The minimum applicable correction coefficient shall be 100.

If they establish their residence in a third country, the applicable correction coefficient shall be 100.

By way of derogation from Article 45 of Annex IV, the pension of beneficiaries who reside in a Member State shall be paid in the currency of the Member State of residence under the conditions laid down in the second paragraph of Article 63 of the General Conditions of Employment.

2. Repealed.
3. For servants recruited before 1 July 2005 not receiving a pension as at 1 July 2005, the method of calculation of the preceding paragraph shall apply at the time when pension rights are determined:
  - a) to years of pensionable service within the meaning of Article 4 of Annex IV, except for years of pensionable service acquired after 1 July 2005 for servants recruited before that date and aged less than 35 years at that date, and
  - b) to years of pensionable service resulting from a transfer under Article 12 of Annex IV concerning the pension rights acquired under the system of origin before 1 July 2005 by the servant in service before 1 July 2005.

Their pensions shall be subject to the correction coefficient only if the residence of the servant coincides with their last place of employment, or with the country of their place of origin within the meaning of Article 7(3) of Rule of Application No. 8. However, for family or medical reasons, servants receiving a pension may exceptionally request the Director General to change their place of origin. This decision shall be taken on production by the servant concerned of appropriate supporting evidence.

A Rule of Application of the Director General will define modalities of implementation of this provision.

By way of derogation from Article 45 of Annex IV, the pension of beneficiaries who reside in a Member State shall be paid in the currency of the Member State of residence under the conditions laid down in the second paragraph of Article 63 of the General Conditions of Employment.

4. This Article shall apply by analogy to invalidity allowances and to allowances under Article 41 of the General Conditions of Employment.

Article 2 (21)

Notwithstanding the last sentence of the second paragraph of Article 77, servants who entered the service before 1 July 2005 shall be entitled to 2% of the amounts referred to therein for every year of pensionable service calculated in accordance with Article 4 of Annex IV. Notwithstanding the first sentence of the third paragraph of Article 77, servants who entered the service before 1 July 2005 shall be entitled to 2% of the operational functions allowance for each year (or partial year) of service in which it is paid.

Student Air Traffic Controllers or servants who entered the service from 1 July 2005 until 30 June 2016 shall be entitled to 1.9 % of their salary referred to therein for every year of pensionable service calculated in accordance with Article 4 of Annex IV.

Article 3 (21)

The following provisions are applied only to servants subject to Article 53.1.

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

Servants aged 35 years or more before 1 July 2016 who entered into service before that date shall become entitled to a retirement pension at the age shown in the table below:

<u>Age on 1 July 2016</u>	<u>Pensionable age</u>
60 years and above	60 years
59 years	60 years 2 months
58 years	60 years 4 months
57 years	60 years 6 months
56 years	60 years 8 months
55 years	61 years
54 years	61 years 2 months
53 years	61 years 4 months
52 years	61 years 6 months
51 years	61 years 8 months
50 years	61 years 11 months
49 years	62 years 2 months
48 years	62 years 4 months
47 years	62 years 6 months
46 years	62 years 8 months
45 years	62 years 10 months
44 years	63 years 2 months
43 years	63 years 4 months
42 years	63 years 6 months
41 years	63 years 8 months
40 years	63 years 10 months
39 years	64 years 3 months
38 years	64 years 4 months

37 years	64 years 5 months
36 years	64 years 6 months
35 years	64 years 8 months

Servants aged less than 35 years on 1 July 2016 who entered into service before that date shall become entitled to a retirement pension at the age of 65 years.

However, for servants aged 45 years or more on 1 July 2016 who entered the service between 1 July 2005 (inclusive) and 30 June 2016, the pensionable age shall remain 63 years.

For servants in service before 1 July 2016 the pensionable age to be taken into consideration for all references to the pensionable age in these General Conditions of Employment shall be determined in accordance with the above provisions, save as otherwise provided in these General Conditions of Employment.

2. Notwithstanding Article 3 of Annex IV, servants who enter the service before 1 July 2016 and remain in service after the age at which they would have become entitled to a retirement pension shall be entitled to an additional increase of 2.5% of their final basic salary in the percentage of their basic pension for each year worked after that age, provided that their total pension does not exceed 70% of the final basic salary plus the allowance referred to in Article 69b, paragraph 2, if applicable.

However, for servants aged 35 years or over on 1 July 2005 who were recruited prior to that date, 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 normal retirement age, as defined in Article 3.1.

The increase shall also be granted in the event of death, if the servant has remained in service beyond the age at which he became entitled to a retirement pension.

If, pursuant to Annex IIa, a servant who enters the service before 1 July 2016 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.

3. By way of derogation from Article 53 and Article 9 of Annex IV to the General Conditions of Employment, servants recruited before July 2016 and to whom Article 53.1 applies, may retire before reaching the pensionable age as laid down in paragraph 1 of this Article, as from the age of 55. In this case, only half of the reduction laid down in point (b) of Article 9 of Annex IV shall be applied for the period between the age of 60 and the pensionable age.
4. By way of derogation from the second subparagraph of paragraph 1 of the Sole Article of Annex II, a servant to whom a pensionable age of less than 65 years applies in accordance with paragraph 1 of this Article shall receive the allowance provided for in that Annex under the conditions laid down therein until the day on which the servant reaches his pensionable age.

However, above that age and up to the age of 65 years the servant shall continue to receive the allowance until he reaches the maximum retirement pension.

#### Article 4 (21)

1. When Article 53(1)(a) of the General Conditions of Employment applies, a servant in service before 1 July 2016 shall be retired automatically on the last day of the month in which he reaches the age of 65. For servants in service before 1 July 2016, the words "age of 66" and "age 66" in the second

paragraph of Article 78(1) and point (b) of Article 81a(1) of the General Conditions of Employment and in point (b) of Article 85(1) shall be read as "age of 65" and "age 65".

2. By way of derogation from the eighth paragraph of Article 50a of the General Conditions of Employment, a servant recruited before 1 July 2016 who is retired in the interests of the service in accordance with the first paragraph of Article 50a of those General Conditions of Employment shall be entitled to receive the payment of a pension under Article 9 of Annex IV as from the age of 55.

#### Article 5

1. In the case of a pension determined before 1 July 2005, the recipient's pension entitlement shall continue to be determined after that date in accordance with the rules applied when the entitlement was initially determined. The same holds true as regards cover under the joint sickness insurance scheme. However, the provisions concerning the correction coefficients in force as from 1 July 2005 shall apply immediately without prejudice to the application of Article 1 of this Annex.

Notwithstanding the first subparagraph, recipients of an invalidity pension or a survivor's pension may ask to be covered by the provisions applicable as from 1 July 2005.

2. When these provisions enter into force, the nominal amount of net pension received before 1 July 2005 shall be guaranteed. That guaranteed amount shall nevertheless be adjusted if the recipient's family situation or country of residence changes. For persons who retire between 1 July 2005 and 30 June 2009, the nominal amount of net pension received on retirement shall be guaranteed with reference to the General Conditions of Employment provisions in force on the date of their retirement.

For the purposes of applying the first subparagraph, if the pension calculated on the basis of the provisions in force is less than the nominal pension as defined below, a compensatory amount equal to the difference shall be granted.

For recipients of a pension before 1 July 2005, the nominal pension shall be calculated each month taking into account the family situation and the country of residence at the time of calculation, and the General Conditions of Employment rules in force on the date preceding 1 July 2005.

For servants who retire between 1 July 2005 and 30 June 2009, the nominal pension shall be calculated each month taking into account family situation and country of residence at the time of calculation, and the General Conditions of Employment rules in force on the date when they retire.

In the event of the death after 1 July 2005 of a recipient of a pension determined before that date, the survivor's pension shall be determined taking into account the guaranteed nominal pension which the deceased was receiving.

3. Provided that recipients of an invalidity pension have not asked to be covered by the provisions applicable after 1 July 2005, and have not been declared fit to resume their duties, their invalidity pensions thus maintained shall be considered retirement pensions when the recipients reach the age of 65 years.
4. Paragraphs 1 and 2 shall apply to recipients of one of the allowances paid under Article 41 of the General Conditions of Employment. However, their retirement pensions shall be determined in accordance with the rules in force on the date on which their payment commences.

Article 5bis (21)

In the case of a pension determined before 1 July 2016, 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 Sickness Insurance Scheme.

Article 6

1. When the actuarial equivalent referred to in Article 11 and Article 86, paragraph 1.b of the General Conditions of Employment is calculated, the servant shall be covered, for the portion of his rights relating to periods of service before 1 July 2005, by the provisions set out below.

The retirement pension actuarial equivalent may not be less than the sum of:

- a) the amount of the sums deducted from basic salary, plus the allowances referred to in Articles 69b and 69c, if applicable, as pension contributions, plus compound interest at the rate of 3.5% a year;
  - b) a severance grant proportional to the length of service actually completed, calculated on the basis of one and a half months of final basic salary, plus the allowances referred to in Articles 69b and 69c, if applicable, subject to deduction per year of service;
  - c) the total sum paid to the Agency in accordance with Article 12 of Annex IV to the General Conditions of Employment, plus compound interest at the rate of 3.5% a year.
2. However, where servants leave because their contracts are revoked or terminated, the severance grant to be paid or actuarial equivalent to be transferred shall be determined in the light of the decision taken on the basis of Article 4.1.h) of Annex XIVa to the General Conditions of Employment.
  3. Unless they have benefited from Article 12(1) or (2) of Annex IV to the General Conditions of Employment, servants in service on 1 July 2005 and who would, for lack of a transfer option under Article 11, have been entitled to payment of a severance grant in accordance with the General Conditions of Employment rules in force before 1 July 2005, shall retain the right to payment of a severance grant calculated in accordance with the rules in force before that date.
  4. However, servants appointed prior to 1 July 2005, who are over 60 years of age and have not completed ten years, provided they have not benefited from Article 12 of Annex IV, and who are entitled to an immediate or deferred retirement pension shall be able to opt for payment of the severance grant calculated in accordance with the provisions applicable prior to that date.

**PART 2**

OTHER TRANSITIONAL MEASURES

Section 1

GENERAL PROVISIONS

Article 1

1. For the period from 1 July 2008 to 30 June 2010, paragraphs 1 and 2 of Article 4 of the General Conditions of Employment are replaced by the following:
  - "1. The posts covered by the General Conditions of Employment shall be classified, according to the nature and importance of the duties to which they relate, in 3 categories A\*, B\* and C\*, in descending order of rank.
  2. Category A\* shall comprise ten grades, category B\* shall comprise nine grades and category C\* shall comprise seven grades."
2. Any reference to the date of recruitment shall be taken to refer to the date of entry into service.
3. The provisions of Annex XIII, Articles 1 to 11 included do not apply to servants of the Operations Division appointed to a post in function group O. The provisions applicable to those servants are set out in Annex XV.

Article 2

1. On 1 July 2008, the grades of servants having one of the administrative statuses set out in Article 37 of the General Conditions of Employment shall be renamed as follows:

Former grade	New intermediate grade	Former grade	New intermediate grade	Former grade	New intermediate grade
A3	A*14				
A4	A*12				
A5	A*11				
A6	A*10	B1	B*10		
A7	A*8	B2	B*8		
		B3	B*7	C1	C*6
		B4	B*6	C2	C*5
		B5	B*5	C3	C*4
				C4	C*3
				C5	C*2

2. Subject to the provisions of Article 7 of this Annex, basic monthly salaries shall be determined for each grade and step as provided for in the following tables (in euros).
3. The salaries for the new intermediate grades shall be used as the applicable amounts within the meaning of Article 7 of this Annex.

Category A										
Former grades	New intermediate grades	1	2	3	4	5	6	7	8	
<b>A3</b>	<b>A*14</b>	<b>12 361.36</b>	<b>12 880.80</b>	<b>13 422.07</b>	<b>13 795.49</b>	<b>13 986.08</b>	<b>14 573.79</b>	<b>15 186.20</b>	<b>15 824.35</b>	
		<i>9 977.81</i>	<i>10 579.77</i>	<i>11 181.73</i>	<i>11 783.69</i>	<i>12 385.65</i>	<i>12 987.61</i>	<i>13 589.57</i>	<i>14 191.53</i>	
		0.8071774	0.8213597	0.8330854	0.8541697	0.8855698	0.8911621	0.8948631	0.8968160	
<b>A4</b>	<b>A*13</b>	<b>10 925.38</b>	<b>11 384.48</b>	<b>11 862.87</b>	<b>12 192.91</b>	<b>12 361.36</b>				
		<b>A*12</b>	<b>9 656.21</b>	<b>10 061.97</b>	<b>10 484.79</b>	<b>10 776.50</b>	<b>10 925.38</b>	<b>11 384.48</b>	<b>11 862.87</b>	<b>12 361.36</b>
		<i>8 382.42</i>	<i>8 852.27</i>	<i>9 322.12</i>	<i>9 791.97</i>	<i>10 261.82</i>	<i>10 731.67</i>	<i>11 201.52</i>	<i>11 671.37</i>	
		0.8680859	0.8797750	0.8891089	0.9086410	0.9392644	0.9426579	0.9442504	0.9441817	
<b>A5</b>	<b>A*11</b>	<b>8 534.47</b>	<b>8 893.10</b>	<b>9 266.80</b>	<b>9 524.62</b>	<b>9 656.21</b>	<b>10 061.97</b>	<b>10 484.79</b>	<b>10 925.38</b>	
		<i>6 910.88</i>	<i>7 320.30</i>	<i>7 729.72</i>	<i>8 139.14</i>	<i>8 548.56</i>	<i>8 957.98</i>	<i>9 367.40</i>	<i>9 776.82</i>	
		0.8097609	0.8231438	0.8341304	0.8545370	0.8852914	0.8902809	0.8934275	0.8948723	
<b>A6</b>	<b>A*10</b>	<b>7 543.05</b>	<b>7 860.02</b>	<b>8 190.31</b>	<b>8 418.17</b>	<b>8 534.47</b>	<b>8 893.10</b>	<b>9 266.80</b>	<b>9 656.21</b>	
		<i>5 972.30</i>	<i>6 298.17</i>	<i>6 624.04</i>	<i>6 949.91</i>	<i>7 275.78</i>	<i>7 601.65</i>	<i>7 927.52</i>	<i>8 253.39</i>	
		0.7917620	0.8012919	0.8087655	0.8255844	0.8525169	0.8547807	0.8554755	0.8547235	
	<b>A*9</b>	<b>6 666.80</b>	<b>6 946.94</b>	<b>7 238.86</b>	<b>7 440.26</b>	<b>7 543.05</b>				
<b>A7</b>	<b>A*8</b>	<b>5 892.33</b>	<b>6 139.94</b>	<b>6 397.95</b>	<b>6 575.95</b>	<b>6 666.80</b>	<b>6 946.94</b>	<b>7 238.86</b>	<b>7 543.05</b>	
		<i>5 140.95</i>	<i>5 396.76</i>	<i>5 652.57</i>	<i>5 908.38</i>	<i>6 164.19</i>	<i>6 420.00</i>			
		0.8724817	0.8789597	0.8834971	0.8984831	0.9246100	0.9241479			
<b>A8</b>	<b>A*7</b>	<b>5 207.84</b>	<b>5 426.68</b>	<b>5 654.72</b>	<b>5 812.04</b>	<b>5 892.33</b>	<b>6 139.94</b>	<b>6 397.95</b>	<b>6 666.80</b>	
		<i>4 546.69</i>	<i>4 730.06</i>							
		0.8730472	0.8716305							
	<b>A*6</b>	<b>4 602.86</b>	<b>4 796.28</b>	<b>4 997.82</b>	<b>5 136.87</b>	<b>5 207.84</b>	<b>5 426.68</b>	<b>5 654.72</b>	<b>5 892.33</b>	
	<b>A*5</b>	<b>4 068.16</b>	<b>4 239.11</b>	<b>4 417.24</b>	<b>4 540.14</b>	<b>4 602.86</b>	<b>4 796.28</b>	<b>4 997.82</b>	<b>5 207.84</b>	

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- Bold characters = new scale  
- Italic characters = old scale  
- Third line = multiplication factor

Category B									
Former grades	New intermediate grades	1	2	3	4	5	6	7	8
	<b>B*11</b>	<b>8 534.47</b>	<b>8 893.10</b>	<b>9 266.80</b>	<b>9 524.62</b>	<b>9 656.21</b>	<b>10 061.97</b>	<b>10 484.79</b>	<b>10 925.38</b>
<b>B1</b>	<b>B*10</b>	<b>7 543.05</b>	<b>7 860.02</b>	<b>8 190.31</b>	<b>8 418.17</b>	<b>8 534.47</b>	<b>8 893.10</b>	<b>9 266.80</b>	<b>9 656.21</b>
		<i>5 972.30</i>	<i>6 298.17</i>	<i>6 624.04</i>	<i>6 949.91</i>	<i>7 275.78</i>	<i>7 601.65</i>	<i>7 927.52</i>	<i>8 253.39</i>
		<i>0.7917620</i>	<i>0.8012919</i>	<i>0.8087655</i>	<i>0.8255844</i>	<i>0.8525169</i>	<i>0.8547807</i>	<i>0.8554755</i>	<i>0.8547235</i>
	<b>B*9</b>	<b>6 666.80</b>	<b>6 946.94</b>	<b>7 238.86</b>	<b>7 440.26</b>	<b>7 543.05</b>			
<b>B2</b>	<b>B*8</b>	<b>5 892.33</b>	<b>6 139.94</b>	<b>6 397.95</b>	<b>6 575.95</b>	<b>6 666.80</b>	<b>6 946.94</b>	<b>7 238.86</b>	<b>7 543.05</b>
		<i>5 174.53</i>	<i>5 417.13</i>	<i>5 659.73</i>	<i>5 902.33</i>	<i>6 144.93</i>	<i>6 387.53</i>	<i>6 630.13</i>	<i>6 872.73</i>
		<i>0.8781806</i>	<i>0.8822774</i>	<i>0.8846162</i>	<i>0.8975631</i>	<i>0.9217211</i>	<i>0.9194739</i>	<i>0.9159080</i>	<i>0.9111341</i>
<b>B3</b>	<b>B*7</b>	<b>5 207.84</b>	<b>5 426.68</b>	<b>5 654.72</b>	<b>5 812.04</b>	<b>5 892.33</b>	<b>6 139.94</b>	<b>6 397.95</b>	<b>6 666.80</b>
		<i>4 340.37</i>	<i>4 542.09</i>	<i>4 743.81</i>	<i>4 945.53</i>	<i>5 147.25</i>	<i>5 348.97</i>	<i>5 550.69</i>	<i>5 752.41</i>
		<i>0.8334300</i>	<i>0.8369924</i>	<i>0.8389116</i>	<i>0.8509112</i>	<i>0.8735509</i>	<i>0.8711763</i>	<i>0.8675732</i>	<i>0.8628442</i>
<b>B4</b>	<b>B*6</b>	<b>4 602.86</b>	<b>4 796.28</b>	<b>4 997.82</b>	<b>5 136.87</b>	<b>5 207.84</b>	<b>5 426.68</b>	<b>5 654.72</b>	<b>5 892.33</b>
		<i>3 754.03</i>	<i>3 928.98</i>	<i>4 103.93</i>	<i>4 278.88</i>	<i>4 453.83</i>	<i>4 628.78</i>	<i>4 803.73</i>	<i>4 978.68</i>
		<i>0.8155864</i>	<i>0.8191724</i>	<i>0.8211440</i>	<i>0.8329742</i>	<i>0.8552164</i>	<i>0.8529672</i>	<i>0.8495080</i>	<i>0.8449425</i>
<b>B5</b>	<b>B*5</b>	<b>4 068.16</b>	<b>4 239.11</b>	<b>4 417.24</b>	<b>4 540.14</b>	<b>4 602.86</b>	<b>4 796.28</b>	<b>4 997.82</b>	<b>5 207.84</b>
		<i>3 355.61</i>	<i>3 497.17</i>	<i>3 638.73</i>	<i>3 780.29</i>				
		<i>0.8248471</i>	<i>0.8249774</i>	<i>0.8237565</i>	<i>0.8326373</i>				
	<b>B*4</b>	<b>3 595.57</b>	<b>3 746.66</b>	<b>3 904.10</b>	<b>4 012.72</b>	<b>4 068.16</b>	<b>4 239.11</b>	<b>4 417.24</b>	<b>4 602.86</b>
	<b>B*3</b>	<b>3 177.89</b>	<b>3 311.43</b>	<b>3 450.58</b>	<b>3 546.58</b>	<b>3 595.57</b>	<b>3 746.66</b>	<b>3 904.10</b>	<b>4 068.16</b>

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Category C									
Former grades	New intermediate grades	1	2	3	4	5	6	7	8
	<b>C*7</b>	<b>5 207.84</b>	<b>5 426.68</b>	<b>5 654.72</b>	<b>5 812.04</b>	<b>5 892.33</b>	<b>6 139.94</b>	<b>6 397.95</b>	<b>6 666.80</b>
<b>C1</b>	<b>C*6</b>	<b>4 602.86</b>	<b>4 796.28</b>	<b>4 997.82</b>	<b>5 136.87</b>	<b>5 207.84</b>	<b>5 426.68</b>	<b>5 654.72</b>	<b>5 892.33</b>
		<i>3 828.97</i>	<i>3 983.36</i>	<i>4 137.75</i>	<i>4 292.14</i>	<i>4 446.53</i>	<i>4 600.92</i>	<i>4 755.31</i>	<i>4 909.70</i>
		0.8318676	0.8305103	0.8279110	0.8355555	0.8538146	0.8478333	0.8409453	0.8332357
<b>C2</b>	<b>C*5</b>	<b>4 068.16</b>	<b>4 239.11</b>	<b>4 417.24</b>	<b>4 540.14</b>	<b>4 602.86</b>	<b>4 796.28</b>	<b>4 997.82</b>	<b>5 207.84</b>
		<i>3 330.38</i>	<i>3 471.88</i>	<i>3 613.38</i>	<i>3 754.88</i>	<i>3 896.38</i>	<i>4 037.88</i>	<i>4 179.38</i>	<i>4 320.88</i>
		0.8186453	0.8190115	0.8180176	0.8270406	0.8465128	0.8418775	0.8362406	0.8296875
<b>C3</b>	<b>C*4</b>	<b>3 595.57</b>	<b>3 746.66</b>	<b>3 904.10</b>	<b>4 012.72</b>	<b>4 068.16</b>	<b>4 239.11</b>	<b>4 417.24</b>	<b>4 602.86</b>
		<i>3 106.62</i>	<i>3 227.83</i>	<i>3 349.04</i>	<i>3 470.25</i>	<i>3 591.46</i>	<i>3 712.67</i>	<i>3 833.88</i>	<i>3 955.09</i>
		0.8640132	0.8615220	0.8578264	0.8648124	0.8828217	0.8758136	0.8679356	0.8592679
<b>C4</b>	<b>C*3</b>	<b>3 177.89</b>	<b>3 311.43</b>	<b>3 450.58</b>	<b>3 546.58</b>	<b>3 595.57</b>	<b>3 746.66</b>	<b>3 904.10</b>	<b>4 068.16</b>
		<i>2 807.08</i>	<i>2 920.79</i>	<i>3 034.50</i>	<i>3 148.21</i>	<i>3 261.92</i>	<i>3 375.63</i>	<i>3 489.34</i>	<i>3 603.05</i>
		0.8833157	0.8820328	0.8794174	0.8876749	0.9072053	0.9009705	0.8937630	0.8856707
<b>C5</b>	<b>C*2</b>	<b>2 808.72</b>	<b>2 926.75</b>	<b>3 049.73</b>	<b>3 134.58</b>	<b>3 177.89</b>	<b>3 311.43</b>	<b>3 450.58</b>	<b>3 595.57</b>
		<i>2 588.29</i>	<i>2 694.35</i>	<i>2 800.41</i>	<i>2 906.47</i>				
		0.9215194	0.9205945	0.9182485	0.9272279				
	<b>C*1</b>	<b>2 482.44</b>	<b>2 586.76</b>	<b>2 695.45</b>	<b>2 770.45</b>	<b>2 808.72</b>			

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Article 3

The step occupied by a servant and the seniority acquired in grade and step shall not be affected by the procedure described in Article 2(1) of this Annex. Salaries shall be determined in accordance with Article 7 of this Annex.

Article 4 (3)

For the purposes of these provisions and for the period specified in the introductory sentence of Article 1 of this Annex:

- a) the words "function group" shall be replaced by the words "category":
- i) in the General Conditions of Employment in:
    - Article 6, first indent,
    - Article 7, first indent,
    - Article 8, first indent
    - Article 29.a),
    - Article 39(3), point (f),
    - Article 40(4), point d)
    - Article 41(3), second indent;
    - Article 46(1), first indent,
    - Article 52(1), (4) and (6),
    - Article 14, second indent of Annex IV
    - Article 5(2) and Article 10(2) of Annex X,
    - paragraph 7 of the sole article of Annex XV,
    - Article 7 and Article 9 of Appendix I;
  - ii) (reserved);
  - iii) (reserved);
  - iv) (reserved);
  - v) in Annex XIV to the General Conditions of Employment in:
    - Article 1,
    - Article 4(1), points (f) and (g);
- b) the words "function group AD" shall be replaced by the words "category A\*":
- i) in the General Conditions of Employment in:
    - Article 4(3), point (b),
    - Article 7, third indent,
    - Article 49, third indent,
    - Article 56,
    - Article 66(1),
    - Article 1(3) of Annex XIV,
    - paragraph 7 of the sole article of Annex XV;
  - ii) (reserved);

- c) the words "function group AST" shall be replaced by the words "categories B\* and C\*":
- in the General Conditions of Employment in:
    - Article 43, second indent,
    - Article 49, third indent,
    - Article 52(4), first indent,
    - Article 56(2), second indent,
    - Article 66(1),
    - Article 72(2), point 2ter,
    - the words "function group AST" shall be replaced by "the first step in grade C5" in Article 72,
    - paragraph 7 of the sole article of Annex XV;
- d) the words "grade AST 1 to AST 4" shall be replaced by the words "category C\* grades 1 to 4" in the General Conditions of Employment in the second paragraph of Article 56;
- e) in Article 4(3)(a) of the General Conditions of Employment, the words "function group AST" shall be replaced by the words "categories B\* and C\*";
- f) in Article 43, second indent of the General Conditions of Employment, the words "an administrator's function" shall be replaced by the words "a function in the next highest category";
- g) in Article 46a (1) of the General Conditions of Employment, the words "function group AST may" are replaced by the words "category B\* may" and the words "function group AD" shall be replaced by the words "a post in category A\*";
- h) in Article 32(2) of the General Conditions of Employment, the words "AD14/13/12" shall be replaced by the words "A\*14/13/12";
- i) in Article 1 of Annex XIV to the General Conditions of Employment:
  - in paragraph 3, the words "AD11" shall be replaced by the words "A\*11";
- j) in Article 43, second indent, of the General Conditions of Employment, the words "As of grade 4," shall be deleted;
- k) in Article 4(5) of the General Conditions of Employment, the reference to "Annex I" shall be replaced by a reference to "Annex XIII.1";
- l) in Article 6 of Annex IV to the General Conditions of Employment, the words "of grade 1" shall be replaced by the words "of grade C\*1".

#### Article 5

Servants eligible for promotion to a higher grade on 1 July 2008 shall continue to be eligible even if they have not reached the minimum seniority in their grade.

#### Article 6

Reserved

Article 7

Basic monthly salaries of servants recruited before 1 July 2008 shall be determined in accordance with the following rules:

1. The renaming of grades pursuant to Article 2(1) of this Annex shall not lead to any changes in the basic monthly salary paid to each servant.
2. For each servant, a multiplication factor shall be calculated at the time of entry into force. This multiplication factor shall be equal to the ratio between the basic monthly salary paid to a servant before 1 July 2008 and the applicable amount defined in Article 2(2) of this Annex.

The basic monthly salary paid to the servant on the date of entry into force shall be equal to the product of the applicable amount and the multiplication factor.

The multiplication factor shall be applied in order to determine the servant's basic monthly salary following advancement in step or adjustment of remunerations.

3. Notwithstanding the foregoing provisions and those of Article 44 of the present General Conditions of Employment, for periods after 1 July 2008, the basic monthly salary paid to a servant shall be not less than that he would have received under the system in force before that date through advancement in step in the grade formerly occupied by him. For each grade and step, the former basic salary to be taken into account is equal to the applicable amount after 1 July 2008 multiplied by the coefficient defined in Article 2(2) of this Annex.
4. Without prejudice to paragraph 3, for each servant, the first promotion or appointment to a higher grade after 1 July 2008 shall, depending on the category occupied before 1 July 2010 and the step occupied at the time the promotion or appointment to a higher grade takes effect, lead to an increase in basic monthly salary to be determined on the basis of the following table:

Average value of the increase in the various category

Grade	Steps							
	1	2	3	4	5	6	7	8
A	13.1 %	11.0 %	6.8 %	5.7 %	5.5 %	5.2 %	5.2 %	4.9 %
B	11.9 %	10.5 %	6.4 %	4.9 %	4.8 %	4.7 %	4.5 %	4.3 %
C	8.5 %	6.3 %	4.6 %	4.0 %	3.9 %	3.7 %	3.6 %	3.5 %

For the purpose of determining the applicable percentage, each grade shall be divided into notional steps corresponding to two months of service and into notional percentages reduced by one twelfth of the difference between the percentage for the step in question and that for the next higher step with each notional step.

For the purposes of calculating the salary before promotion or appointment to a higher grade of a servant who is not in the last step of his grade, the value of the notional step shall be taken into account. For the purposes of this provision, each grade shall also be divided into notional salaries rising by one twelfth of the two-yearly increment for that grade throughout the span of the actual steps.

5. A new multiplication factor shall be determined upon this first promotion or appointment to a higher grade. That multiplication factor shall be equal to the ratio between the new basic salaries resulting from the application of paragraph 4 and the applicable amount in Article 2(2) of this Annex. Subject to paragraph 6, this multiplication factor shall be applied to the salary after advancement in step and adaptation of remunerations.
6. If, after promotion or appointment to a higher grade, the multiplication factor is less than 1, the servant shall by derogation from Article 44 of the General Conditions of Employment, remain in the first step of his new grade for as long as the multiplication factor remains below 1 or until he is promoted or appointed to a higher grade. A new multiplication factor shall be calculated to take account of the value of the advancement in step to which he would have been entitled under that Article. Once the factor rises to 1, the servant shall start to advance in step in accordance with Article 44 of the General Conditions of Employment. If the multiplication factor is higher than 1, any balance shall be converted into seniority in the step.
7. This multiplication factor shall be applied upon subsequent promotion or appointment to a higher grade.

Article 8

(1) (4) (6) (8) (12) (16) (18) (19) (20) (22) (26) (28) (31)

1. With effect from 1 July 2010, the grades introduced by Article 2(1) shall be renamed as follows:

Former intermediate grade	New grade	Former intermediate grade	New grade
A*14	AD 14		
A*13	AD 13		
A*12	AD 12		
A*11	AD 11	B*11	AST 11
A*10	AD 10	B*10	AST 10
A*9	AD 9	B*9	AST 9
A*8	AD 8	B*8	AST 8
A*7	AD 7	B*7/C*7	AST 7
A*6	AD 6	B*6/C*6	AST 6
A*5	AD 5	B*5/C*5	AST 5
		B*4/C*4	AST 4
		B*3/C*3	AST 3
		C*2	AST 2
		C*1	AST 1

2. Without prejudice to the provisions of Article 7 of this Annex, basic monthly salaries shall be determined for each grade and step on the basis of the table in Annex III.a of the General Conditions of Employment. For servants who have been recruited before 1 July 2008 and until their first promotion or appointment to a higher grade comes into effect after that date, the table shall be as follows:

Grade	Step							
	1	2	3	4	5	6	7	8
16	19,938.39	20,776.22	21,649.27	21,649.27	21,649.27	21,649.27		
15	17,622.20	18,362.70	19,134.32	19,666.68	19,938.39	20,776.22		
14	15,575.08	16,229.57	16,911.55	17,382.08	17,622.20	18,362.70	19,134.32	19,938.39
13	13,765.76	14,344.21	14,946.99	15,362.83	15,575.08			
12	12,166.66	12,677.91	13,210.63	13,578.19	13,765.76	14,344.21	14,946.99	15,575.08
11	10,753.29	11,205.14	11,676.00	12,000.84	12,166.66	12,677.91	13,210.63	13,765.76
10	9,504.09	9,903.48	10,319.66	10,606.75	10,753.29	11,205.14	11,676.00	12,166.66
9	8,400.03	8,753.03	9,120.84	9,374.59	9,504.09			
8	7,424.23	7,736.20	8,061.30	8,285.56	8,400.03	8,753.03	9,120.84	9,504.09
7	6,561.79	6,837.51	7,124.83	7,323.07	7,424.23	7,736.20	8,061.30	8,400.03
6	5,799.51	6,043.21	6,297.17	6,472.37	6,561.79	6,837.51	7,124.83	7,424.23
5	5,125.81	5,341.20	5,565.64	5,720.49	5,799.51	6,043.21	6,297.17	6,561.79
4	4,530.35	4,720.72	4,919.10	5,055.97	5,125.81	5,341.20	5,565.64	5,799.51
3	4,004.07	4,172.33	4,347.67	4,468.61	4,530.35	4,720.72	4,919.10	5,125.81
2	3,538.94	3,687.65	3,842.60	3,949.53	4,004.07	4,172.33	4,347.67	4,530.35
1	3,127.83	3,259.26	3,396.21	3,490.72	3,538.94			

Note: The above scale is applicable with effect from 1 July 2019.

Article 9 (21)

Article 9 is repealed.

Section 2

SPECIAL PROVISIONS FOR SERVANTS RECRUITED AFTER 1 JULY 2008

Article 10

In the case of servants recruited from lists of suitable candidates resulting from competitions published before 1 July 2008. Article 4(3) of the General Conditions of Employment shall not apply.

Servants who have been included in a list of suitable candidates before 1 July 2010 and are recruited between 1 July 2008 and 30 June 2010 shall:

- if the list was drawn up for category A\*, B\* or C\* be graded in the grade published in the competition;
- if the list was drawn up for category A, B or C be graded in accordance with the provisions established by the Director General.

Article 11

Servants who have been included in a list of suitable candidates before 1 July 2010 and are recruited after that date shall be graded in accordance with the provisions established by the Director General.

Section 3

MISCELLANEOUS PROVISIONS

Article 12 (1) (4) (6) (8) (12) (16) (21)

Article 12 is repealed.

Article 13 (1) (4) (6) (8) (12) (16) (21)

Article 13 is repealed.

Article 14 (21)

Article 14 is repealed.

Article 15 (21)

Beneficiaries who were entitled in the month before 1 July 2008 to the fixed allowance mentioned in former Article 4a of Rule of Application No 7 of the Staff Regulations shall keep it ad personam up to grade 6. The amounts of the allowance shall be updated every year by the same percentage as the annual pay update referred to in Annex VII to the General Conditions of Employment. When the net remuneration of a servant who has been promoted to grade 7, as a consequence of the abolition of the fixed allowance, is lower than the net remuneration he received, all other conditions being unchanged, in the last month before the promotion or appointment to a higher grade, he shall be entitled to a compensatory allowance equal to the difference until his advancement to the next step in grade.

Article 16 (21)

Article 16 is repealed.

Article 17

1. For pensions determined before 1 July 2008, the grade used for calculating pension shall be determined in accordance with the tables in Articles 2(1) and 8(1) of Part 2 of this Annex.

The basic salary taken into account for determining the recipient's pension shall be equivalent to the salary in the table in Annex III.a to the General Conditions of Employment for the new grade thus determined, at the same step, weighted by a percentage equivalent to the ratio of basic salary under the old scale to that under the scale in Annex III to the General Conditions of Employment for the same step.

For steps under the old scale without correspondence in the scale in Annex III.a to the General Conditions of Employment, the last step of the same grade shall be used as the reference for calculating the percentage referred to in the second subparagraph.

2. On a transitional basis, the basic salary within the meaning of Articles 77 and 78 of the General Conditions of Employment and of Annex IV shall be determined by applying the corresponding multiplication factor laid down in Article 7 to the salary which corresponds to the recipient's grading taken into account to determine entitlement to retirement pension or invalidity benefit, in accordance with the table in Annex III.a to the General Conditions of Employment.

For steps under the old scale without correspondence in the scale in Annex III.a to the General Conditions of Employment, the last step in the same grade shall be used as the reference for calculating the multiplication factor.

For retirement pensions and invalidity benefits determined between 1 July 2008 and 30 June 2010, Article 8(1) shall apply, except for posts falling under function group O which are not affected by the provisions of the present indent.

3. For recipients of a survivor's pension, paragraphs 1 and 2 of this Article shall apply by reference to the deceased servant or former servant.
4. Paragraphs 1 and 2 of this Article shall apply by analogy to recipients of one of the allowances paid under Article 41 of the General Conditions of Employment.

Section 4 (21)

SPECIAL PROVISIONS FOR SERVANTS RECRUITED BEFORE 1 JULY 2016

Article 18 (21)

1. With effect from 1 July 2016, the Director General shall classify servants in service on 30 June 2016 in function group AD in types of posts as follows:
  - a) Servants who were on 30 June 2016 in a post classified in the career bracket AD5/6/7/8 or AD8/9/10/11 shall be assigned to the type of post "Administrator";
  - b) Servants who were on 30 June 2016 in a post classified in the career bracket AD11/12, shall be assigned to the type of post "Head of Unit or equivalent";
  - c) Servants who were on 30 June 2016 in a post classified in the career bracket AD12/13/14 shall be assigned to the type of post "Adviser or equivalent";
  - d) Servants who were on 30 June 2016 in a post classified in the career bracket AD14/15 (Director) shall be assigned to the type of post "Director";
  - e) Servants retain at the date of this assignment their grade, step and function group.

If the grade held by the servant is higher than the upper grade of the type of posts to which he is thus assigned, he shall retain his grade ad personam.

2. The assignment to a type of post shall be valid until the servant is assigned to a new function corresponding to another type of post, only in accordance with the procedure laid down in Articles 5 and 30.1 of the General Conditions of Employment.

Promotion pursuant to article 45 of the General Conditions of Employment shall only be allowed within the career streams corresponding to each type of post indicated in paragraph 1 and in Annex I to the General Conditions of Employment.



Article 19 (21)

1. By way of derogation from Annex I, Table I, point 2; Table II.a, point 2; Table III, point 2, the following type of post in function group AST shall apply to some servants in service on 30 June 2016 pursuant to paragraph 2, point e) of this Article:

Administrative Assistant in transition	AST1 – AST7
Carry out basic administrative or technical, clerical and secretarial tasks, performed under the supervision of officials or servants.	

2. With effect from 1 July 2016, the Director General shall classify servants in service on 30 June 2016 in function group AST in types of posts as follows:
- a) Servants who were on 30 June 2016 in a post classified in the career bracket AST3/4/5/6, AST3/4/5/6/7, AST5/6/7/8 or AST6/7/8 shall be assigned to the type of post "Assistant";
  - b) Servants who were on 30 June 2016 in a post classified in the career bracket AST7/8/9/10 and who were in the grade AST7, AST8 or AST9 shall be assigned to the type of post "Assistant". Nonetheless, they may be promoted, pursuant to Article 46 of the General Conditions of Employment, up to grade AST10, maintaining the type of post of "Assistant". In order to reach a grade higher than AST10 and be assigned to a different type of post, the provisions of Article 30.1 (iii), (iv) or (v) of the General Conditions of Employment shall apply pursuant to Rule of Application No 2;
  - c) Servants who were on 30 June 2016 in a post classified in the career bracket AST7/8/9/10 and who were in the grade AST10 shall be assigned to the type of post "Senior Assistant";
  - d) Servants who were on 30 June 2016 in a post classified in the career bracket AST11 shall be assigned to the type of post "Senior Assistant";
  - e) Servants not covered by points a), b), c) or d) who were on 30 June 2016 in a post classified in the career bracket AST1/2/3, AST1/2/3/4, AST2/3/4/5, AST3, AST3/4/5/6 or AST7, shall be assigned to the type of post "Administrative assistants in transition" defined in paragraph 1.

Servants retain at the date of this assignment their grade, step and function group.

3. The assignment to a type of post shall be valid until the servant is assigned to a new function corresponding to another type of post, only in accordance with the procedure laid down in Articles 5 and 30 paragraph 1 of the General Conditions of Employment.

Administrative assistants in transition may be assigned to the type of post of Assistant as defined in Annex I, only in accordance with the procedure laid down in Articles 5 and 30.1 of the General Conditions of Employment.

Promotion pursuant to article 45 of the General Conditions of Employment shall only be allowed within the career streams corresponding to each type of post indicated in paragraph 1 and in Annex I to the General Conditions of Employment.

4. Administrative assistants in transition who were before 1 July 2008 in the former category C 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 Rule of Application No 5.
5. Servants who were recruited before 1 July 2016 and to whom Article 53.1 applies, are authorised, to work part-time on the basis of point (g) of Article 56a(2) of the General Conditions of Employment and Article 4 of Annex IIa, as from the age of 55 and for a period of five years before retirement. For servants who were recruited before 1 July 2016 and to whom paragraph 2 and paragraph 3 of Article 53 apply, the age of 55 is changed to the age of 50 or 53 respectively.
6. For servants whose pensionable age under Article 3 of this Annex XIII, Part 1, is less than 65 years, this period of five years may exceed their pensionable age, without however exceeding the age of 65 years.
7. The provisions of Article 8 of the General conditions of Employment do not apply to the servant who occupies an "Administrative Assistant in transition" type of post.

Article 20 (21)

By way of derogation from Article 40(2) of the General Conditions of Employment, when a servant has, on 30 June 2016, been on leave 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 servant's entire career.

Article 21 (21)

For servants recruited before 1 July 2016, the provisions of Article 59, third subparagraph of paragraph 4 of the General Conditions of Employment and Article 6 of Annex IIa thereof, are applicable as from 1 July 2017.

**ANNEX XIII.1: TYPES OF POST DURING THE TRANSITIONAL PERIOD** (3) (21)

Annex XIII.1 is repealed.

**PART 3** (21)Sole Article

By way of derogation from the fourth subparagraph of Article 82.1 of the present General Conditions of Employment concerning the tax arrangements for former servants resident in a non-Member State, servants whose service terminates prior to the entry into force of the amended provisions of this Article, i.e. prior to 1 July 2019, shall receive an adjustment weighting above, below or equal to 100%, depending on the tax system specific to the non-member state in which they reside. This measure shall apply on the condition that they are resident in a non-member state prior to the date of entry into force of the aforementioned amended provisions of Article 82, i.e. prior to 1 July 2019, and that they continue to be resident in the same non-Member State after this date.

This provision shall also apply to those entitled under the servants or former servants mentioned in the first paragraph of this Article who are in receipt of a pension from the Agency which came into effect before or after the date of entry into force of the aforementioned amended provisions of Article 82, i.e. prior to 1 July 2019, provided that the servants or former servants received, or could have received, a pension before the aforementioned date.

**PART 4** (30)TRANSITIONAL MEASURES APPLICABLE TO SERVANTS ASSIGNED TO POSTS PERTAINING TO  
FUNCTION GROUP O WHO HAVE ALREADY RETIRED OR WHO WILL RETIRE BEFORE 1 JULY  
2020Sole Article

If the pension of a servant who has retired before 1 July 2019 is calculated on the basis of the O grade salary grid (Annex III.b to the GCE):

- between 1 July 2019 and 30 June 2020, the basic salary of the published O grade grid used to calculate his pension shall be multiplied by 93.4582%;
- as from 1 July 2020, the basic salary of the published O grade grid used to calculate his pension shall be multiplied by 90.4980%.

If the pension of a servant who retires between 1 July 2019 and 30 June 2020 is calculated on the basis of the O grade salary grid (Annex III.b of the GCE):

- between his retirement date and 30 June 2020, the basic salary used to calculate his pension shall be the basic salary of the published O grade grid;
- as from 1 July 2020, the basic salary of the published O grade grid used to calculate his pension shall be multiplied by 96.8329%.

**ANNEX XIV** (15)

TRANSITORY MEASURES RELATING TO APPOINTMENT OF SERVANTS OCCUPYING ON 31 DECEMBER 2005 A POST OF CATEGORY A, B, C GOVERNED BY THE GENERAL CONDITIONS OF EMPLOYMENT, ANNEX I - TABLE II, TO A POST SHOWN IN THIS ANNEX AND TABLE AS AMENDED ON 1 JANUARY 2006

Annex XIV is repealed.

**ANNEX XIVA**

DISCIPLINARY PROCEEDINGS

GENERAL PROVISIONS

Section 1

DISCIPLINARY BOARD

Article 1

1. A Disciplinary Board, hereinafter referred to as "the Board", shall be established by the Director General for servants covered by these regulations.
2. The Board shall consist of a chairman and four full members, who may be replaced by alternates.
3. The members and alternates of the Board shall be appointed from amongst servants in active employment holding at least grade AD11 or O7.

Article 2

1. The Director General and the Staff Committee shall each appoint two members and two alternates at the same time.
2. The chairman and alternate for the chairman shall be appointed by the Director General.
3. The chairman, the members and the alternates shall be appointed for a period of three years. However, the Director General may provide for a shorter period for members and alternates, subject to a minimum of one year.
4. Within five days of the notification of the report on which the decision to open disciplinary proceedings or the procedure laid down in Article 22 of the General Conditions of Employment is based, the chairman of the Board shall notify the servant concerned and the individual members of the Board of its composition.
5. The servant concerned shall be entitled to reject one of the Board members within five days of the Board's establishment. The Agency shall also be entitled to reject one of the Board members.
6. Within the same time limit. Board members may ask to be excused from duty for legitimate reasons and shall withdraw if a conflict of interests exists.

Article 2a

The Board shall be assisted by a secretary appointed by the Director General.

Article 3

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

Section 2

DISCIPLINARY MEASURES

Article 4

1. The Director General may impose one of the following penalties:
  - a) a written warning;
  - b) a reprimand;
  - c) deferment of advancement to a higher step for a period of between one and 23 months;
  - d) relegation in step;
  - e) temporary downgrading for a period of between 15 days and one year;
  - f) downgrading in the same function group;
  - g) classification in a lower function group, with or without downgrading;
  - h) removal from post and, where appropriate, reduction pro tempore of a pension or withholding, for a fixed period, of an amount from an invalidity allowance; the effects of this measure shall not extend to the servant's dependants. In case of such reduction, the servant's income may not, however, be less than the minimum subsistence figure laid down in Article 6 of Annex IV to the General Conditions of Employment, with the addition of any family allowances payable.
2. Where the servant is in receipt of a retirement pension or an invalidity allowance, the Director General may decide to withhold an amount from the pension or the invalidity allowance for a given period; the effects of this measure shall not extend to the servant's dependants. The servant's income may not, however, be less than the minimum subsistence figure laid down in Article 6 of Annex VIII to the General Conditions of Employment, with the addition of any family allowances payable.
3. A single case of misconduct shall not give rise to more than one disciplinary penalty.

Article 5

The severity of the disciplinary penalties imposed shall be commensurate with the seriousness of the misconduct. To determine the seriousness of the misconduct and to decide upon the disciplinary penalty to be imposed, account shall be taken in particular of:

- a) the nature of the misconduct and the circumstances in which it occurred.



- b) the extent to which the misconduct adversely affects the integrity, reputation or interests of the Agency;
- c) the extent to which the misconduct involves intentional actions or negligence;
- d) the motives for the servant's misconduct;
- e) the servant's grade and seniority;
- f) the degree of the servant's personal responsibility;
- g) the level of the servant's duties and responsibilities;
- h) whether the misconduct involves repeated action or behaviour;
- i) the conduct of the servant throughout the course of his career.

### Section 3

#### DISCIPLINARY PROCEEDINGS NOT INVOLVING THE DISCIPLINARY BOARD

### Article 6

The Director General may decide on the penalty of a written warning or reprimand without consulting the Board. The servant concerned shall be heard before such action is taken by the Director General.

### Section 4

#### DISCIPLINARY PROCEEDINGS BEFORE THE DISCIPLINARY BOARD

### Article 7

1. The Director General shall submit a report to the Board, stating clearly the facts complained of and, where appropriate, the circumstances in which they arose, including any aggravating or extenuating circumstances.
2. The report shall be communicated to the servant concerned and to the chairman of the Board, who shall bring it to the attention of the members of the Board.

### Article 8

1. On receipt of the report, the servant concerned shall have the right to obtain his complete personal file and take copies of all documents relevant to the proceedings, including exonerating evidence.
2. The servant concerned shall have not less than 15 days from the date of receipt of the report initiating the disciplinary proceedings to prepare a defence.
3. The servant concerned may be assisted by a person of his or her choice.

#### Article 9

Where, in the presence of the chairman of the Board, the servant accused acknowledges his misconduct and accepts without reservation the report referred to in Article 7 of this Annex, the Director General may withdraw the matter from the Board's consideration, in accordance with the principle that the severity of the penalty envisaged must be commensurate with the misconduct committed. Where the case is withdrawn from the Board's consideration, the chairman of the Board shall give his views on the penalty envisaged.

Notwithstanding Article 6 of this Annex, the Director General may under this procedure apply one of the penalties provided for in Article 4(1)(a) to (d) included of this Annex.

The servant concerned shall be informed before acknowledging his misconduct of the possible consequences of such acknowledgement.

#### Article 10

Before the first meeting of the Board, the chairman shall give one of its members the task of preparing a general report on the matter and shall inform the other members of the Board accordingly.

#### Article 11

1. The servant concerned shall be heard by the Board; at the hearing, he may submit observations in writing or orally, whether in person or through a representative. He may call witnesses.
2. The Agency shall be represented before the Board by a servant or an official mandated by the General Director to this effect and having rights equivalent to those of the servant concerned.
3. The Agency shall likewise have the right to call witnesses.

#### Article 12

1. If the Board does not consider that it has sufficiently clear information on the facts complained of or the circumstances in which they arose, it shall order an investigation in which each side can submit its case and reply to the case of the other side.
2. The chairman or a member of the Board shall conduct the investigation on behalf of the Board. For the purposes of the investigation, the Board may call for any documents relating to the matter before it. The Agency shall comply with any such request, if it deems it necessary, within the time limit, if any, set by the Board. Where such a request is addressed to the servant, note shall be taken of any refusal to comply.

#### Article 13 (21)

After consideration of documents submitted and having regard to any statement made orally or in writing and to the results of any investigation undertaken, the Board shall, by majority vote, deliver a reasoned opinion as to whether the facts complained of are established and as to any penalty to which those facts should give rise. This opinion shall be signed by all the members of the Board. Each member may attach to the opinion a divergent view.

The Board shall transmit the opinion to the Director General and to the servant concerned within one month of the date of receipt of the report of the Director General, provided that this time limit is commensurate with the degree of complexity of the case. Where an investigation has been held at the Board's initiative, the time limit shall be three months, provided that this period is commensurate with the degree of complexity of the case.

The above mentioned time-limits shall be considered suspended when the Just Culture Committee is called to examine its competence or when it has assessed that both itself and the Disciplinary Board are jointly responsible to evaluate the matter. Where the Just Culture Committee has evaluated that the matter falls exclusively within its remit, the above-mentioned time-limit shall be considered terminated.

#### Article 14

1. The chairman of the Board shall not vote on matters before it, except as regards matters of procedure or where votes are tied. In such cases, he shall have the casting vote.
2. The chairman shall ensure that the decisions of the Board are implemented and shall bring all information and documents relating to the case to the attention of each of its members.

#### Article 15

The secretary shall draw up minutes of meetings of the Board.

Witnesses shall sign the minutes recording their evidence.

#### Article 16

1. Expenses incurred on the initiative of a servant concerned in the course of disciplinary proceedings, and in particular fees paid to a person chosen to assist the servant or for his defence, shall be borne by the servant where the disciplinary proceedings result in the imposition of one of the penalties provided for in Article 4 of this Annex.
2. However, the Director General may decide otherwise in exceptional cases where the burden on the servant concerned would be unfair.

#### Article 17

1. After hearing the servant, the Director General shall take his decision as provided for in Articles 4 and 5 of this Annex within one month of receipt of the opinion of the Board. Reasons must be given for the decision.
2. If the Director General decides to close the case without imposing any disciplinary penalty, he shall so inform the servant concerned in writing without delay. The servant concerned may request that this decision be inserted in his personal file.

Section 5

## SUSPENSION

Article 18

1. If the Director General accuses a servant of serious misconduct, whether through a failure to honour his professional obligations or through an infringement of the law, it may immediately suspend the person accused of that misconduct for a specified or indefinite period.
2. The Director General shall take this decision after hearing the servant concerned, save in exceptional circumstances.

Article 19

1. The decision suspending a servant shall state whether the servant is to continue to receive his full remuneration during the period of suspension or what part thereof is to be withheld. The amount paid to the servant shall not under any circumstances be less than the minimum subsistence figure laid down in Article 6 of Annex IV to these General Conditions of Employment, with the addition of any family allowances payable.
2. The situation of a suspended servant must be definitively settled within four months of the date on which the suspension takes effect. If no such decision is taken within four months, the servant concerned shall be entitled to again receive full remuneration, subject to paragraph 3.
3. Remuneration may continue to be withheld in part after the four-month deadline referred to in paragraph 2 if the servant concerned is the subject of criminal proceedings for the same acts and is in custody as a result of those proceedings. In such cases, the servant shall not receive full remuneration until the competent court has ordered his release.
4. Sums withheld under paragraph 1 shall be repaid to the servant if the final decision imposes a disciplinary penalty no more severe than a written warning, reprimand or deferment of advancement to a higher step, or if no disciplinary penalty is imposed; in the latter case, the repayment shall be made with compound interest at the rate defined in Article 12 of Annex XII.

Section 6

## PARALLEL PROSECUTION (21)

Article 20

Where the servant is prosecuted for those same acts, a final decision shall be taken only after a final judgement has been handed down by the court hearing the case.

Article 20a (21)

Where the servant has submitted, either in writing or orally, that the case should be heard by the Just Culture Committee, the Disciplinary Board shall suspend its proceedings in order to allow the Just Culture Committee to render an evaluation of the matter.

Where the Just Culture Committee has evaluated that the matter falls exclusively within its remit, it shall be solely responsible in submitting a recommendation to the Director General for further action. The suspended proceedings of the Disciplinary Board shall be considered as terminated.

In the case where the Just Culture Committee assesses that both itself and the Disciplinary Board are jointly responsible to evaluate the matter, it shall hand down a recommendation to the Director General. The disciplinary Board shall re-commence its activities taking due consideration to the Just Culture Committee evaluation.

Where the Just Culture Committee evaluates that the report is manifestly outside of its remit of responsibilities it shall hand down an evaluation to the Disciplinary Board to this effect. Henceforth, the proceedings of the Disciplinary Board shall recommence.

#### Section 7

### FINAL PROVISIONS

#### Article 21

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

The Director General shall decide whether to grant this request.

#### Article 22

Where new facts supported by relevant evidence come to light, disciplinary proceedings may be reopened by the Director General on its own initiative or on application by the servant concerned.

#### Article 23

The Director General shall, if it sees fit, adopt implementing arrangements for this Annex after consulting the Staff Committee.

**ANNEX XV****DEFINITION OF CAREER SPAN AND CAREER PROGRESSION  
IN POSTS PERTAINING TO FUNCTION GROUP O****Sole Article (3) (9) (24) (30)**

1. The present provisions set out the specific career span in terms of grades and steps of posts in function group O, as well as the progression of servants in these grades and steps.
2. Servants in post on 1 January 2006 shall be appointed from that date to a first post in function group O pursuant to the principles set out in paragraph 3 of the Sole Article of Annex XIV to the present General Conditions of Employment. Unless otherwise stated, progression in step shall be to the end step of each grade band.

After being appointed to a post in function group O, servants promoted to a post within this function group shall be appointed to the step in the higher grade guaranteeing a basic salary at least equal to or immediately higher than the one they held in their grade before promotion.

In order to determine the basic salary pertaining to the new post, the allowances provided for in Article 69b of the present General Conditions of Employment shall be taken into account, where the new function or new grade in the present function does not give entitlement to a functional allowance.

3. The appointment of servants to posts of Air Traffic Controller shall be governed by the following rules:

Ab-initio students governed by the provisions of Annex V to the present General Conditions of Employment and recruited after 30 June 2019 who are appointed Advanced Trainee Air Traffic Controller under these provisions shall be appointed at grade O2/1 and shall remain in that grade until they qualify for their second unit endorsement. Upon obtaining their second unit endorsement, they shall be established and appointed to a post of Air Traffic Controller at grade O4/1.

Ab-initio students governed by Annex V and recruited before 30 June 2019 who are appointed Advanced Trainee Air Traffic Controllers under these provisions shall be appointed at grade O2/1 and shall remain in that grade until they qualify for their second unit endorsement. Upon obtaining their second unit endorsement, they shall be established and appointed to a post of Air Traffic Controller at grade O3/1. Where these students have given their consent before 31 July 2019 to be subject to the working time conditions of Air Traffic Controllers recruited after 30 June 2019, they shall be established at Grade O4/1 instead.

Advanced Trainee Air Traffic Controllers recruited before 30 June 2019 shall be established and appointed to grade O3/1 upon obtaining their second unit endorsement. Where these Advanced Trainees have given their consent before 31 July 2019 to be subject to the working time conditions of Air Traffic Controllers recruited after 30 June 2019, they shall be established at Grade O4/1 instead.

Appointment at step 1 of grade O3 or at step 1 of grade O4, as applicable, shall mark the beginning of the period during which Air Traffic Controllers are promoted in accordance with the predefined career progression set out below. This predefined progression shall be applicable only if the servant's performance before the promotion is satisfactory.

The duration of an appointment at grade O3 shall be 12 months. Servants shall successively be promoted to the next higher grade. They shall remain in each of these grades for five years. They shall then be promoted to grade O7 and shall progress to step 7 of that grade.

Air Traffic Controllers recruited between April 2015 and 30 June 2019 who have given their consent before 31 July 2019 to be subject to the working time conditions of Air Traffic Controllers recruited after 30 June 2019 shall be given one additional step when promoted to grade O4. This additional step shall be retained upon successive promotions to grades O5 and O6 respectively.

Air Traffic Controllers classified in step 6 of grade O7 before 1 July 2017 shall be given one additional step on 1 July 2019. In the new step, they shall retain the seniority acquired in the former step.

The seniority in a particular grade of the Air Traffic Controller career shall be kept when the servant is appointed at the same grade to a post of Room Supervisor.

4. The posts pertaining to the supervisory grades of the ATCO career will be governed by the following rules:
  - 4.1 The post of Room Supervisor shall be classified from grade O6 to grade O8, with access to step 6 of grade O8. This post shall be considered as a functional post and shall be accessible through an internal competition. Promotion from grade O6 to grade O7 and from O7 to O8 shall be after five years.

To determine the grade and step resulting from the promotion from grade O6 to grade O7, the following rules shall be applied:

- Firstly, the basic salary in the new grade shall be determined in accordance with the provisions of the second indent of paragraph 2 of the Sole Article of the present Annex, concerning promotion to the next grade.
- Secondly, the previous functional allowance paid in grade O6 pursuant to Article 5 of Rule of Application No. 21a shall be added to the basic salary resulting from the calculation above. The resulting value shall be converted into the corresponding seniority in a step of grade O7.

Servants who are appointed to the post of Room Supervisor after a competition and are already classified in grade O6 shall retain in their new post the seniority in their grade as well as the seniority already acquired in their step.

Servants who are appointed to the post of Room Supervisor after a competition and are already classified in grade O7 shall receive an additional step in their grade upon appointment. They shall retain in the new step the seniority already acquired in the previous step. However, where these servants have been classified in grade O7 for more than 5 years, they shall be promoted to grade O8 upon appointment. They shall retain in their new post any seniority in excess of five years held previously at grade O7.

The preceding provisions of the present paragraph shall also apply to servants who are appointed to the post of Military Room Supervisor.

Transitional provisions applicable to servants assigned to a post of Room Supervisor on 1 July 2019:

- a) Room Supervisors classified in step 8 of grade O7 before 1 July 2017 shall be promoted to step 6 of grade O8 on 1 July 2019 and those classified in the same grade and step after 30 June 2017 shall be promoted to step 6 of grade O8 when they complete two years in the step held on 1 July 2019.
- b) Room Supervisors classified in step 7 of grade O7 after 30 June 2017 shall be promoted to step 5 of grade O8 after two years in the step held on 1 July 2019.
- c) Room Supervisors classified in step 6 of grade O7 after 30 June 2017 shall be promoted to step 4 of grade O8 after two years in the step held on 1 July 2019.
- d) Room Supervisors classified in step 5 of grade O7 and below shall be promoted to step 4 of grade O8 after two years in step 6 of grade O7.

- 4.2 The post of Duty Supervisor shall be classified from grade O7 to grade O8 inclusive, with access to steps 7 and 8 of grade O8. This post shall be considered as a functional post and shall be accessible through an internal competition. Promotion to grade O8 shall be after five years.

Servants who are appointed to the post of Duty Supervisor after a competition and are already classified in grade O7 or O8 shall receive one additional step in their grade upon appointment. However, where these servants have been classified in grade O7 for more than five years, they shall be promoted to grade O8 upon appointment. They shall retain in their new post any seniority in excess of five years.

Transitional provisions applicable to servants assigned to a post of Duty Supervisor on 1 July 2019:

- a) Duty Supervisors classified in step 6 of grade O8 before 1 July 2015 shall be appointed to step 8 of grade O8 on 1 July 2019.
- b) Duty Supervisors classified in step 6 of grade O8 before 1 July 2017 shall be appointed to step 7 of grade O8 on 1 July 2019. In the new step, they shall retain the seniority acquired in the former step.
- c) Duty Supervisors classified in step 8 of grade O7 before 1 July 2017 shall be promoted to step 6 of grade O8 on 1 July 2019 and those classified in the same grade and step after 30 June 2017 shall be promoted to step 6 of grade O8 after two years in the step held on 1 July 2019.
- d) Duty Supervisors classified in step 7 of grade O7 shall be promoted to step 5 of grade O8 after two years in the step held on 1 July 2019.
- e) Duty Supervisors classified in step 6 of grade O7 and below shall be promoted to step 4 of grade O8 after two years in step 6 of grade O7.

- 4.3 The post of Training Coordinator shall be classified from grade O6 to grade O7 inclusive, with access to step 7 of grade O7. Promotion from grade O6 to grade O7 shall be after five years.



Servants who are appointed to the post of Training Coordinator after a competition and are already classified in grade O6 shall retain in their new post the seniority in their grade as well as the seniority already acquired in their step.

Transitional provisions applicable to servants assigned to a post of Training Coordinator on 1 July 2019:

Training Coordinators classified in step 6 of grade O7 before 1 July 2017 shall be given one additional step on 1 July 2019. In the new step, they shall retain the seniority acquired in the former step.

5. The post of Flight Data Specialist Training Officer will be classified at grade O3. This post is considered a functional post.
6. The posts falling under the Executive Operational Support (hereafter "EOS") will be governed by the following rules:
  - 6.1 The posts of EOS Assistants will be graded respectively at grade O1, O2 and O3. Access to these posts will be possible by internal or external competition at the entry grade O1, step 1.

Notwithstanding the provisions of Article 36 of the General Conditions of Employment, servants shall be on probation for the period of the training required to obtain the flight data (FDA) endorsements necessary for the execution of the tasks of EOS Assistant. During this training, servants shall be entitled to 75% of the basic salary pertaining to grade O1, step 1. Servants shall be successively promoted to grade O2 five years after their establishment in grade O1, and to grade O3 after a period of five years in grade O2, provided that their performance is satisfactory.

Servants occupying the post of EOS Assistant before 30 September 2016 shall be given one step in addition to the step they already held on this date. In their new step, they shall retain the seniority acquired in their former step.

Servants occupying the post of EOS Assistant before 30 September 2016 in grade O3, step 8 shall be granted an allowance equal to the amount of an O3 salary step.

- 6.2 Servants occupying the post of Flight Data Specialist before 30 September 2016 shall be appointed on 1 October 2016, without being heard, as EOS Assistant, in accordance with Article 7 of the General Conditions of Employment, in the grade they held in the post of Flight Data Specialist before that date. They shall be given one step in addition to the step they already held on that date. In their new step, they shall retain the seniority already acquired in their former step. Servants already in the last step of their grade shall be granted an allowance equal to the amount of an O3 salary step.
- 6.3 The post of CSS Assistant shall be classified from grade O3, step 1 to grade O4, step 8. Servants selected for the post of CSS Assistant following an internal competition shall be appointed as CSS Assistant only upon completion of the specific training for that post. During training, servants shall receive an allowance equal to the value of one step in their current grade.

Appointment as CSS Assistant shall in principle be at grade O3, step 1. Servants already in grade O3 on completion of CSS Assistant training shall be appointed as CSS Assistant at one step above the one held upon completion of training.

Servants shall be promoted to grade O4 five years after their appointment as CSS Assistant.

- 6.4 Servants occupying the post of Assistant to Duty Supervisor before 1 October 2016 shall be assigned to the post of CSS Assistant on 1 October 2016. They shall be given one step in addition to the step they already held on this date. In their new step, they shall retain the seniority already acquired in their former step.

Servants occupying the post of Assistant to Duty Supervisor before 1 October 2016 in grade O4, step 8 shall be granted an allowance equal to the amount of an O4 salary step.

- 6.5 The post of Flow Controller shall be classified from grade O4, step 1 to O5, step 8. Servants selected for the post of Flow Controller following an internal competition shall be appointed as Flow Controller only upon completion of the specific training for that post. During training, servants shall receive an allowance equal to the value of one step in their current grade.

Appointment as Flow Controller shall in principle be at grade O4, step 1. Servants already in grade O4 or O5 on completion of Flow Controller training shall be appointed as Flow Controller at one step above the one held upon completion of training.

Servants shall be promoted to grade O5 five years after their appointment as Flow Controller.

- 6.6 The following posts in the EOS structure as set out in Annex I, Table II.b are considered as functional posts. They will be accessible through a competition and if required after completion of a specific training.

6.6.1 The functional posts in the EOS structure will be classified as follows:

The post of EOS - ADSS Officer will be classified from grade O4 step 3 to grade O5 step 6.

The post of EOS – ADSS Senior Officer will be classified from grade O5 step 3 to grade O5 step 8.

The post of EOS - Capacity Coordinator will be classified from grade O6 step 3 to grade O7 step 6.

The post of EOS - FMP Officer will be classified from grade O4 step 3 to grade O6 step 5. Servants shall be promoted to grade O5 and O6 after five years in the previous grade.

The post of EOS - Capacity Support Senior Officer will be classified from grade O5 step 3 to grade O6 step 8.

6.6.2 Servants selected by a competition procedure will be appointed to the entry grade pertaining to the post.

7. Servants employed in a post in function group O and who leave that function group via a competition for a post in function groups AD or AST shall be appointed in accordance with the provisions governing the new post.

The grade in the new post shall be the grade published in the vacancy notice or, if a group of grades has been published, the grade for which the basic salary at step 1, factor 1 corresponds most closely to the result obtained by adding the amount of the basic salary paid to the servant immediately before his/her appointment to the amount of the allowance provided for in Article 69b of the present General Conditions of Employment, if that allowance is applicable. In order to determine the basic salary in the post held the day before the new appointment, the seniority acquired in the step held the day before that appointment shall be taken into account.

Servants occupying the post of EOS ADSS Officer or EOS ADSS Senior Officer who leave the function group via a competition in accordance with the preceding paragraphs shall be appointed at one step above the grade and step determined in accordance with the preceding subparagraph.

Where these servants are assigned to the type of post "Assistant", they may nonetheless be promoted, pursuant to Article 46 of the General Conditions of Employment, to grade AST10, while remaining in the type of post "Assistant".

Step advancement in the grade of the new post shall end when step 5 of that grade is reached.

As from the date of their appointment to the new post, servants shall cease to be covered by the provisions on career progression in their previous post, stipulated in the present Annex and shall no longer be entitled to any of the allowances associated with their previous post, with the exception of the EOS allowance when servants leave the EOS structure and are appointed to an Operational Support post in the Operations Division where such posts require current EOS competencies to be maintained.

The provisions of the current paragraph apply by analogy, in the case of reassignment, within the framework of Article 51 or 52 of the present General Conditions of Employment.

8. Special provisions applicable to staff who are assigned to the supervisory functions provided for in paragraph 4 above, and who leave these functions

Staff who are assigned to the supervisory functions defined as Duty Supervisor, Military Room Supervisor and Room Supervisor, and who leave their functional post at their own request, shall be appointed Air Traffic Controller. Payment of the functional allowance for Room Supervisors and Military Room Supervisors at grade O6 shall be terminated. The provisions of Article 77.3.b of the present General Conditions of Employment concerning the reimbursement of pension contributions paid by servants in respect of their allowance shall be applied for staff in grade O6.

Servants shall be governed in their new functions by the following principles:

- Where they have been assigned to supervisory tasks for less than five years (including time as a Principal ATC Officer and/or Deputy Supervisor and/or Duty Supervisor prior to 30 June 2012<sup>3</sup>), their progression to the next step and grade shall cease until their career progression

<sup>3</sup> Also including time as Training Officer prior to 1 January 2005

in their previous Air Traffic Controller career becomes equivalent. Their step progression in their new function of Air Traffic Controller shall terminate at the end of step 7 of grade O7, unless they have already reached step 8, in which case they shall keep their step on a personal basis. Where the grade they have reached in their previous supervisory functions is higher than the top grade of the Air Traffic Controller career (O7), they shall, on a personal basis, keep the grade and step they have reached in their supervisory functions; however, their step progression shall terminate at the end of the step they have reached unless the corresponding remuneration is below that of step 7 of grade O7. In this case, they shall progress to the step in their current grade with remuneration immediately above that of step 7 of grade O7.

- Where they have been assigned to supervisory tasks for between 5 and 15 years (including time as a Principal ATC Officer and/or Deputy Supervisor and/or Duty Supervisor prior to 30 June 2012<sup>4</sup>), their career progression in their new function of Air Traffic Controller shall continue up to grade O7 but shall stop at the end of step 8. Where the grade which they have reached in their previous supervisory functions is higher than the top grade of the Air Traffic Controller career (O7), they shall, on a personal basis, keep the grade and step they have reached; however, their step progression shall terminate at the end of the step they have reached unless the corresponding remuneration is below that of step 8 of grade O7. In this case, they shall progress to the step in their current grade with remuneration immediately above that of step 8 of grade O7.
- Where they have been assigned supervisory tasks for more than 15 years (including time as a Principal ATC Officer and/or Deputy Supervisor and/or Duty Supervisor prior to 30 June 2012<sup>5</sup>), the following provisions shall apply:
  - in the case of staff assigned to the post of Duty Supervisor who have already been promoted to grade O8 before stepping down from their function prior to 1 July 2019, they shall be eligible to progress to step 6 of grade O8. Duty Supervisors promoted to grade O8 after 1 July 2019 or stepping down after that date, shall be eligible to progress to step 8 of grade O8;
  - in the case of staff assigned to the post of Room Supervisor who have stepped down from their function before 1 July 2019, they shall be eligible to progress to step 8 of grade O7;
  - in the case of staff assigned to the post of Room Supervisor or Military Room Supervisor stepping down from their function after 1 July 2019, they shall be eligible to progress to step 8 of grade O7 unless they have already been promoted to grade O8; in which case they shall be eligible to progress to step 6 of grade O8.

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<sup>4</sup> Also including time as Training Officer prior to 1 January 2005

<sup>5</sup> Also including time as Training Officer prior to 1 January 2005

**ANNEX XVII** (9) (30)TRANSITIONAL MEASURES RELATING TO SERVANTS OCCUPYING A POST OF  
PRINCIPAL ATC OFFICER OR DEPUTY SUPERVISOR ON 1 JANUARY 2012Article 1

The present provisions apply to servants occupying a post of Principal ATC Officer or Deputy Supervisor in the O grade structure on 1 January 2012.

The present provisions determine:

- the servant's classification in the new post of Room Supervisor in accordance with the grade held in his previous functions at the date of his appointment as a Room Supervisor (Article 2);
- the calculation of the servant's step in the event of a further promotion (Article 2a);
- the provisions applicable to servants who are not appointed Room Supervisor at their request or who do not pass the competition (Article 3.1);
- the provisions applicable to servants who leave the function of Room Supervisor (Article 3.2 and 3.3).

Article 2

## Classification of servants in the new post of Room Supervisor

A servant who occupies a post of Principal ATC Officer or Deputy Supervisor in the O grade structure at grade O7 shall keep his grade. In addition to the step he already holds at the time of appointment, he shall be given two additional steps in his grade. He shall retain in his new step the seniority already acquired in his previous step. The functional allowance paid in connection with his appointment to the post of Principal ATC Officer or Deputy Supervisor pursuant to Article 5 of Rule of Application No. 21a shall be terminated upon his appointment to the post of Room Supervisor.

A servant who occupies a post of Principal ATC Officer or Deputy Supervisor in the O grade structure at grade O6 shall keep this grade and his seniority in the grade. In addition to the step he already holds at the time of appointment, he shall be given one additional step in his grade. He shall retain in his new step the seniority already acquired in his former step. The functional allowance paid in connection with his assignment to the post of Principal ATC Officer or Deputy Supervisor pursuant to Article 5 of Rule of Application No. 21a shall be terminated upon his appointment to the post of Room Supervisor.

A servant who occupies a post of Principal ATC Officer in the O grade structure at grade O5 shall be appointed to grade O6, in accordance with Annex XV, Sole Article, second indent of paragraph 2 to the present General Conditions of Employment, governing access to a higher grade, but without seniority in his new grade. Where the servant has already progressed to step 3 or higher in grade O5 at the time of his appointment, he shall, in addition to the step determined as set out above, be granted an additional step without seniority. The functional allowance paid in connection with his appointment to a post of Principal ATC Officer pursuant to Article 5 of Rule of Application No. 21a shall be terminated upon his appointment to the post of Room Supervisor.

Article 2a

## Calculation of the step in the event of promotion

Where a servant previously holding a post of Principal ATC Officer or Deputy Supervisor at grade O6, or step 3 or above of grade O5, is appointed Room Supervisor in accordance with the present Annex and is subsequently promoted to grade O7 in accordance with Annex XV, Sole Article, paragraph 4.3, to the

present General Conditions of Employment, the following rules shall be applied in order to determine the grade and step resulting from the promotion from grade O6 to grade O7:

- Firstly, the basic salary in the new grade shall be determined in accordance with the provisions of the second indent of paragraph 2 of the Sole Article of Annex XV to the present General Conditions of Employment, concerning promotion to the next grade.
- Secondly, the former functional allowance paid in grade O6 pursuant to Article 5 of Rule of Application No. 21a shall be added to the basic salary resulting from the calculation above
- Lastly, the calculation thus obtained shall be rounded up to the value of the next higher step.

Article 3 (14) (30)

Provisions applicable to staff not appointed Room Supervisor or leaving the function

3.1 Servants assigned to a post of Principal ATC Officer or Deputy Supervisor and who, either at their own request or because they fail to pass a competition, are not appointed to the new post of Room Supervisor on 30 June 2012 at the latest, shall be appointed Air Traffic Controller and keep their grade and step on a personal basis. The financial value of the functional allowance to which they were entitled in their former post pursuant to Article 5 of Rule of Application No. 21a shall be converted as set out below.

- Firstly, the financial value of the functional allowance shall be converted into the corresponding step seniority and the staff member shall be appointed at the step so determined.
- Where the additional seniority so determined allows the servant to accrue the five years of seniority in the grade necessary for promotion to the next higher grade in accordance with paragraph 3 of the Sole Article of Annex XV, the servant shall be promoted to the next higher grade in accordance with paragraph 2 of the Sole Article of Annex XV to the present General Conditions of Employment.
- If there is a surplus, any seniority remaining after the servant is promoted to the next grade as set out in the previous indent shall be converted into seniority in the step in the new grade. Subsequent promotions shall be governed by the standard principles set out in paragraph 3, third indent, of the Sole Article of Annex XV to the present General Conditions of Employment.

The provisions of Article 77.3.b of the present General Conditions of Employment, concerning the reimbursement of the amounts of the pension contribution paid by these servants in respect of their allowance, shall not be applicable.

In order to guarantee a pension amount equivalent to the amount that the servant concerned would have received prior to the introduction of this Annex and in deviation from paragraph 3 of the sole Article of Annex XV to these General Conditions of Employment, the servant shall be allowed to progress to step 8 of grade O7.

Where these servants are appointed to the post of Room Supervisor after 30 June 2012, they shall be appointed at the grade and step provided for in the provisions of paragraph 4.3 of the Sole Article of Annex XV to the present General Conditions of Employment. However, their career progression in the new function shall be temporarily halted until their step and seniority in the new function are equivalent to the step and seniority they would have acquired as a result of normal career progression if they had been appointed to a post of Room Supervisor in accordance with Article 2 of the present Annex at the date of the creation of the CSS.

3.2 Servants appointed to the post of Room Supervisor in accordance with the provisions of the present Annex and who, at their own request, decide to leave their functional post within three years of this appointment, shall be appointed Air Traffic Controller and be governed by the following principles:

- Where they decide to leave the post of Room Supervisor within 18 months of their appointment, they shall be appointed to the grade and step they would have held if they had not been appointed to that post; this grade and step shall be determined in accordance with Article 3.1 of the present Annex plus the normal career progression which they would have had in their Air Traffic Controller function. Servants in grade O6 shall no longer be entitled to the functional allowance in accordance with Article 5 of Rule of Application No. 21a when appointed Air Traffic Controller. The provisions of Article 77.3.b of the present General Conditions of Employment concerning the reimbursement of pension contributions paid by servants in respect of their allowance shall be applicable only in respect of the Room Supervisor allowance paid to servants in grade O6 in accordance with Article 5 of Rule of Application No. 21a.
- Where they decide to leave the post of Room Supervisor between 18 and 36 months after their appointment, they shall maintain their seniority in the grade and step acquired when leaving that post. Servants in grade O6 shall no longer be entitled to the functional allowance in accordance with Article 5 of Rule of Application No. 21a when appointed Air Traffic Controller. The provisions of Article 77.3.b of the present General Conditions of Employment concerning the reimbursement of pension contributions paid by servants in respect of their allowance shall be applicable only to the Room Supervisor allowance paid to servants in grade O6 in accordance with Article 5 of Rule of Application No. 21a.

These servants shall resume their normal career progression as Air Traffic Controllers when the career progression in their former Principal ATC Officer/Deputy Supervisor career becomes equivalent in terms of basic remuneration. To determine the equivalence of their former career, the financial value of the functional allowance to which they were entitled in their previous post of Deputy Supervisor or Principal ATC Officer pursuant to Article 5 of Rule of Application No. 21a shall be converted into the equivalent basic salary of an Air Traffic Controller according to the following principles:

- The amount of an O8 salary step for Deputy Supervisors shall be equivalent to:
  - 28 months' seniority in grade O7;
  - 32 months' seniority in grade O6.
- The amount of an O6 salary step for Principal ATC Officers shall be equivalent to:
  - 21 months' seniority in grade O7;
  - 24 months' seniority in grade O6.

The seniority thus calculated shall determine the step in the grade and shall also be taken into consideration for the five-year period required for grade promotion in accordance with paragraph 3 of the Sole Article of Annex XV.

- These servants' step progression shall terminate at step 8 of grade O7.

- 3.3 Servants appointed to a post of Room Supervisor before 30 June 2012 in accordance with the present Annex shall, when stepping down from their function more than three years after their appointment to the post of Room Supervisor, be governed by the provisions of paragraph 8 of the Sole Article of Annex XV to the present General Conditions of Employment.

The provisions of Article 77.3.b of the present General Conditions of Employment concerning the reimbursement of pension contributions paid by servants in respect of their allowance shall be applicable only to the Room Supervisor allowance paid to servants in grade O6 in accordance with Article 5 of Rule of Application No. 21a.

**ANNEX XVIII** (15)TEMPORARY PROVISIONS OF THE SERVICE REGULATIONS  
RELATING TO A PERFORMANCE-BASED INCENTIVE SCHEMEArticle 1

The following provisions of the service regulations shall constitute a temporary amendment to the General Conditions of Employment setting out a performance based incentive scheme for servants of the Maastricht Centre. They shall apply solely to servants meeting the criteria set out in Article 3 below and for a period of three years commencing on 1.1.12 (hereunder "Reference Period 1", or "RP1", in accordance with Commission Regulation (EU) No 691/2010 laying down a performance scheme for air navigation services and network functions and amending Regulation (EC) No 2096/2005 laying down common requirements for the provision of air navigation services).

Article 2

To recognise the outstanding operational performance of the services of the Maastricht Centre and to provide an incentive for further improvements to performance, Maastricht staff shall be entitled to four incentives for "RP1", provided that the services of the Maastricht Centre have met the annual and end-of-RP1 performance targets as defined in the present provisions, namely:

- three annual incentives, one for each year of "RP1" (2012, 2013 and 2014); and
- an additional incentive at the end of RP1.

Article 3

In order to qualify for the performance-based incentive scheme, servants must be assigned to a post at the Maastricht Centre for at least one month in RP1 and be established.

Servants who have not completed a full calendar year of service shall benefit from the performance-based incentive scheme in proportion to the number of months during which they were assigned to a post at the Maastricht Centre.

Advanced Trainee Air Traffic Controllers appointed in accordance with Annex XV of the General Conditions of Employment shall qualify for the incentive scheme as from the date of appointment to their post.

Former officials who are appointed servants pursuant to the provisions of Annex XVII to the Staff Regulations shall benefit from the provisions regarding the incentive-based performance scheme as from 1 January 2012.

As from the date on which they cease their service, beneficiaries of the "early termination of service" allowance provided for in Appendix IV to the General Conditions of Employment no longer qualify for the performance-based incentive scheme.



## ANNUAL INCENTIVES

Article 4

1. The three annual incentives for 2012, 2013 and 2014 in accordance with Article 2 shall be granted if the Maastricht Centre meets both the performance targets relating to the annual average delay-time per flight and those relating to the cost-efficiency performance of the Maastricht Centre:

a) Delay target (measured in minutes per flight)

	2012	2013	2014
EU-wide target	0.70	0.60	0.50
MUAC reference values	0.22	0.24	0.20
MUAC Annual Business Plan targets	0.20	0.24	0.20
Incentive-based target	0.18	0.20	0.17

The incentive-based target is the relevant target for the incentive scheme.

The delay shall be assessed on the basis of data provided by the EUROCONTROL Network Management Directorate in accordance with the relevant delay measurement method.

b) Cost-efficiency target

The cost-efficiency of the Maastricht Centre shall be assessed by comparing the approved annual Maastricht cost-base as published in the EUROCONTROL Agency Budget with the actual expenditure of the Centre during the relevant year as stated in the EUROCONTROL Agency Annual Accounts. An incentive shall not be due if Maastricht's annual expenditure (including the incentives paid) exceeds 99% of the annual approved cost-base for Maastricht.

2. Provided that both the delay target and the cost-efficiency target are met, the annual incentive rates shall be paid within a range of 5 to 7% of annual remuneration as defined in Article 6 below. The annual rate shall be fixed, within this range, at the end of each year:

- a) The basic amount of 5% shall be paid if the delay and cost-efficiency targets are met in accordance with paragraph 1a) and b) of the present Article.
- b) The annual incentive rate may be increased by increments of 1 percentage point (up to a maximum of 7%), where the ratio of annual Maastricht expenditure to approved annual cost-base decreases accordingly,
- it being increased to 6% if actual expenditure is equal to a maximum of 98% of the annual approved cost-base;
  - it being increased to 7% if actual expenditure is equal to a maximum of 97% of the annual approved cost-base.
- c) The annual incentive rates may be reduced to less than 5% if Maastricht's annual expenditure rises above 99% of the approved annual cost-base, including the incentive paid at the rate of 5%. The reduced annual incentive rate shall be determined by the Director General at a rate which keeps Maastricht's annual expenditure at the level of 99% of the approved annual cost-base.

## END OF 'RP 1' INCENTIVE

Article 5

An incentive shall be granted at the end of RP1 if, over the course of RP1, in addition to delay and cost-efficiency performance targets, an environmental target, as defined in the Free Route Airspace Maastricht (ref. FRAM Project, OPS Project Plan, released version dated 1 July 2012) context, is met. This target shall be defined as a reduction of plannable miles by 100,000 miles over the entire period of RP1 when compared with the calculated total for 2010, and shall be measured by comparing plannable miles in 2010 multiplied by 3 with miles plannable in 2012-2014.

The end-of-RP1 incentive shall be paid within a range of 3.5% to 7%. The end-of-RP1 incentive rate shall be fixed, within this range, at the end of RP1, depending on the extent to which the three performance targets were met and in accordance with the following table:

RP1 assessment period	<u>Delay</u> Observed Maastricht delay compared with incentive delay targets (on average over RP1)	<u>Cost-efficiency</u> Maastricht expenditure over RP1 compared with the RP1 overall cost-base	<u>Environment</u> (fixed target for the entire RP1, not variable)	End-of-RP1 incentive rate
2012-2014	Targets met or exceeded by up to 9%	99%	Target met	3.5%
2012-2014	Targets met or exceeded by up to 9%	98%	Target met	4.5%
2012-2014	Targets exceeded by 10% or more	98%	Target met	5.5%
2012-2014	Targets exceeded by 20% or more	98%	Target met	6%
2012-2014	Targets exceeded by 10% or more	97%	Target met	7%

## INCENTIVE CALCULATION

Article 6

1. The annual incentive rates shall be applied to the remuneration paid to the servant in the reference year, including the allowances and overtime payments provided for in Rules of Application Nos. 5, 7, 21, 21a and 21b of the General Conditions of Employment. The remuneration taken as a basis for calculation shall not include any compensatory allowance paid as a recoverable advance resulting from any negative salary adjustment and the reimbursement of expenses provided for in Rule of Application No 8 or the incentive paid in accordance with this Annex. For servants working part-time, the reduced remuneration paid shall be taken into consideration. For servants on parental/family leave, the allowances paid during the year for these leave periods shall be considered for the incentive calculation. These provisions shall also be applicable to staff who are on leave on personal grounds in accordance with Annex XX to the present General Conditions of Employment.

2. The remuneration adjustment provided for in Article 64 of the General Conditions of Employment shall not entail a revision of the incentives already paid.
3. Periods of leave for military service and leave on personal grounds in accordance with Article 40 of the General Conditions of Employment shall not be considered as periods for which the benefit of the performance-based incentive scheme shall be granted. The calculation of the period for which no incentive is to be granted shall be carried out in accordance with Article 5 of Rule of Application No 7.
4. The annual incentive shall be paid at the latest on 31 May of the year following that to which it relates.
5. The end-of-RP1 incentive shall be paid after the 2014 annual incentive. The end-of-RP1 incentive rate shall be applied to the 2014 annual remuneration as defined in paragraph 1 above.

Servants entering and/or leaving the service in RP1 shall be entitled to a proportion of the end-of-RP1 incentive calculated in accordance with the preceding paragraph provided that they have served at least 12 months in this period.

For these servants, the end-of-RP1 incentive shall be paid on the basis of the last annual remuneration taken into account for an annual incentive during RP1.

6. The incentives referred to above shall be subject to the internal tax provided for in Annex VI to the General Conditions of Employment at the average rate and shall be paid in euros.

#### Article 7

The provisions of this Annex shall apply by analogy to contract staff assigned to the Maastricht Centre.

**ANNEX XIX** (15) (21)SPECIAL PROVISIONS OF THE GENERAL CONDITIONS OF EMPLOYMENT  
RELATING TO THE PAYMENT OF A LUMP SUM IN THE EVENT OF RESIGNATIONSole Article

1. On the proposal of the Director General, a lump-sum payment may be made to a servant if he resigns in accordance with Article 48 of the General Conditions of Employment, without prejudice to any other benefits granted in the event of resignation.
2. This lump-sum payment shall be equal to eighteen times the last monthly basic salary of the servant. It shall be paid in the month following the date on which the resignation takes effect. The basic salary to be taken into account shall be that shown in the tables referred to in Article 66 of the General Conditions of Employment which are in force on the first day of the month during which the compensation is paid.
3. The payment made in the form of a sum incorporating the cost-of-living weighting for pensions shall be subject to internal tax as provided for in Annex V of the General Conditions of Employment, at the average rate.

The compensation shall be expressed and paid in euros.

4. The lump-sum payment may be granted only if the servant does not retire in the following twenty-four months.

**ANNEX XX** (15)CONCERNING TEMPORARY PROVISIONS APPLICABLE TO STAFF  
ASSIGNED TO A POST OF AIR TRAFFIC CONTROLLER AT THE MAASTRICHT CENTREArticle 1

The provisions of this Annex shall be applicable only to servants assigned to a post of Air Traffic Controller in accordance with Table II.b of Annex I to the General Conditions of Employment for a period of five years commencing on 1 January 2013.

Article 2 (19) (20) (22) (26)

Leave on personal grounds in accordance with Article 40 for servants assigned to a post of Air Traffic Controller shall be supplemented by the following principles:

- a) Requests for leave on personal grounds shall be submitted at least one month prior to the requested starting date, except in duly substantiated cases. The Director General shall decide on requests within 15 calendar days and may delay the requested starting date in the interest of the service.
- b) If a servant is not in gainful employment during leave on personal grounds and provided that the leave on personal grounds is authorised for a minimum period of five months, servants shall receive a lump-sum payment of 878.71 euros, after deduction of internal tax, for every month of leave on personal grounds.
- c) Provided that the servant is in gainful employment during leave on personal grounds and provided the leave on personal grounds is authorised for a minimum period of 12 months, servants shall receive a lump sum payment of 878.71 euros, after deduction of internal tax, for every month of leave on personal grounds.
- d) Servants shall declare to the Agency in writing whether or not they will be in gainful employment during leave on personal grounds. This declaration shall be made within four weeks of the date on which they started their leave. Any change to their employment status during this leave shall be notified to the Agency in the same manner within fourteen calendar days of such change.
- e) The lump sum for the entire period authorised shall be paid in the first month in which the servant is on leave on personal grounds. In the event of an extension, servants shall receive the lump sum corresponding to the duration of the extension in the first month following the renewal.
- f) Servants may terminate their leave on personal grounds subject to three months' written notice. The Director General may accept a shorter period of notice in duly justified cases. In the event of termination of leave on personal grounds, the servant shall reimburse the lump sum paid in accordance with paragraph b) or c) above for every month in which he was not on leave on personal grounds as authorised.

Article 3

Servants shall be reinstated to the post of Air Traffic Controller after their leave on personal grounds. They shall be reinstated to the grade and step, and with the seniority which they would have held had they not been on authorised leave on personal grounds.

**ANNEX XXI** (15)CONCERNING TEMPORARY PROVISIONS RELATING TO THE PAYMENT OF A LUMP SUM  
IN THE EVENT OF RESIGNATION OF AN AB-INITIO STUDENTArticle 1

The following provisions shall apply for a period of two years only, commencing on 1 January 2013.

Article 2

A lump-sum payment shall be granted to ab-initio students who resign in accordance with the specific provisions applicable to them. The net lump-sum amount shall be:

- a) EUR 20,000 for ab-initio students in training phase I (from the date of recruitment to the date on which the student licence is obtained);
- b) EUR 40,000 for ab-initio students in phase II (from the date on which the student licence is obtained to completion of the pre-OJT (on-the-job-training) component of the course);
- c) EUR 60,000 for ab-initio students in phase III (from the end of phase II to the obtaining of the ATCO licence).

Article 3

The amount to be paid shall be subject to the internal tax provided for in Annex VI to the General Conditions of Employment, at the average rate.

The amount shall be paid in euros in the first month following that in which the resignation takes effect.

**ANNEX XXII** (23)

TEMPORARY PROVISIONS  
RELATING TO STAFF EMPLOYED BY DFS CC-UM ON 31 DECEMBER 2016 AND APPOINTED  
ON 1 JANUARY 2017 AT EUROCONTROL WITH REGARD TO OAT SERVICE PROVISION  
IN THE HANNOVER UIR

Preamble

The following provisions shall constitute a temporary derogation from the provisions of the General Conditions of Employment (hereafter "GCE") or, where necessary, supplement them. They shall apply solely to staff employed on 31 December 2016 by Deutsche Flugsicherung GmbH at their site in Maastricht, the Netherlands (hereinafter referred to as 'DFS CC-UM') and who, on 1 January 2017, are appointed as a servant of the EUROCONTROL Maastricht Centre in accordance with the agreement concluded with the Ministry of Defence of the Federal Republic of Germany concerning OAT service provision in the Hannover UIR.

CHAPTER 1

## GENERAL PROVISIONS

Section 1

## APPOINTMENT

Article 1

1. DFS CC-UM staff assigned on 31 December 2016 to a post of air traffic controller are appointed on 1 January 2017 as a servant to a post of Operational Air Traffic Controller. DFS CC-UM staff assigned on 31 December 2016 to supervisory functions are appointed on 1 January 2017 as Room Supervisor of the Operations Division.

The post of Operational Air Traffic Controller supplements the basic posts in function group O in the Operations Division set out in Table II.b of Annex I to the GCE.

The post of Operational Air Traffic Controller comprises grades O3 to O7.

By way of derogation from the Sole Article, paragraph 4.3, of Annex XV to the GCE, the post of Room Supervisor shall be accessible through an internal and external competition.

2. DFS CC-UM staff assigned on 31 December 2016 to Flight Data Specialists' functions are appointed on 1 January 2017 as a servant to the post of Executive Operational Support (hereafter "EOS") Assistant in the Operations Division shown at Annex I, Table II.b, to the GCE.
3. DFS CC-UM staff assigned on 31 December 2016 to functions other than the ones set out in paragraphs 1 and 2 above are appointed on 1 January 2017 as a servant to one of the posts of the Administrative Division shown at Annex I, Table I, to the GCE or to an operational support post shown in Annex I, Table II.a, to the GCE, or to one of the posts of the Engineering Division shown at Annex I, Table III, to the GCE.

Article 2

DFS CC-UM staff shall provide the Agency with all required personal data related to their family, administrative and career situation when submitting their application.

Article 3

1. By way of derogation from the Sole Article, paragraph 3, of Annex XV to the GCE, DFS CC-UM staff selected for a post of Operational Air Traffic Controller shall be appointed, in accordance with the provisions of Articles 34.2 and 35.2 of the GCE, in the range from grade O3, step 1 up to grade O7, step 6. In order to determine the grade and step at appointment, the length of their career as air traffic controller as from the date of acquiring the first air traffic controller licence (either civil or military) is considered as years of service performed at EUROCONTROL as an Air Traffic Controller. Only periods during which the licence was valid will be taken into account to establish these years of service.
2. By way of derogation from the Sole Article, paragraphs 4.3, of Annex XV to the GCE, staff selected for a post of Room Supervisor shall be appointed, in accordance with the provisions of Articles 34.2 and 35.2 of the GCE, in the range from grade O6, step 1 up to grade O7, step 8. In order to determine the grade and step at appointment, the length of their career as air traffic controller (either civil or military) and supervisor as from the date of acquiring the first air traffic controller licence is considered as years of service performed at EUROCONTROL as an Air Traffic Controller and Room Supervisor.
3. By way of derogation from the Sole Article, paragraph 6.1, of Annex XV to the GCE, staff selected for a post of EOS Assistant shall be appointed, in accordance with the provisions of Articles 34.2 and 35.2 of the GCE, in the range from grade O1, step 1 up to grade O3, step 8. In order to determine the grade and step at appointment, the length of their career as Flight Data Specialist (either civil or military) is considered as years of service performed at EUROCONTROL in an EOS functions, without prejudice to the provisions of Article 5 of the present Annex.
4. For servants assigned to an operational support post on 1 January 2017, their previous experience in the MUAC Operations Room as DFS CC-UM staff shall be considered provided they hold a valid licence until 31 December 2016 while being assigned to an office function at DFS.

To determine the grade and step when appointed in the AST or AD function group, a reference is made to the career, grade and step they would have had in the O grade structure as follows:

- the grade and step they would have held in the O grade structure on 1 January 2017 is determined by taking into account the length of their career as an air traffic controller (either civil or military) starting from the date of acquiring the first air traffic controller licence expressed in years of service performed at EUROCONTROL as an Air Traffic Controller. Only periods during which the licence was valid will be taken into account to establish these years of service.  
However, the years of service since their appointment to an office function at DFS shall only be counted at a rate of 50%.
- the notional grade and step in the O grade structure thus determined shall then be used to establish the grade and step upon appointment to an operational support post at EUROCONTROL, which shall, within the published type of post, be the grade and step at



factor 1 for which the basic salary corresponds most closely to the thus determined basic salary in the O grade structure.

Their previous experience in the MUAC Operations Room as DFS CC-UM staff shall be considered to determine if they are entitled to the ATC allowance, as provided for in Article 69c of the GCE, in accordance with Article 7 of Rule of Application No 21a and to the operational support allowance, as provided for in Article 69d of the GCE, in accordance with Article 9 of Rule of Application No 21a.

#### Article 4

By way of derogation from Article 36 of the GCE and Article 6.1 of Annex XV for servants appointed to a post of EOS Assistant, servants appointed pursuant to the present Annex are established on the date of appointment without having to serve a probation period.

#### Section 2

### REMUNERATION

#### Article 5 (24)

1. During the period 1 December 2017 – 31 December 2017 and in deviation to Article 6.1 of Annex XV, for training reasons, the basic salary of the servants appointed on 1 January 2017 to the post of EOS Assistant pursuant to the provision of Article 1.2 of the present Annex will be reduced to 90%. As of 1 January 2018, the reduction will cease. By way of derogation from Article 68 of the GCE and Articles 1 and 4 of Rule of Application No 7, during the period 1 January 2017 – 31 December 2017, the expatriation, foreign residence and household allowances of the concerned EOS Assistant are calculated on the basis of 100% of the basic salary related to their grade and step.
2. By way of derogation from Article 69a, 3rd paragraph and from Article 11 of Rule of Application No 21a of the GCE, the servants appointed on 1 January 2017 to the post of EOS Assistant pursuant to the provision of Article 1.3 of the present Annex are not entitled to the EOS allowance.

#### Section 3

### CAREER PROGRESSION

#### Article 6

1. The provisions of the Sole Article, paragraph 3, of Annex XV to the GCE concerning promotion and career progression of Air Traffic Controllers shall apply mutatis mutandis to the posts of Operational Air Traffic Controllers, without prejudice to Article 7, paragraph 2 of the present Annex.
2. The grade and the date at which servants are appointed pursuant to Article 3, paragraph 1, 2 and 3, of the present Annex shall mark the beginning of the period during which they are promoted in accordance with the predefined career progression set out in the Sole Article, paragraphs 3, 4.3 and 6.1, of Annex XV to the GCE.

Article 7

1. Servants assigned on 1 January 2017 to a post of Operational Air Traffic Controller shall be appointed to a post of Air Traffic Controller as set out in Annex I, Table II.b, to the GCE on the condition that they successfully complete a unit endorsement course for General Air Traffic (GAT).
2. Servants assigned on 1 January 2017 to a post of Operational Air Traffic Controller who are selected by the management on the basis of the business needs to undergo the unit endorsement course for General Air Traffic (GAT) and who do not succeed, will be subject to specific working conditions as stated in Article 8 of the present Annex.

Section 3

WORKING CONDITIONS

Article 8

For servants appointed pursuant to the present Annex, specific working conditions are set out in the Rule of Application No 21b of the GCE and its implementing provisions.

CHAPTER 2

SPECIAL PROVISIONS RELATING TO STAFF ASSIGNED TO DFS CC-UM ON  
31 DECEMBER 2016 WHO ARE APPOINTED AS SERVANT ON 1 JANUARY 2017  
AND WHO ARE SOLDIERS WITH THE GERMAN ARMED FORCES

Article 9

1. By way of derogation from Article 48 of the GCE and Annex X thereof, the service of servants appointed pursuant to the present Annex and who are on special leave to EUROCONTROL from the German Armed Forces, is furthermore terminated, without notice, at the date at which their special leave to EUROCONTROL ends, in particular when they reach their retirement age with the German Armed Forces, if they resign or are dismissed from service with the German Armed Forces, or if they lose their military status for any other reason.  
However, the servants appointed pursuant to the present Annex shall remain in service at their request until their retirement age as defined in Article 53 of the GCE. Any such request must be submitted by the servant concerned at the latest two years before he reaches his retirement age with the German Armed Forces. Where a servant appointed on 1 January 2017 reaches his retirement age with the German Armed Forces within two years of his appointment, the period for submitting a request for remaining in service must be submitted within the six months which follow the appointment date.
2. By way of derogation from Article 48 of the GCE and Annex X thereof, if the German Armed Forces call back a servant appointed pursuant to the present Annex, his service is terminated by a decision of the Director General at the date of the call back fixed by the German Armed Forces.

If the call back period is time limited, the Director General suspends the servant concerned from his service as from the date at which the German Armed Forces calls him back and until the date at which the German Armed Forces make him again available to perform his duties at EUROCONTROL. During this suspension period, the servant's remuneration ceases to be paid, he is not entitled to advancement to a higher step and promotion, and his cover under the social security scheme provided for in Articles 72 and 73 of the GCE is suspended. He does not continue

to acquire pension rights during his suspension period. If during his suspension period, the servant concerned reaches his retirement age with the German Armed Forces his service at EUROCONTROL is terminated.

#### Article 10

By derogation to Article 52.4 of the GCE, servants who are on special leave to EUROCONTROL from the German Armed Forces and are appointed to a post of Room Supervisor or Operational Air Traffic Controller shall, when reaching the age of 57 and in the case the retirement age at the Armed Forces is higher than 57, remain in service as Room Supervisor, Air Traffic Controller or Operational Air Traffic Controller until they reach their retirement age at the German Armed Forces, provided their physical and mental fitness to perform air traffic control duties is maintained. If this is not the case, they shall be assigned to administrative functions, Annex I, Table I, to the GCE, or to Operational support functions, Annex I, Table II.a, to the GCE until they reach their retirement age at the German Armed Forces.

Their pension entitlements remain subject to the provisions of Article 77 applicable to Air Traffic Controllers recruited as from 1 July 2016.

**APPENDIX I** (21)

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

Appendix I is repealed.

**APPENDIX Ia** (21)

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

Article 1

## GENERAL PROVISIONS

1. Pursuant to the provisions of Article 5, paragraph 4 and 5 of the General Conditions of Employment, the move between services as defined in Annex I to the General Conditions of Employment and the assignment of a function group AD and AST servant governed by the General Conditions of Employment to a post governed by the Staff regulations corresponding to his function group, type of post and grade, takes place according to the same procedures of appointment or transfer existing within a service as defined in the Rule of Application of the Director General provided for under Article 30.
2. The present provisions concern the transfer of an official or a servant who performs operational or support operational functions to the administrative/general service falling under his staff regulations or another staff regulations.
3. The object of the present provisions is to determine, when officials and servants are assigned to authorised Agency posts not falling under the service or the Staff Regulations governing their original appointment, their basic salary and the protection measures for the operational indemnities referred to in Article 69a and 69b of the Staff Regulations and in Article 69a, 69b, 69c and Article 11 of Rule of Application No 21b of the General Conditions of Employment.

Article 2

## DETERMINATION OF THE BASIC SALARY

Without prejudice to the provisions of Annex XV to the General Conditions of Employment for the function Group O and without prejudice to the provisions of Article 2.2 of Rule of Application No 29a of the Staff Regulations, the official or servant shall be appointed:

1. In the case of an appointment to a post of equivalent grade, at the same grade and incremental level, giving a basic salary equal to that enjoyed in the previous post, plus, if applicable, the allowance referred to in Article 69b of the General Conditions of Employment; in such cases the person concerned shall retain the seniority acquired at his incremental level;
2. In the case of an appointment to a post of a higher grade, under the provisions provided for by the Rule of Application mentioned in Article 30 of the Staff Regulations and of the General Conditions of Employment. Where a servant occupying a post in the Operations Divisions moves to another post of a higher grade outside the Operations Division, the allowance referred to in Article 69ter of the General Conditions of Employment shall cease to be paid.

However, in this case if the net remuneration of the concerned servant, as a consequence of the abolition of this allowance, is lower than the net remuneration he received, all other conditions being unchanged, in the last month before his assignment to a post outside the Operations Division, he shall be entitled to a compensatory allowance equal to the difference until, as a result of his

advancement to the next steps in his grade, his net remuneration reaches the level of the net remuneration he received before his new assignment.

### Article 3

#### TEMPORARY PROTECTION MEASURES FOR THE OPERATIONAL INDEMNITIES

The following provisions are applicable without prejudice to those of Rules of Application No 21, No 21a and No 21b of the General Conditions of Employment and those of Rule of Application No 29a of the Staff Regulations.

When an official entitled to the indemnities referred to in Article 69a and 69b, paragraphs 1 and 3 of the Staff Regulations, is assigned to another post which does not give entitlement to these indemnities, they shall cease to be paid as from the date of his assignment to a new post.

For what concerns the entitlement to the indemnities referred to in Article 69b, paragraph 2 of the Staff Regulations and Article 69c and 69d of the General Conditions of Employment, when an official or a servant is assigned to another post which does not give entitlement to these indemnities, whatever is its grade, he shall be paid a transitory allowance at a decreasing rate for a maximum period of 36 months. The following decreasing rates will apply to the basic amount of the respective allowance paid which was applicable to him during the last month of his assignment to his previous post:

- for the first 27 months: 100%
- for the next 3 months: 75%
- for the next 3 months: 50%
- for the next 3 months: 25%

The provisions of this paragraph shall apply on the same terms in the event of promotion to a higher grade, salary update and step advancement.

**APPENDIX II**

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

Appendix II is repealed.

**APPENDIX III**

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

Appendix III is repealed.



**APPENDIX IIIa****EXCEPTIONAL TEMPORARY PROVISIONS HAVING THE FORCE OF SERVICE REGULATIONS  
RELATING TO THE SUBMISSION OF REQUESTS FOR TRANSFER OF RETIREMENT PENSION  
RIGHTS AS PROVIDED FOR IN ARTICLE 12 OF ANNEX IV TO THE STAFF REGULATIONS AND  
THE GENERAL CONDITIONS OF EMPLOYMENT****Article 1**

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

**Article 2**

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

**Article 3**

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

**APPENDIX IV****TRANSITIONAL PROVISIONS HAVING THE FORCE OF SERVICE REGULATIONS RELATING TO THE EARLY TERMINATION OF SERVICE OF STAFF OCCUPYING A CATEGORY B POST ON 29 APRIL 1990 IN THE OPERATIONS DIVISION AT THE MAASTRICHT CENTRE****Article 1 (21) (30)**

A servant occupying a post in the Operations Division (Annex I. Table II), at the date of 29 April 1990 and who, in the month before he reaches the age of fifty-five performs duties as laid down in a Rule of Application, shall cease active service on the last day of the month in which he reaches that age.

However, a servant who occupies a post of Air Traffic Controller, Training Coordinator, Room Supervisor or Duty Supervisor remains at his request in service in one of these posts provided his physical and mental fitness to perform air traffic control duties is maintained as well as his competence to perform these duties, for a maximum period of one year, renewable for maximum periods of one year until the servant reaches the age of 60. Nevertheless, if during the last two years of service prior to an extension the servant has been absent because of sickness for more than 20% of the average working time, management shall seek the advice of the Agency's Medical Adviser and may revoke the extension on the basis of such advice.

In the event that the fitness or competence conditions are not met, servants may be assigned to other duties provided management accepts their request in the light of service requirements, taking into account their expertise. The assignment to other duties shall be subject to the provisions of the Rule of Application setting out the working conditions of staff which have to perform specific duties or ensure the continuous operation of certain services by a system of shifts worked in rotation.

Any request to remain in service beyond the age of 55 must be submitted by the servant concerned at the latest before the age of 52 if he wants to remain in service until 56 and at the latest before the age of 53 if he wants to request a further extension to remain in service until 57. If no such request is submitted, a servant shall leave on ETS at the age of 55.

Any request to remain in service beyond the age of 57 must be submitted by the servant concerned at the latest 12 months prior to the start of the requested extension. Any servant aged 56 or over as at 1 July 2019 may submit such a request in the month following that date. If no such request is submitted within the specified time limits, a servant shall retire at the age of 57.

If a servant does not submit the request to remain in service within the specified time limits, he may nonetheless submit a belated request that shall be subject to management acceptance.

If, however, any unexpected and duly substantiated incident arises affecting the personal situation of a servant after the age of 52, 53 or 56 respectively, the servant concerned may submit a belated or new request or alter his initial request.

The servant may also apply to be appointed to an alternative post in the Agency under the terms and conditions pertaining to that post.

**Article 2**

A servant who ceases active service in accordance with the provisions of Article 1 shall no longer receive his remuneration but will be entitled to a monthly allowance.

The total duration of entitlement to this allowance is fixed in Article 5 of the present provisions. During this period, the monthly allowance will be equivalent to 70% of the total of basic salary for the grade and step held at the time of departure, determined by reference to the table set out in Article 66(2) of the General Conditions of Employment in force on the first day of the month for which the allowance is payable and of the allowances referred to in Articles 69b and 69c of the General Conditions of Employment, where applicable.

However, during an initial phase of in principle two equal periods of time, the allowance shall be paid first at the rate of 100% of the remuneration components defined above and then at 85%, the periods being determined by reference to the length of time between:

- a) cessation of active service and
- b) the date at which the servant reaches maximum pension entitlement of 70% or 65 years (whichever is the sooner).

The length of the initial phase and the rates applicable are set out in the Annex to the present transitional provisions.

### Article 3

1. The allowance provided for in Article 2 shall be subject to the adjustment laid down in Article 64 of the General Conditions of Employment, applicable by analogy, and weighted at the rate fixed for the country situated inside or outside the Member States of the Organisation where the recipient proves he has his residence.

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

2. The allowance shall be expressed in euros and shall be paid in the currency of the country of residence of the recipient. However, if it is subject to the weighting of 100 under paragraph 1, last subparagraph, it shall be paid in euros.

Allowances paid in a currency other than the euro shall be calculated on the basis of the euro exchange rates specified in the second paragraph of Article 63 of the General Conditions of Employment.

3. Gross income accruing to the former servant from any new employment shall be deducted from the allowance provided for in Article 2, in so far as that income plus that allowance exceed the total gross remuneration last received by the servant, determined by reference to the salary scales in force on the first day of the month for which the allowance is payable. That remuneration shall be weighted as provided for in paragraph 1.

Gross income and total gross remuneration last received, as referred to above, mean sums paid after deduction of social security contributions and before deduction of tax.

The former servant concerned shall provide the written proof required by the Agency when the annual return of gross income accruing to him from any new employment is requested and shall in the interval between annual requests notify the Agency of any factor which may affect his right to the allowance.

4. Under the conditions referred to in Article 67 of the General Conditions of Employment and Articles 1, 2 and 3 of Rule of Application No. 7 of the General Conditions of Employment, a servant entitled to an allowance under Article 2 shall receive family allowances; the household allowance shall be calculated by reference to that allowance.
5. The allowance referred to under Article 2 and other various allowances perceived will be subject to the internal tax provided for at Annex VI of the General Conditions of Employment, which will be applicable by analogy, as well as Rule of Application No. 27.

#### Article 3a (25)

While in receipt of the allowance, servants might be called upon by the Agency to provide teaching duties at the Maastricht Centre.

When providing teaching duties, servants shall receive an allowance of 600 euros per day (8 hours 20 minutes including breaks) on which they provide teaching duties, subject to the limits of Article 3.3 above with regards to the gross income to be accrued.

This allowance shall be subject to the internal tax in accordance with the provisions of Article 3.5 above.

The allowance for providing teaching duties shall be adjusted pursuant to the provisions of Articles 64 and 65 of the General Conditions of Employment.

#### Article 4

Recipients of the allowance shall be entitled, in respect of themselves and persons covered by their insurance, to benefit under the sickness insurance scheme provided for in Article 72 of the General Conditions of Employment on condition:

- that they are not gainfully employed;
- that they pay the relevant contribution, calculated on the basis of the allowance provided for in Article 2 above.

For the purposes of Article 72, the former servant shall be treated in the same way as a servant who has remained in service until the age at which he would be entitled to a retirement pension pursuant to Article 3, Part 1 of Annex XIII.

During the period for which he is entitled to receive the allowance, the former servant shall continue to acquire further rights to retirement pension based on the salary attaching to his grade and step, plus the allowances referred to in Articles 69b and 69c of the General Conditions of Employment, where applicable, under the provision that the contribution provided for in the General Conditions of Employment by reference to that salary and those allowances is paid during that period and provided that the total amount of pension rights does not exceed 70%.

#### Article 5

Entitlement to the allowance shall cease not later than the last day of the month in which the former servant attains the age of 65 and in any event as soon as the former servant is eligible for the maximum retirement pension.

At that point the former servant shall automatically receive a retirement pension, which shall take effect on the first day of the month following the month in which the allowance was paid for the last time.

However, a servant aged at least fifty-five may, at any time, request that his allowance be converted into a retirement pension calculated on the pension rights acquired in the EUROCONTROL pension scheme at the date of effect of his request.

#### Article 6 (21)

1. For the application of the relevant provisions of the General Conditions of Employment concerning calculation and payment of the retirement pension and survivor's pension, the former servant, subject to the provisions set out below, shall be treated in the same way as a servant to whom Article 53.1 is applicable but to whom are not applicable the reductions provided for in Article 9 of Annex IV in the event of retirement prior to the retirement age which would have been applicable by virtue of Article 3 of Part 1 of Annex XIII.
2. In the case of a former servant who draws his pension after the age after which he would be entitled to a retirement pension pursuant to Article 3, Part 1 of Annex XIII, the pension will be calculated in accordance with the provisions of Annex IV, Article 5, to the General Conditions of Employment.
3. Subject to Articles 1 and 22 of Annex IV to the General Conditions of Employment, the surviving spouse of a former servant who dies while in receipt of the monthly allowance provided for in Article 2 above shall be entitled, provided that they had been married for at least one year when the former servant left the service of the Agency, to a survivor's pension equal to 60% of the retirement pension which, irrespective of length of service or age, would have been payable to the former servant if he had qualified for it at the time of death.

The amount of the survivor's pension referred to in the previous subparagraph shall not be less than the amounts specified in the second paragraph of Article 79 of the General Conditions of Employment. However, in no case may the total amount payable by way of survivor's pension plus family allowances less a sum equivalent to the tax applicable at the European Community and other compulsory deductions under these General Conditions of Employment to the widow, or widower and other entitled persons, exceed the amount of the retirement pension to which the former servant would have been entitled had he survived and been granted a retirement pension when he ceased to be eligible for the allowance referred to in Article 2, subject to the allowances and deductions mentioned above.

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

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

#### Article 7

Article 7 is repealed.

Article 8

The remaining provisions of the General Conditions of Employment not amended by the present provisions continue to apply unchanged.

Article 9

The present provisions shall enter into force on 1 January 1992 and will apply only to staff mentioned in Article 1 above.

ANNEX TO APPENDIX IV

EARLY TERMINATION OF SERVICE

Period of Entitlement

<u>Months</u>	<u>100%</u>	<u>85%</u>	<u>70%</u>
1	0	1	0
2	0	1	1
3	0	1	2
4	0	1	3
5	0	2	3
6	1	1	4
7	1	1	5
8	1	1	6
9	1	1	7
10	1	1	8
11	1	1	9
12	1	1	10
13	1	1	11
14	2	2	10
15	2	2	11
16	2	2	12
17	2	2	13
18	2	2	14
19	2	2	15
20	2	2	16
21	2	2	17
22	2	2	18
23	3	3	17
24	3	3	18
25	3	3	19
26	3	3	20
27	3	3	21
28	3	3	22
29	3	3	23
30	3	3	24
31	3	3	25
32	4	4	24
33	4	4	25
34	4	4	26
35	4	4	27
36	4	4	28
37	4	4	29
38	4	4	30
39	4	4	31
40	4	4	32

41	5	5	31
42	5	5	32
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48	5	5	38
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50	6	6	38
51	6	6	39
52	6	6	40
53	6	6	41
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56	6	6	44
57	6	6	45
58	6	6	46
59	6	6	47
60	7	7	46
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82	9	9	64
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84	9	9	66
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104	11	11	82
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120	13	13	94