

**EUROCONTROL**

*European Organisation for the Safety of Air Navigation*

# **STAFF REGULATIONS**

governing officials  
of the EUROCONTROL Agency

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## STAFF REGULATIONS

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of the EUROCONTROL Agency

NB: The references made in the text to the provisions of "the EUROCONTROL Convention" and the "Statute of the Agency" relate to the text:

- of 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 I thereto.

(14.02.20)

STAFF REGULATIONS GOVERNING OFFICIALS  
OF THE EUROCONTROL AGENCY

Checklist of amendments

No. *	Amendments published by Office Notice		Article(s) amended	Effective Date
	No.	Date		
1	43/08	11.09.08	Annex VII, Sole Article, paragraph 7	01.08.08
	48/08	09.12.08	Articles 42bis et 68 Annex III Annex V: Articles 3 et 4 Annex XIII, Part 2: Articles 2.2, 8.2, 12 et 13	01.07.07
2	08/09	19.02.09	Articles 42a, 55a and 72 Annex I Annex IIa: Articles 1 and 3 Annex VIII: Article 3 Annexe XIII, Part 2: Article 4 and Annex XIII.1 Appendix I: Article 9	01.03.09
3	18/09	27.05.09	Articles 42bis and 68 Annex III Annex V : Articles 3 and 4 Annex XIII, Part 2 : Articles 8.2, 12 and 13	01.07.08
4	16/10	20.05.10	Articles 42bis and 68 Annex III Annex V: Articles 3 and 4 Annex XIII, Part 2 : Articles 8.2, 12 and 13	01.07.09
5	22/10	22.06.10	Annex XVI (ETS) and its Appendix	22.06.10
6	11/11	28.04.11	Articles 42bis and 68 Annex III Annex V: Articles 3 and 4 Annex XIII, Part 2 : Articles 8.2, 12 and 13	01.07.10
7	17/12	05.06.12	Article 32	01.06.12
8	20/12	19.06.12	Articles 42bis and 68 Annex III Annex V: Articles 3 and 4 Annex XIII, Part 2 : Articles 8.2, 12 and 13	01.07.11
9	21/12	26.06.12	Annexe IV: Article 8	01.07.12
10	15/13	28.05.13	Annex XVII (new)	01.01.13
11	26/13	03.06.13	Articles 42a and 68 Annex III Annex V: Articles 3 and 4 Annex XIII, Part 2: Articles 8.2, 12 and 13	01.07.12
12	28/13	05.06.13	<u>Specific employment conditions for graduates appointed as officials</u> Articles 1, 5, 12b, 15, 29, 30, 34, 36, 37, 39, 42, 42a, 42b, 43, 44, 45, 45a, 47, 49, 51, 55a, 55b, 57, 59, 62, 65, 66, 67, 67a, 68, 69, 70, 72, 77 Annex VII: Sole Article, paragraphs 1, 5 and 7 Annex Xa (new)	01.06.13
13	48/13	20.12.13	Annex VI: Title, Articles 1, 2 and 5	01.01.13 ⇨ 31.12.13
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15	02/15	28.01.15	Articles 42a and 68 Annex III Annex V: Articles 3 and 4 Annex XIII, Part 2: Article 8.2  Annex VI: Article 2	01.07.13  01.01.13 ⇨ 31.12.13
16	11/15	29.04.15	Articles 42a and 68 Annex III Annex V: Articles 3 and 4 Annex XIII, Part 2: Article 8.2	01.07.14
17	06/16	29.02.16	Articles 42a and 68 Annex III Annex V : Articles 3 and 4 Annex XIII, Part 2 : Article 8.2	01.07.15
18	16/16	21.06.16	<u>Administrative Reform</u> Articles 1b, 1c, 5, 6, 7, 8, 9, 10, 11, 11a, 12a, 16, 18, 21a, 22, 22c(new), 22d(new), 27, 30, 32, 33, 34, 35a, 36, 36a(new), 37, 40, 41, 42a, 42d(new), 43, 44, 45, 45a(repealed), 48, 50, 51, 52, 55, 55a, 56, 58, 59, 64, 66, 67, 72, 77, 78, 79, 80, 81a, 82, 83, 83a and 86 Annex I Annex II Annex IIa: Articles 1, 4, 5(new) and 6(new) Annex III (new grades SC) Annex IV: Articles 4, 5, 6, 9, 15, 18, 18a, 27 and 45 Annex V: Article 3 Annex VII Annex VIII (repealed) Annex VIIIa (new) Annex X: Articles 5, 9 and 10 Annex XI Annex XII: Articles 2, 4, 10, 11, 11a(new), 12 and 14(repealed) Annex XIII, Part 1: Articles 1, 2, 3, 4 and 5a(new) Annex XIII, Part 2: Articles 9(repealed), 12(repealed), 13(repealed), 14(repealed), 15, 16(repealed), 18(new), 19(new), 20(new) and 21(new) Annex XIII.1 (repealed) Annex XIII, Part 3 (new) Annex XIV: Article 13 and 20a(new) Annex XVIII (new) Appendix I (repealed) Appendix Ia (new) Appendix IIb: Articles 1 and 2(new)	01.07.16

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20	17a/17	15.09.17	Article 5 (paragraph 6.1) Annex XIX ( <i>new</i> )	01.10.17
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22	17/18	14.12.18	Article 83	01.01.19
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24	09/19	28.06.19	Articles 1, 5, 9, 33 and 83 Annex X : Articles 8, 9 and 13 ( <i>new</i> ) Annex Xb ( <i>new</i> ) Annex XII : Articles 5, 6 and 15 ( <i>new</i> )	01.07.19
25	29/19	13.12.19	Article 64 Annex V : Articles 4a ( <i>new</i> ) and 8 – until 31 December 2023 Annex V : Articles 1a ( <i>new</i> ), 3, 4, 5a ( <i>new</i> ), 6 and 8 – as from 1 January 2024	01.01.20
26	02/20	29.01.20	Articles 42a and 68 Annex III Annex V : Articles 3 and 4 Annex XIII, Part 2 : Article 8.2	01.07.19

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## **APPENDIXES**

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## **TITLE I - GENERAL PROVISIONS**

### Article 1 (12) (24)

1. These regulations shall apply to Agency officials as defined below.
2. For the purpose of these Staff Regulations, 'official of the Agency' means any person who has been appointed, as provided in these Staff Regulations, to an established post on the staff of the Agency by an instrument issued by the Director General.
3. All provisions of the Staff Regulations shall apply to officials appointed before 1 May 2002, with the exception of the provisions of Annexes X and Xb.
4. Officials appointed for a limited or undetermined period between 1 May 2002 and 30 June 2019 shall be subject to all provisions of the Staff Regulations with the exception of those in respect of which there is a derogation or which are supplemented by the provisions of Annex X.
5. Graduates appointed as officials for a limited period, pursuant to Annex Xa, shall be governed by the provisions of the Staff Regulations, unless otherwise indicated in the latter. Where no mention is made, in an Article of the present Staff Regulations or the annexes thereto, of a derogation applicable to the officials governed by Annex Xa, those provisions shall be applicable.
6. Officials appointed as from 1 July 2019 shall be subject to all provisions of the Staff Regulations with the exception of those in respect of which there is a derogation or which are supplemented by the provisions of Annex Xb.

### Article 1a

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

### Article 1b (18)

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

For the purposes of these Staff Regulations, non-marital partnerships shall be treated as marriage provided that all the conditions listed in Article 1(2)(c) of 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 Staff Regulations, 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 Staff Regulations, and shall adopt the appropriate provisions notably to redress such de facto inequalities as hamper opportunities for women in these areas.

4. For the purposes of paragraph 1, a person has a disability if he has a 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 35.

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 Staff Regulations, who consider themselves wronged because the principle of equal treatment as set out above has not been applied to them, establish facts from which it may be presumed that there has been direct or indirect discrimination, the onus shall be on the 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 (18)

1. Officials in active employment shall have access to measures of a social nature, including specific measures to reconcile working life with family life, adopted by the Agency and to services provided by the social welfare bodies referred to in Article 10.

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

2. Officials in active employment shall be accorded working conditions complying with appropriate health and safety standards at least equivalent to the minimum requirements applicable under measures adopted in the relevant Member States.
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. However, the appointment of the Directors shall be subject to the conditions set out in Article 13 of the Statute of the Agency.

### Article 3

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

### Article 4

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

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

### Article 5 (12) (18) (20) (24)

1. The posts covered by the Staff Regulations shall be classified, according to the nature and importance of the duties to which they relate, in a function group for administrators (hereinafter "AD"), a function group for assistants (hereinafter "AST") and a secretaries and clerks function group (hereinafter "AST/SC"), referred to in Annex I to these Staff Regulations.
2. Function group AD shall comprise twelve grades, corresponding to administrative, advisory, executive and management duties, as well as to linguistic duties. Grade AD16 shall be reserved for the Director General of the Agency not governed by these Staff Regulations. 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.
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.

4. Posts coming within the same specialised professional field may be formed into services embracing a number of grades. They may be subject to specific conditions of recruitment and service career. Officials 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 a General Service and a Network Manager Directorate (NMD) Operational Staff Service, as set out in Annex I to the Staff Regulations.

5. Officials assigned in the function groups AD or AST governed by the Staff Regulations may also be assigned with the formal consent of the official concerned to a post governed by the General Conditions of Employment 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.

Officials assigned in the function group FCO, as defined in paragraph 6 below, governed by the Staff Regulations may also be assigned, at the same grade, to a post of the function group AD or AST governed by the Staff Regulations or, with the formal consent of the official concerned, governed by the General Conditions of Employment, 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, in particular for what concerns the determination of the basic salary and the indemnities and allowances in case of move between services, are defined in Appendix Ia.

- 6.1 Posts of officials who carry out centralised flow management activities and who contribute to the ATFCM function in real time shall be grouped in a specific Network Manager (NMD) Operational Staff Service, corresponding to the FCO function group comprising 10 grades (FCO2 to FCO11), as set out in Table II of Annex I to these Regulations.

This function group shall comprise:

- advisory duties which require university education or equivalent professional experience. The posts corresponding to this type of duties shall be grouped into one grade bracket, FCO8/9/10/11;

- executive duties requiring secondary education attested by a diploma giving access to post-secondary education or equivalent professional experience of at least three years. The posts corresponding to this type of duties shall be grouped into seven grade brackets, FCO5/6/7/8/9/10/11, FCO8/9/10/11, FCO5/6/7/8/9/10, FCO8/9/10, FCO7/8/9/10, FCO5/6/7/8 et FCO3/4/5/6/7;
- clerical duties requiring secondary education or equivalent professional experience. The posts corresponding to this type of duties shall be grouped into one grade bracket, FCO2/3/4/5/6

6.2 The posts of Network Manager (NMD) Operational Staff Service corresponding to the FCO function group shall be divided between two groups:

- a group of "E1" posts, the holders of which carry out duties which ensure the continuous operation of the Network Manager (NMD) Operational Services whether by means of shifts, individualised duty rosters, rolling stand-by duty at home, or secondment as support for a period of less than 12 consecutive months;
- a group of "E2" posts covering support activities for a foreseeable period of at least 12 months in all Network Manager (NMD) Operational Services, the holders of which will be recruited mainly from among the officials having sound professional experience in E1 posts.

6.3 In order to be assigned to a post in group E1, officials must meet professional skills criteria which, following the completion of an initial period of vocational training, will lead to the awarding of certification. Such certification shall be subject to periodical validation determining the continued performance of functions within group E1. Such validation, the procedure for which shall be laid down in a Rule of Application of the Director General, may be suspended in the interests of the official or of the service, if the safety of air traffic has been compromised or is at risk of being compromised.

6.4 The physical skills required for appointment to a post in group E1 shall be defined in a Rule of Application of the Director General and be subject to periodical validation determining continued performance of functions within this group. Where an official no longer meets these physical fitness criteria, he shall be subject to the provisions of Article 35a.

7. Tables showing the types of posts and posts mentioned in paragraph 6 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 and for posts mentioned in paragraph 6, their level expressed in terms of grade brackets.

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

9. The Rule of Application mentioned in paragraph 7 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 in terms of 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 and for 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, revise and evaluate types of posts and the posts of the FCO function group within an organisational structure.
10. 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 33.
11. The functions performed by the officials governed by Annex Xa shall not be subject to the provisions of paragraphs 7 to 10 of the present Article.

#### Article 6 (18)

The list of posts appended to the budget of the Agency shall indicate the number of posts 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 for career advancements (promotions and steps).

#### Article 7 (18)

1. The Director General shall, acting solely in the interest of the service and without regard to nationality, assign each official by appointment or transfer to a post in his function group which corresponds to his grade and his type of post for the posts mentioned in Annex I, Table I, or his grade bracket for the posts mentioned in Annex I, Table II.
2. An official may ask to be transferred within the Agency to a post corresponding to his function group, at the same grade and within the same type of post governed by the Staff Regulations or governed by the General Conditions of Employment.

#### Article 8 (18)

An official may be called upon to occupy temporarily another type of post, as defined in Annex I, in a grade in his function group which is higher than his substantive grade. From the beginning of the fourth month of such temporary posting, he shall receive a differential allowance equal to the difference between the remuneration carried by his substantive grade and step, and the remuneration he would receive in respect of the 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 an official who occupies a "Support staff" type of post defined in Annex I.

The implementing provisions are 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 an official who is seconded to another post in the interests of the service, called up for military service or absent on protracted sick leave.

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 (18) (24)

1. There shall be set up:

- a Staff Committee, which may be organised in sections for the different places of employment;
- a Joint Committee;
- a Disciplinary Board;
- an Invalidity Committee;
- a Joint Reports 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 (18)

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 Staff Regulations. 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 Staff Regulations 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 Invalidation Committee shall exercise the powers conferred on it by these Staff Regulations and the Rules of Application laid down for their application.
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 officials 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 51;
  - e) on the termination of service measures provided for in Annex X to the Staff Regulations.

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 for in Article 22d of the Staff Regulations.

#### Article 10a

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

## **TITLE II - RIGHTS AND OBLIGATIONS OF OFFICIALS**

### Article 11 (18)

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

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

Before recruiting an official, 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 officials returning from leave on personal grounds.

### Article 11a (18)

1. An official shall not, in the performance of his duties and save as hereinafter provided, deal with a matter in which, directly or indirectly, he has any personal interest such as to impair his independence, and, in particular, family and financial interests, subject to paragraph 2.
2. Any official 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 official from responsibility in this matter.
3. An official may neither keep nor acquire, directly or indirectly, in undertakings which are subject to the authority of the 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

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

### Article 12a (18)

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

3. "Psychological harassment" means any improper conduct that takes place over a period, is repetitive or systematic and involves physical behaviour, spoken and/or written language, gestures or other acts and that may undermine the personality, dignity or physical or psychological integrity of any person.
4. "Sexual harassment" means conduct relating to sex which is unwanted by the person to whom it is directed and which has the purpose or effect of offending that person or creating an intimidating, hostile, offensive or disturbing environment. Sexual harassment shall be treated as discrimination based on gender.
5. The Director General shall lay down in a Rule of Application the implementing provisions for the above regulations.

#### Article 12b (12)

1. Subject to Article 15, an official wishing to engage in an outside activity, whether paid or unpaid, or to carry out any assignment outside the 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 official's duties or is incompatible with the interests of the Agency.
2. An official shall notify the Director General of any changes in a permitted outside activity or assignment, which occur after the official 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.
3. Officials governed by Annex Xa may not engage in a paid outside activity.

#### Article 13

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

#### Article 14

Article 14 is repealed.

#### Article 15 (12)

1. An official 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 official concerned:
  - a) should be required to apply for leave on personal grounds, or
  - b) should be granted annual leave, or
  - c) may be authorised to discharge his duties on a part-time basis, or
  - d) may continue to discharge his duties as before.
2. An official elected or appointed to public office shall immediately inform the 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 official is required to take leave on personal grounds or is authorised to discharge his duties on a part-time basis, the period of such leave or part-time working shall correspond to the official's term of office.

3. Officials governed by Annex Xa may not take advantage of the above provisions.

#### Article 16 (18)

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

Officials intending to engage in an occupational activity, whether gainful or not, within two years of leaving the service shall inform the Agency thereof. If that activity is related to the work carried out by the official during the last three years of service and could lead to a conflict with the 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 with the exception of those entitled to the allowance referred to in Annex XVI, as well as staff members to whom Article 42c applied, 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 vis-à-vis Agency staff, 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. An official shall refrain from any unauthorised disclosure of information received in the line of duty, unless that information has already been made public or is accessible to the public.
2. An official shall continue to be bound by this obligation after leaving the service.

#### Article 17a

1. An official has the right to freedom of expression, with due respect to the principles of loyalty and impartiality.
2. Without prejudice to Articles 12 and 17, an official who intends to publish or cause to be published, whether alone or with others, any matter dealing with the work of the 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 official 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 (18)

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

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

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

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

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

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

#### Article 19

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

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

#### Article 20

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

#### Article 21

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

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

#### Article 21a (18)

1. An official who receives orders which he considers to be irregular or likely to give rise to serious difficulties shall inform his immediate superior, who shall, if the information is given in writing, reply in writing. Subject to paragraph 2, if the immediate superior confirms the orders and the official believes

that such confirmation does not constitute a reasonable response to the grounds of his concern, the official shall refer the question in writing to the hierarchical authority immediately above.

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

2. If the immediate superior considers that the orders must be executed promptly, the official shall carry them out unless they are manifestly illegal or constitute a breach of the relevant safety standards. At the request of the official, the immediate superior shall be obliged to give such orders in writing.
3. An official who informs his superiors of orders which he considered to be irregular or likely to give rise to serious difficulties shall not suffer any prejudice on that account.

#### Article 22 (18)

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

A reasoned decision shall be given by the Director General 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 and the Financial Regulations applicable to the Route Charges System, they 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 official 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 officials 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 official 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. An official shall not suffer any prejudicial effects 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 official in the course of, proceedings in legal cases, whether pending or closed.

#### Article 22b

1. An official 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 official honestly and reasonably believes that the information disclosed, and any allegation contained in it, are substantially true; and
  - b) the official has previously disclosed the same information to 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 official shall be duly informed of that period of time within 60 days.
2. The period referred to in paragraph 1 shall not apply where the official can demonstrate that it is unreasonable having regard to all the circumstances of the case.
3. Paragraphs 1 and 2 shall not apply to documents, deeds, reports, notes or information in any form whatsoever held for the purposes of, or created or disclosed to the official in the course of, proceedings in legal cases, whether pending or closed.

#### Article 22c (18)

In accordance with Articles 24 and 92, the Agency shall put in place a procedure for the handling of complaints made by officials concerning the way in which they were treated after or in consequence of the fulfilment by them of their obligations under Article 22a or 22b. The 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 92.

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

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

#### Article 22d (18)

1. The Agency shall apply Just Culture principles.
2. A 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 (operational and non-operational) staff involved in air navigation safety critical activities. Other staff may also be included, as appropriate. The implementing



provisions shall be defined by the Director General in a Rule of Application, including any body which may be needed to deal with this matter.

#### Article 23

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

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

#### Article 24

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

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

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

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

#### Article 24a

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

#### Article 25

Officials may submit requests to the Director General in respect of matters relating to these Staff Regulations.

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

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

#### Article 26

The personal file of an official shall contain:

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

b) any comments by the official on such documents.

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

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

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

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

There shall be only one personal file for each official.

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

The personal file shall be confidential and may be consulted only in the offices of the 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 official and the Agency.

#### Article 26a

Officials 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 OFFICIALS**

#### **CHAPTER 1 - RECRUITMENT**

##### **Article 27 (18)**

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

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**

An official may be appointed only on condition that:

- a) he is a national of one of the signatory States of the EUROCONTROL Convention, unless 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, passed a competition as provided in a Rule of Application of the Director General;
- e) he is physically fit to perform his duties;
- f) the government of the country of which he is a national is able to provide, on request, a security clearance certificate issued in his name;
- 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 (12)**

The letter of appointment shall specify that the appointment made is subject to the provisions of these Staff Regulations 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 official is required to observe.

The provisions of the present Article shall apply to officials governed by Annex Xa, subject to the specific conditions set out in the latter.

Article 30 (12) (18)

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.

4. By way of derogation from the provisions of the present Article, specific provisions for the recruitment and appointment of graduates as officials at grade AD5 shall be set out in Annex Xa to the present Staff Regulations.

Article 31

Article 31 is repealed.

Article 32 (7) (18)

A procedure other than the competition procedure may be adopted by the Director General for the recruitment of Directors (AD14/AD15) and, in exceptional cases, also for recruitment to posts which require special qualifications.

Article 33 (18) (24)

1. Candidates selected 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, officials shall be recruited only at grades AST/SC1 to AST/SC2 for the type of post "Support staff", at grades AST1 to AST5 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 officials 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 officials.
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 inform 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 grade AD12 for the types of post of Administrator and Head of Unit or equivalent.

#### Article 34 (12) (18)

1. An official 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 for the appointment of graduates as officials at grade AD5 shall be set out in Annex Xa to the present Staff Regulations.

#### Article 35

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

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

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

#### Article 35a (18)

1. Where an official in group E1 of the NMD Operational Staff Service ceases to meet the requirements of the Rule of Application referred to in paragraph 6.4 of Article 5 of the Staff Regulations, 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 person concerned disagrees with the Medical Adviser's conclusions, he may appeal to a medical committee, the composition and modus operandi of which are determined in the aforementioned Rule of Application.
2. If the conclusions regarding the official's temporary or permanent unfitness are confirmed, the Director General shall explore all the options for reassigning the official to a different post, at the same or a lower grade or a higher grade, on the basis of the provisions of Article 30.1, in the same or a different function group, including if necessary retraining measures under the following conditions:
  - a) If the unfitness is temporary and is not expected to last longer than one year, the official shall be temporarily assigned to another post carrying the same grade or, failing that, to another post for which he is suited. The official shall keep his grade, allowances and indemnities.
  - b) If the temporary unfitness lasts longer than one year or is permanent, the official shall be reassigned to another post at the same or a lower grade or a higher grade, on the basis of the provisions of Article 30, in the same or a different function group, provided that he satisfies the requirements for that post or can acquire them following re-training measures.
3. If the official is classified at a lower grade than the one he previously held:
  - the decision by the Director General shall specify his new grade, his step and his seniority in the step,
  - the provisions of Appendix Ia referred to in Article 5.5 are applicable for what concerns the protection measures of the allowances and indemnities,
  - the official may request that contributions to the pension scheme be calculated by reference to his last basic salary received before the reassignment.

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

4. If the official does not use the possibility to pay contributions to the pension scheme calculated by reference to his last basic salary received before the reassignment, if the official would not reach, one year before his retirement, a grade and step with a basic salary at least equal to the grade and step he had reached prior to his appointment to the lower grade, the pension rights provided for in Article 77 of the Staff Regulations shall be calculated in proportion to the number of months' service completed prior to and following his new appointment. The basic salary taken into account in this calculation for each of the two periods of service shall be:
  - for the period worked prior to the official's appointment to the lower grade, the salary attaching to the last grade and step reached prior to that appointment,
  - for the period worked following the official's new appointment, the salary attaching to the last grade and step reached at least one year prior to retirement.

5. If the reassignment or the reclassification is not possible and if the unfitness to perform shift work is permanent and total, the provisions of Article 78 shall be applicable. However, if the unfitness to perform shift work is permanent and partial, the provisions of Article 6 of Annex IIa shall be applicable.
6. Where the official refuses the offers of reassignment and he is not declared permanently unfit to perform shift work totally or partially, he shall be required to resign following consultation of the Joint Committee.

Article 36 (12) (18)

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

However, officials in the NMD Operational Staff Service in group E1 may only be established at the end of a period of training of at least nine months. If the period of training is shorter, it must be supplemented by a probationary period equal to the difference between nine months and that period. When the training has not been completed after 9 months, establishment shall be postponed accordingly until the official has finally completed his training.

Where, during his probationary period, an official is prevented, by sickness, maternity leave under Article 58, or accident, from performing his duties for a continuous period of at least one month, the 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 official to another department. In this case the new assignment must be for at least six months; it shall be subject to the limits set out in paragraph 4.

3. One month at the latest before the expiry of the probationary period, a report shall be made on the ability of the probationer to perform the duties pertaining to his post and also on his efficiency and conduct in the service. This report shall be communicated to the probationer, who shall have the right to submit his comments in writing within a period of eight 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.
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 officials who resign before the end of their probationary period.
7. The specific provisions for the probation period of graduates appointed as officials at grade AD5 shall be set out in Annex Xa to the present Staff Regulations.

#### Article 36a (18)

1. Established officials 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 official 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 official prior to his appointment.
2. The posts entailing management activities which are governed by the present provisions shall be the types of posts Advisor, Head of Unit and Administrator in the AD function group, and Senior Assistant in the AST function group, as defined in Annex I, Table I.

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

3. Officials 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 official 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 by the official's immediate superior. If his work is proving obviously inadequate, that report shall be communicated to the person concerned, who shall have the right to submit his comments in writing within eight working days. The report and the comments shall be transmitted forthwith by the official'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 official 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 official 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 official, 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 official, his appointment shall be confirmed on the date of the initial appointment referred to in paragraph 1.
  - b) Where the report concludes that the official's work is proving obviously inadequate, it and the official's comments shall be transmitted forthwith by the official'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 official 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), an official 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 official is reassigned.

## CHAPTER 2 - ADMINISTRATIVE STATUS

### Article 37 (12) (18)

Officials shall be assigned one of the following administrative statuses:

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

For the implementation of Article 37, officials governed by Annex Xa shall be assigned only the administrative statuses referred to under a), c) and e) above, if required.

### Section 1 - ACTIVE EMPLOYMENT

#### Article 38

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

## Section 2 - SECONDMENT

### Article 39 (12)

1. An official on secondment is an established official who, by decision of the Director General:
  - a) has been directed in the interests 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.

An official 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 an official of the Agency.

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

2. Secondment in the interests 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 official;
  - b) the duration of secondment shall be determined by the Director General;
  - c) at the end of every six months, the official concerned may request that this secondment be terminated;
  - d) an official on secondment 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; he shall likewise be entitled to reimbursement of all additional expenses entailed by his secondment;
  - e) an official 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 ;
  - f) an official on secondment shall retain his post, his right to advancement to a higher step and his eligibility for promotion;
  - g) when his secondment ends an official shall at once be reinstated in the post formerly occupied by him.
3. Secondment at an official'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 an official may request that his secondment be terminated; he shall then be reinstated at once in the post formerly occupied by him;
  - c) at the end of this period of six months, another person may be appointed to his post;
  - d) during the period of secondment, pension contributions and any pension rights shall be calculated by reference to the salary for active employment carried by his grade and step in the Agency. However, an official 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.

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

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

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

These provisions shall not apply to officials governed by Annex Xa.

### Section 3 - LEAVE ON PERSONAL GROUNDS

#### Article 40 (18)

1. An established official may, in exceptional circumstances and at his own request, be granted unpaid leave on personal grounds.
  - 1a. Article 12b shall continue to apply during the period of leave on personal grounds. The permission under Article 12b shall not be granted to an official for the purpose of his engaging in an occupational activity, whether gainful or not, which involves 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.

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

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

- to bring up a child considered as a dependant of the official 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 an official or servant required in the course of his or her duties to establish his or her habitual residence at such a distance from the place of employment of the applicant official that the establishment of their conjugal home in such a place would inconvenience the applicant official in the performance of his or her duties,

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

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

Moreover, the official who proves that he cannot acquire pension rights 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 official's grade and step.

4. Leave on personal grounds shall be governed by the following rules:
  - a) it shall be granted at the request of the official concerned by the Director General;
  - b) application for extension shall be made two months before the leave expires;
  - c) another person may be appointed to the post occupied by the official;
  - d) on the expiry of his leave of less than 12 consecutive years, an official must be reinstated in the first post corresponding to his grade which falls vacant in his function group, provided that he satisfies the requirements for that post. If he declines the post offered to him, he shall retain his right to reinstatement when the next vacancy corresponding to his grade occurs in his function group, subject to the same proviso. If the official 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 official 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 (18)

1. An official with non-active status is one who has become supernumerary by reason of reduction in the number of posts in the Agency.
2. Reductions in the number of posts and in 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 officials to be affected by such measures, after consulting the Joint Committee, taking into account the officials' ability, efficiency, conduct in the service, family circumstances and seniority. Any official occupying one of the posts referred to in the preceding subparagraph who expresses the wish to be assigned non-active status shall automatically be entered on this list.

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.

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

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

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

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

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

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

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 Staff Regulations.

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

## Section 5 - LEAVE FOR MILITARY SERVICE

### Article 42 (12)

1. An official who is called up for military service or for reserve training or is recalled to serve in the armed forces shall be assigned the special status of "leave for military service".
2. An official who is called up for military service shall cease to receive his remuneration but shall retain his right to advancement to a higher step and promotion under these Staff Regulations. He shall also retain his right to enjoy retirement pension if, after completing his military service, he pays up his pension contributions retroactively.
3. An official who is called up for reserve training or recalled to serve in the armed forces shall, during the period of training or recall, continue to receive his remuneration subject to deduction of an amount equal to his pay.
4. The provisions of paragraphs 2 and 3 above shall not apply to officials governed by Annex Xa. Officials governed by Annex Xa shall not receive any remuneration from the Organisation during their military service.

## Section 6 - PARENTAL OR FAMILY LEAVE

### Article 42a (1) (2) (3) (4) (6) (8) (11) (12) (15) (16) (17) (18) (19) (21) (23) (26)

An official shall be entitled to up to six months of parental leave without basic salary for every child, to be taken during the first twelve years after the birth or adoption of the child. The duration of the leave may be doubled for single parents recognised under general implementing provisions adopted by the 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 official's membership of the social security scheme shall continue; the acquisition of pension rights, dependent child allowance and education allowance shall be maintained. The official shall retain his post, and continue to be entitled to advancement to a higher step or promotion in grade. The leave may be taken as full-time or half-time leave. Where parental leave is taken in the form of half-time leave, the maximum period provided for in the first paragraph shall be doubled. During parental leave, the official shall be entitled to an allowance of EUR 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 official. However, in the case of half-time leave this provision shall apply only to the difference between the full basic salary and the proportionally reduced basic salary. For the part of the basic salary actually received, the official's contribution shall be calculated by using the same percentages as if he were in full-time employment. The pension contributions paid and pension rights acquired by officials recruited or appointed to the posts governed by Article 55a.5 of the Staff Regulations 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 official is on half-time leave, for the single parents and parents of dependent children with a disability or a severe illness recognised by the Medical 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.

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

These provisions shall not apply to officials governed by Annex Xa.

#### Article 42b (12)

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

The second paragraph of Article 42a shall apply.

These provisions shall not apply to officials governed by Annex Xa.

### Section 7 - LEAVE IN THE INTERESTS OF THE SERVICE

#### Article 42c (18)

An official 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 official placed on leave in the interests of the service reaches the age of 65, in the case of officials recruited prior to 1 July 2016, and 66 in the case of officials entering into service as from that date, he shall automatically be retired. The leave period shall however cease when the official concerned meets, prior to attaining the said ages, the conditions giving entitlement to the maximum retirement pension rate (70%).

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

The official 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 Staff Regulations. The basic salary shall be increased, where applicable, by the allowance referred

to in Article 69b.2 of the Staff Regulations payable to the official 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 the Staff Regulations relating to an early termination of service scheme which entered into force on 1 January 2011 shall be applicable by analogy.

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 69b, paragraph 2, if applicable. However, the official 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 Article 69b, paragraph 2, 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 (12) (18)

The ability, efficiency and conduct in the service of each official shall be the subject of an annual report as provided for by a Rule of Application of the Director General. That report shall state whether the performance level of the official has been satisfactory or not.

If the official has a negative report, then 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 92(2).

As of grade AST5 or FCO5, the report of officials may also contain an opinion as to whether the official, on the basis of his performance, has the potential to carry out an administrator's function. 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 official. He shall be entitled to make any comments thereon which he considers relevant.

These provisions shall not apply to officials governed by Annex Xa. Specific provisions on appraisal concerning these officials shall be defined in a Rule of Application of the Director General.

#### Article 44 (12) (18)

1. An official 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 annual report referred to in Article 43. An official shall advance to the next step in his grade after no later than four years, unless the procedure laid down in Article 51(1), is applied.
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 officials 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.

These provisions shall not apply to officials governed by Annex Xa.

Article 45 (12) (18)

Promotion shall be by decision of the Director General subject to availability of budgetary funds.

Unless the procedure laid down in Articles 4 and 30(1) is applied, officials may only be promoted if they occupy a post which corresponds to one of the types of posts set out in Annex I or in Article 19 of Annex XIII, for the next higher grade.

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

For the officials of the NMD Operational Staff Service, Group E2, the next higher grade shall be within the grade bracket as defined in Annex I, Table II.

Promotion shall be exclusively by selection from among officials 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.

The principles governing career progression for posts in Group E1 in the NMD Operational Staff Service are set out in Appendix IIb.

When considering comparative merits, the Director General shall take account of the appraisal reports on the officials 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.

These provisions shall not apply to officials governed by Annex Xa.

Article 45a (18)

Article 45a is repealed.

Article 46

An official appointed to a higher grade in accordance with Article 45 shall be placed in the initial step in that grade.

CHAPTER 4 - TERMINATION OF SERVICE

Article 47 (12)

Service shall be terminated by:

- a) resignation;
- b) compulsory resignation;
- c) retirement in the interests of the service;

- d) dismissal for incompetence;
- e) removal from post;
- f) retirement; or
- g) death.

The above provisions shall apply to officials governed by Annex Xa, subject to the derogations contained in Annex Xa, or in any other relevant provisions of the present Staff Regulations.

### Section 1 - RESIGNATION

#### Article 48 (18)

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

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 official before the date on which the letter of resignation is received or if such a procedure is initiated within thirty days following receipt.

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

### Section 2 - COMPULSORY RESIGNATION

#### Article 49 (12)

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

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

In the case of appointment for a limited period taken before 1 May 2002, or in the case of appointment for a limited period in the post of director, or in the case of an appointment under Annex Xa, expiry of the period of this appointment or of the period of extension shall have the same effect as compulsory resignation.

### Section 3 - RETIREMENT IN THE INTERESTS OF THE SERVICE

#### Article 50 (18)

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

Such retirement shall not constitute a disciplinary measure.

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

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

The 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 official'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 - PROCEDURES FOR DEALING WITH INCOMPETENCE

(18)

##### Article 51 (12) (18)

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) An official who, on the basis of three consecutive unsatisfactory annual reports as referred to in Article 43, still shows no progress in his professional competence shall be downgraded by one grade.  
  
If the two following consecutive annual reports still show unsatisfactory performance, the official shall be dismissed.
  - b) Any proposal to downgrade or dismiss an official shall set out the reasons on which it is based and shall be communicated to the official concerned. The Director General's proposal shall be referred to the Joint Reports Committee provided for in Article 9.
2. The official shall have the right to obtain his complete personal file and to take copies of all documents relating to the procedure. He shall have at least 15 days, but no more than 30 days, from the date of receipt of the proposal to prepare a defence. He may be assisted by a person of his choice. The official may submit written comments. He shall be heard by the Joint Reports Committee. The official may also call witnesses.
3. The Director General shall be represented before the Joint Reports Committee by an official designated for that purpose. That official shall have the same rights as the official concerned.
4. In the light of the proposal under paragraph 1 point b) and any written and verbal statements from the official 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 official concerned within two months of the date on which the matter is referred to it. The chairman shall not

vote on decisions of the Joint Reports Committee, except in procedural matters and where votes are tied.

5. An official 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 an official in the first step of grade AST1. The official shall also be entitled during the same period to the family allowances provided for in Article 67. The household allowance shall be calculated on the basis of the basic monthly salary of an official in grade AST1 in accordance with Article 1 of Annex VII.

The allowance shall not be paid if the official resigns after the start of the procedure referred to in paragraphs 1 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 official has completed less than five years' service at the date on which the dismissal decision is taken;
  - b) six months where the official has completed at least five years' service but less than ten;
  - c) nine months where the official has completed at least ten years' service but less than twenty;
  - d) twelve months where the official has completed over twenty years' service.
7. Officials 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. Officials shall be entitled to reimbursement of reasonable expenses incurred on their initiative in the course of the proceedings, including fees payable to a defending adviser not belonging to the 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. These provisions shall not apply to officials governed by Annex Xa.

## Section 5 - RETIREMENT

### Article 52 (18)

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

- either automatically on the last day of the month in which he reaches the age of 66,
- 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 48(1) shall apply by analogy.

However, on an exceptional basis, an official may at his own request and only in the case where the Director General considers it justified in the interest of the service, carry on working until the age of 67, 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 an official to remain into service beyond the age of 66, that authorisation shall be granted for a maximum duration of one year. It may be renewed at the official's request.

#### Article 53

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

### Section 6 - HONORARY RANK

#### Article 54

On termination of service an official 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 OFFICIALS**

### **CHAPTER 1 - HOURS OF WORK**

#### **Article 55 (18)**

1. Officials 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 per week, the hours of the working day to be determined by the Director General. Within the same limits, the Director General may, after consulting the Staff Committee, determine the hours to be worked by certain groups of officials engaged on particular duties.
3. The Director General shall introduce flexible working-time arrangements in an Office Notice.

#### **Article 55a (2) (12) (18)**

1. An official 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 official 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 official 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, or
  - g) 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.

Where part-time is requested in order to take part in further training, or during the last three years before reaching pensionable age, but not before the age of 58, the 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 official's career.

3. The Director General shall reply to the official's request within 60 days.
4. The rules governing part-time work and the procedure for granting authorisation are laid down in Annex 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.
7. With the exception of paragraph 6, these provisions shall not apply to officials governed by Annex Xa.

#### Article 55b (12)

An official 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 official six months' notice. Likewise, the Director General may, on application of the official concerned and giving him at least six months' notice, withdraw the authorisation. In this case, the official 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 55a above.

These provisions shall not apply to officials governed by Annex Xa.

#### Article 56 (18)

An official may not be required to work overtime except in cases of urgency or exceptional pressure of work; night work and all work on Sundays or public holidays, may be authorised only in accordance with the procedure laid down by the Director General. The total overtime, which an official may be asked to work, shall not exceed 150 hours in any six months.

Overtime worked by officials in function group AD and in function group AST, grade 5 to 11, shall carry no right to compensation or remuneration.

As provided in a Rule of Application of the Director General, overtime worked by officials in grades SC1 to 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 the two months following that in which the overtime was worked.

Notwithstanding the provisions of the second paragraph, the working conditions including compensation or remuneration for overtime of staff in the NMD Operational Staff Service may be laid down by a Rule of Application of the Director General subject to the Provisional Council's approval.

## CHAPTER 2 - LEAVE

### Article 57 (12)

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

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

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

By way of derogation from the last two paragraphs, officials governed by Annex Xa shall not be entitled to special leave. However, the Director General may grant special leave in exceptional cases.

### Article 58 (18)

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 (12) (18)

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

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

An official 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 official, his absence shall be considered as unauthorised as from the date that the examination is due to take place.

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

If the official 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 official'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 official 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 official'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, an official 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 official concerned. In the event that the official has no outstanding leave entitlement, he shall lose the benefit of his remuneration for the corresponding period.
4. With a view to reintegrating an official into full-time work following an illness or accident, the Agency's Medical Adviser 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 Adviser, derogate from this limitation if the reintegration of the official 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 official is obliged to resume working full-time. If he is not deemed fit to work full-time by the Agency's Medical Adviser, on the basis of a medical certificate, the Director General shall refer the official'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 official 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. Such referral shall only be optional and shall not constitute a right for the official.
6. An official may be required to take leave after examination by the Agency's Medical Officer if his state of health so requires or if a member of his household is suffering from a contagious disease.

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

7. Officials 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 official 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.

8. In the case of officials governed by Annex Xa, the paid sick leave provided for in Article 59 of the Staff Regulations shall not exceed three months. The leave shall not extend beyond the term of the official's appointment. On expiry of the aforementioned period of paid sick leave, the official shall be placed on unpaid leave for a maximum period of three months. He shall be required to resign at the end of this period of three months or earlier if his appointment expires before the end of the three months of unpaid sick leave.

However, where an official contracts an occupational disease or sustains an accident in the performance of his duties, he shall continue to receive his full remuneration throughout the period during which he is incapable of working until such time as he is awarded an invalidity allowance under Article 78 of the present Staff Regulations.

#### Article 59a

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

#### Article 60

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

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

### CHAPTER 3 - PUBLIC HOLIDAYS

#### Article 61

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

## **TITLE V - EMOLUMENTS AND SOCIAL SECURITY BENEFITS OF OFFICIALS**

### **CHAPTER 1 - EMOLUMENTS**

#### **Section 1 - REMUNERATION**

##### **Article 62 (12)**

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

An official may not waive his entitlement to remuneration.

Remuneration shall comprise:

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

The specific provisions relating to the determination of the basic salary of officials governed by Annex Xa are set out in the following provisions of this Section and in Annex Xa.

##### **Article 62a**

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

##### **Article 63 (13)**

An official's remuneration shall be expressed in euros. It shall be paid in the currency of the country in which the official performs his duties 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 (13) (18) (25)**

An official's remuneration expressed in euros shall, after the compulsory deductions set out in these Staff Regulations or in any Rule of Application of the Director General have been made, 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 VI 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 (12) (13)

1. The remuneration of officials 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 VI.

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 or elements of the salaries and allowances as defined in Article 62.

For officials governed by Annex Xa, the term "basic salary" shall mean the percentage of the basic salary indicated in Annex III to which they are entitled under Annex Xa.

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 VI.
- 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 VI.

#### Article 66 (12)

Basic monthly salaries in function groups AD, AST and FCO shall be determined for each grade and step and in a separate table as laid down for function group AST/SC.

There shall be steps for each salary level in accordance with the scales given in Annex III.

The percentage of the scales applicable to officials governed by Annex Xa shall be specified by the provisions of that Annex.

#### Article 66a (13)

1. By way of derogation from Article 62a and Annex V of the existing Staff Regulations 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 VI, a temporary measure regarding remuneration paid by the Agency to officials 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 basis for the solidarity 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 an official in the same grade and step without dependants entitling him to the allowance provided for by paragraph 1b) of Article 67 of the existing Staff Regulations;
  - 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 (12) (18)

1. Family allowances shall comprise:
- a) the household allowance;
  - b) the dependent child allowance;
  - c) the education allowance.
- The allowances referred to in a) and c) above shall not be payable to officials governed by Annex Xa. The provisions concerning the treatment of a person as a dependent child shall not be applicable.
2. Officials in receipt of family allowances specified in this Article shall declare allowances of like nature paid from other sources; such latter allowances shall be deducted from those paid under the provisions of these Staff Regulations.
3. The dependent child allowance may be doubled by special reasoned decision of the Director General based on medical documents establishing that the child concerned has a disability or a long-term illness which involves the official in heavy expenditure.
4. The official in receipt of an allowance under Article 41 or 50 shall receive the family allowances mentioned in paragraph 1 above, from which deductions shall be made in accordance with the provisions of paragraph 2.
5. Where such family allowances are paid to a person other than the official, these allowances shall be paid in the currency of the country in which that person is resident, calculated where applicable on the basis of the exchange rates referred to in the second paragraph of Article 63. They shall be subject to the weighting for the country in question or, in the absence of such a weighting, a weighting of 100.

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

Article 67a (12)

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

These provisions shall not apply to officials governed by Annex Xa.

Article 68 (1) (3) (4) (6) (8) (11) (12) (15) (16) (17) (19) (21) (23) (26)

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

These provisions shall not apply to officials governed by Annex Xa.

Article 69 (12)

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

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

These provisions shall not apply to officials governed by Annex Xa.

Article 69a (14)

Officials in the NM Operational Staff Service appointed to the post of Operations Manager, Deputy Operations Manager, Senior Network Operations Coordinator, Senior Network Operations Supervisor and Aircraft Operator Liaison Officer shall be paid a network function allowance in accordance with the conditions laid down by a Rule of Application of the Director General.

This allowance shall not give entitlement to a pension.

Article 69b (14)

1. Officials in the NM Operational Staff Service appointed to the post of Deputy Operations Manager or Senior Technical Supervisor shall be paid a function allowance in accordance with the conditions laid down by a Rule of Application of the Director General.

This allowance shall not give entitlement to a pension.

2. Officials in the NM Operational Staff Service shall receive an ATFCM allowance, subject to the conditions laid down in a Rule of Application of the Director General. This allowance shall give entitlement to a pension, under the conditions governing the pension scheme set out in the Staff Regulations. It shall be taken into account for the transfer of pension rights.
3. Officials in the NM Operational Staff Service (group E1) who work rolling shifts shall receive a shift work allowance, subject to the conditions laid down in a Rule of Application of the Director General.

This allowance shall not give entitlement to a pension.

Section 2 - EXPENSES

Article 70 (12)

An official 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.

These provisions shall not apply to officials governed by Annex Xa, except for payment of missions and travel expenses, as well as daily allowances.

### Section 3 - FLIGHT TEST ALLOWANCES

#### Article 71

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

### CHAPTER 2 - SOCIAL BENEFITS

#### Section 1 - SOCIAL SECURITY BENEFITS

##### Article 72 (2) (12) (18)

1. An official, his spouse, where such spouse is not eligible for benefits of the same nature and of the same level by virtue of any other legal provision or regulations, his children and other dependants within the meaning of Article 2 of Rule 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 an official 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 official but so that the amount charged to him shall not exceed 2% of his basic salary.

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

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

- 1b. Where the ex-spouse of an official, a child who ceases to be an official's dependant or a person who ceases to be treated as a dependent child within the meaning of Article 2 of Rule 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 official's insurance; this cover shall not give rise to

the levy of a contribution. This one-year period shall commence on the date of the decree absolute of divorce or of the loss of status of dependent child or of person treated as a dependent child.

2. An official who has remained in the service of the Agency until the pensionable age, 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 an official who was in active employment or who remained in the service of the Agency until the pensionable age, or the death of a person in receipt of an invalidity allowance. The amount of contribution shall be calculated by reference to the amount of the survivor's pension.

- 2a. The following shall likewise be entitled to the benefits provided for in paragraph 1, on condition that they are not in gainful employment:
  - i) former officials entitled to retirement pensions who left the service of the Agency before reaching the pensionable age;
  - ii) persons entitled to survivor's pension as a result of the death of a former official who left the service of the Agency before reaching the pensionable age.

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

However, 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 grade AST1 of the salary scale provided for at Annex III to the present Staff Regulations.
- 2c. Officials dismissed in accordance with Article 51 and not entitled to a retirement pension shall likewise be entitled to the benefits provided for in paragraph 1, on condition that they are not gainfully employed and that they bear half the contribution calculated by reference to their last basic salary.
3. Where the total expenditure not reimbursed for any period of twelve months exceeds half the official's basic monthly salary or pension, special reimbursement shall be allowed by the Director General, account being taken of the family circumstances of the person concerned, in 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.

5. Officials governed by Annex Xa shall contribute to the sickness insurance scheme and accident insurance scheme provided for in Articles 72 and 73 respectively of the present Staff Regulations, under the conditions provided for in these articles and on the basis of the remuneration provided for in paragraph 3 of Article 4 of Annex Xa.

#### Article 73

1. An official is, from the date of his entry into the service, insured against the risk of occupational disease or accidents subject to the 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.

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 calculated by reference to the amounts of salary received during the twelve months before the accident:

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

b) In the event of total permanent invalidity:

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

c) In the event of partial permanent invalidity:

Payment to the official of a proportion of the sum provided for in 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 official under Article 72 does not fully cover the expenditure incurred.

#### Article 74

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

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

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

#### Article 75

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

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

#### Article 76

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

### Section 2 - PENSIONS AND INVALIDITY ALLOWANCE

#### Article 77 (12) (18)

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

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 official was classified for at least one year and at the step acquired for at least one month, 1.80% of this basic pay being payable to the official for each year of service reckoned in accordance with Article 4 of Annex IV;
  - and the pension rights calculated on the basis of the allowance referred to in Article 69b.2, if applicable, under the conditions defined in paragraphs 3 and 4 below.
3. For the calculation of the pension rights referred to in the second subparagraph of paragraph 2 above, the allowance provided for in Article 69b.2 shall give an entitlement for each year (or fraction of a year) of receipt to 1.80% of one half of the amount of the said 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 this allowance shall be calculated, if necessary, using an average of the various rates of this allowance (weighted pro rata on the basis of the years in which it was received). In order to determine the aforementioned seven-year minimum, account shall be also taken of the years of service worked by the NMD official no earlier than 1 April 1995.
4. An official in the NMD Operational Staff Service assigned to that service on 1 June 2006 shall receive an additional credit of 1.90% of one half of the amount of the said allowance for each year of service worked at the NMD no earlier than 1 April 1995.
5. The amount of the retirement pension calculated on basic salary without taking account of the allowance provided for in Article 69b.2 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 69b.2 shall give rise to an additional pension.
6. The pensionable age shall be 66 years.
7. Officials governed by Annex Xa shall contribute to the Pension Scheme in accordance with the provisions of Article 83 of the present Staff Regulations. The contribution shall be calculated on the basis of the remuneration as defined in paragraph 3 of Article 4 of Annex Xa. If their appointment under Annex Xa is converted into an appointment under the provisions of Annex X, the period of appointment under Annex Xa shall be considered as a period of service for the application of Article 4 of Annex IV to the Staff Regulations. If their appointment as officials governed by Annex Xa is terminated, the benefits to which they are entitled as regards the severance grant shall be subject to the provisions of Article 86 of the Staff Regulations.
8. Officials governed by Annex Xa are not entitled to transfer pension rights acquired in previous employment to the EUROCONTROL pension scheme. However, such a transfer shall be possible, subject to the provisions governing such transfers in the Staff Regulations, if their appointment pursuant to the provisions of Annex Xa is converted into an appointment under the provisions of Annex X.

#### Article 78 (18)

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

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

The invalidity allowance shall be equal to 70% of the official's last basic salary. The allowance referred to in Article 69b.2 shall not be paid to those in receipt of the invalidity allowance. However, it may not be less than the minimum subsistence figure.

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

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

#### Article 79 (18)

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

The amount of the survivor's pension payable to the surviving spouse of an official who has died while in one of the administrative statuses specified in Article 37 shall be neither less than the minimum subsistence rate nor less than 35% of the last basic salary received by the official.

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

The survivor's pension calculated on the allowance referred to in Article 69b.2 shall be added to the above minima.

#### Article 79a

Article 79a is repealed.

#### Article 80 (18)

Where an official or the person entitled to a retirement pension or invalidity allowance dies leaving no spouse entitled to a survivor's pension, the children dependent on the deceased within the meaning of Article 2 of Rule 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 an official or the person entitled to a retirement pension or invalidity allowance dies but the conditions set out in the first paragraph are not satisfied, the dependent children within the meaning of Article 2 of Rule 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 official entitled to an allowance under Article 50 of the Staff Regulations and in the event of the death of a former official who left the service before reaching pensionable age and requested that his retirement pension be deferred until the first day of the calendar month following that in which he reached pensionable age.

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, 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 official or former official at the time of death.

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

#### Article 81a (18)

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 Staff Regulations to the surviving spouse and other entitled persons may not exceed the following:
  - a) in the event of the death of an official having one of the administrative statuses set out in Article 37, the amount of the remuneration which the official would have received in the same grade and step if he had still been in the service, plus any family allowances received by him in that case and less the sum equivalent to the tax applicable to officials of the European Union and other compulsory deductions under these Staff Regulations;
  - b) for the period following the date on which the official referred to in (a) above would have reached the age of 66, 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 Staff Regulations;

- c) in the event of the death of a former official entitled to a retirement pension or to an invalidity allowance, the amount of the pension to which he would have been entitled, had he been alive, subject to the allowances and deductions referred to in (b);
  - d) in the event of the death of a former official who left the service before reaching pensionable age, and requested that his retirement pension be deferred until the first day of the calendar month following that in which he reached pensionable age, the amount of the retirement pension to which he would have been entitled at pensionable age had he been alive, subject to the allowances and deductions referred to in (b);
  - e) in the event of the death of an official or a former official entitled, on the day of his death, to an allowance under Article 41, 42c, or 50 of the Staff Regulations, the amount of the allowance to which he would have been entitled, had he been alive, subject to the allowances and deductions set out in (b);
  - f) for the period following the date on which the former official referred to in (e) would have ceased to be entitled to the allowance, the amount of the retirement pension to which he would have been entitled on that date, had he been alive and satisfied the relevant age requirements for the grant of pension rights, subject to the allowances and deductions set out in (b).
2. For the purposes of paragraph 1, weightings shall be disregarded, which could affect the various amounts in question.
  3. The maximum amount as defined in subparagraphs (a) to (f) above shall be apportioned among the persons entitled to a survivor's pension in proportion to their respective entitlements, paragraph 1 being disregarded for this purpose.

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

#### Article 82 (18)

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

No correction coefficient shall be applicable to pensions.

Pensions expressed in the currency of the country where the Agency has its headquarters shall, after the compulsory deductions set out in these Staff Regulations or in any implementing provision have been made, be weighted at a rate above, below or equal to 100%, depending on the income tax system specific to the country inside 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 official 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 official receives a pension, the amount of which expressed in euros is the same as the pension of a former official 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 Staff Regulations.

2. Where remuneration is updated in accordance with Article 65, 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 (18) (22) (24)

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, officials shall contribute one third of the cost of financing this pension scheme. The contribution shall be 8.75% of the official's basic salary, including where applicable one half of the ATFCM allowance provided for in Article 69b.2, with the weightings provided for in Article 64 not being taken into account. It shall be deducted monthly from the official's salary. The contribution shall be adjusted in accordance with the rules laid down in Annex XII.

#### Article 83a (18)

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 85

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

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

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

2. The contributions paid by the Agency or by an official of the Agency to a national social security scheme under paragraph 1, second and third 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 Regulations shall be required to declare any reimbursements of expenditure from a national social security scheme to which contributions have been paid in accordance with 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 Staff Regulations, the difference shall be deducted from the amount(s) payable by the Agency under Articles 72 and 73.
4. Where an official's contributions to the Agency's pension scheme are reduced under the provisions of paragraph 2 above, the benefits or pensions under Articles 74 to 84 of these Staff Regulations payable to the official or his dependants, who also receive, for the same period of service, benefits or pensions under a national pension scheme, shall be reduced by the amount of benefit or pension received from the national scheme in respect of the same period.

#### Section 4 - SEVERANCE GRANT

##### Article 86 (18) (21)

1. An official 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 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, and the age of 66 at the latest;
    - iii) provisions are included for reversion or survivor's pensions;
    - iv) transfer to another insurance company or other fund shall be authorised only if such fund fulfils the conditions laid down in points i) to iii) above.
2. By way of derogation from paragraph 1(b), officials under 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 85.2 and deducted from contributions to the Agency's pension scheme or borne by the Agency.

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

### CHAPTER 3 - RECOVERY OF UNDUE PAYMENT

#### Article 87

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

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 87a

1. Where the death, accidental injury or sickness of a person covered by these Staff Regulations is caused by a third party, the Agency shall, in respect of the obligations incumbent upon it under the Staff Regulations consequent upon the event causing such death, injury or sickness, stand subrogated to the rights, including rights of action, of the victim or of those entitled under him against the third party.
2. The subrogation provided for by paragraph 1 shall extend inter alia to the following:
  - continued payment of remuneration in accordance with Article 59 of the official during the period when he is temporarily unfit to work,
  - payments effected in accordance with Article 69 following the death of an official or of a former official entitled to a pension,
  - benefits paid under Articles 72 and 73 and their implementing rules, relating to insurance against sickness and accident,
  - payment of the costs involved in transporting the body, as referred 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 Staff Regulations in respect of a dependent child suffering from serious illness, infirmity or handicap,
  - invalidity allowances paid in the event of accident or sickness resulting in permanent invalidity preventing the official from performing his duties,

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

## **TITLE VI - DISCIPLINARY MEASURES**

### Article 88

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

### Article 89

Article 89 is repealed.

### Article 90

Article 90 is repealed.

### Article 91

Article 91 is repealed.

## **TITLE VII - APPEALS**

### **Article 92**

1. Any person to whom these Staff Regulations apply may submit to the Director General a request that he takes a decision relating to him. The Director General shall notify the person concerned of his reasoned decision within four months from the date on which the request was made. If at the end of that period no reply to the request has been received, this shall be deemed to constitute an implied decision rejecting it, against which a complaint may be lodged in accordance with the following paragraph.
2. Any person to whom these Staff Regulations apply may submit to the Director General a complaint against an act adversely affecting him, either where the Director General has taken a decision or where he has failed to adopt a measure prescribed by the Staff Regulations. The complaint must be lodged within three months. The period shall start to run:
  - on the date of publication of the act if it is a measure of a general nature;
  - on the date of notification of the decision to the person concerned, but in no case later than the date on which the latter received such notification, if the measure affects a specified person; if, however, an act affecting a specified person also contains a complaint against another person, the period shall start to run in respect of that 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 93.

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

### **Article 93**

1. Any dispute between the Agency and one of the persons referred to in the present Staff Regulations involving non-observance, in substance or in form, of the provisions of the present Staff Regulations, 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 92(2) within the period prescribed therein, and
  - the complaint has been rejected by express 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 92(2); nevertheless, where a complaint is rejected by express decision, after being rejected by implied decision, but before the period for lodging an appeal has expired, the period for lodging a complaint shall start to run afresh.
4. By way of derogation from paragraph 2, the person concerned may, after submitting a complaint to the Director General pursuant to Article 92(2) immediately file an appeal with the Tribunal, provided that such appeal is accompanied by an application either for a stay of execution of the contested act or for the adoption of interim measures. The proceedings in the principal action before the Tribunal shall then be suspended until such time as an express or implied decision rejecting the complaint is taken.
  5. Appeals shall be investigated and heard as provided in the Rules of Procedure of the Tribunal.

## **TITLE VIII - TRANSITIONAL AND FINAL PROVISIONS**

### **CHAPTER 1 - TRANSITIONAL PROVISIONS**

#### **Article 94**

Article 94 is repealed.

#### **Article 95**

Article 95 is repealed.

#### **Article 96**

Article 96 is repealed.

#### **Article 96a**

Article 96a is repealed.

#### **Article 97**

Article 97 is repealed.

#### **Article 98**

Article 98 is repealed.

#### **Article 98a**

Transitional provisions are set out in Annex XIII.

#### **Article 99**

Article 99 is repealed.

### **CHAPTER 2 - FINAL PROVISIONS**

#### **Article 100**

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

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

#### **Article 101**

These Staff Regulations shall apply to all Agency staff with the exception of those who fall under the General Conditions of Employment governing servants at the EUROCONTROL Maastricht Centre and staff governed by the provisions of the "Conditions of Employment of contract staff at EUROCONTROL".

Article 102

Article 102 is repealed.

Article 103

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

## **ANNEXES**



**ANNEX I - TYPES OF POSTS AS PROVIDED FOR IN ARTICLE 5, PARAGRAPHE 3 OF THE STAFF REGULATIONS**

(18)

**TABLE I - GENERAL DIVISION** (2) (18)**1. Function group AD**

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

**2. Function group AST**

<p 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 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

Officials 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**

<p 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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**4. Military Experts**

The Military Experts in post on 30 June 2016 shall be governed by the provisions of Annex VIIIa.

TYPES OF POSTS AS PROVIDED FOR IN ARTICLE 5, PARAGRAPH 6 OF THE STAFF  
REGULATIONS

**TABLE II - NETWORK MANAGER (NMD) OPERATIONAL STAFF SERVICE** (2) (14) (18)

**FUNCTION GROUP FCO**

<b>Group E1</b>	
Type of post	Grade brackets
Operations Manager	FCO8/9/10/11
Technical System Expert	FCO8/9/10/11
Service Delivery Manager	FCO8/9/10/11
Deputy Operations Manager	FCO8/9/10/11*
Senior Network Operations Coordinator	FCO8/9/10
Technical System Junior Expert	FCO7/8/9/10
Senior Network Operations Supervisor	FCO5/6/7/8/9/10/11*
Network Operations Supervisor	FCO5/6/7/8/9/10
Technical System Manager	FCO5/6/7/8/9/10
Senior Technical Supervisor	FCO5/6/7/8/9/10/11*
Deputy Team Leader	FCO5/6/7/8/9/10
Network Operations Controller	FCO5/6/7/8/9/10
Technical Supervisor	FCO5/6/7/8/9/10
Aircraft Operator Liaison Officer	FCO5/6/7/8
Network Operations Specialist	FCO5/6/7/8
Deputy Technical Supervisor	FCO5/6/7/8
Deputy Technical System Manager	FCO5/6/7/8
Network Operations Officer	FCO3/4/5/6/7
Multi-systems Assistant	FCO3/4/5/6/7
Technical Specialist	FCO3/4/5/6/7
System Operator	FCO2/3/4/5/6

<b>Group E2</b>	
Type of post	Grade brackets
Advanced Operational Support Expert	FCO8/9/10/11
Operational Support Expert	FCO7/8/9/10
Operational Support Manager	FCO5/6/7/8/9/10
Advanced Operational Support Specialist	FCO5/6/7/8/9/10
Operational Support Specialist	FCO3/4/5/6/7
Operational Support Operator	FCO2/3/4/5/6

- \* Grades FCO11 of these three types of post are accessible in accordance with the conditions set out in Article 2 of Appendix IIb.

**ANNEX II - ALLOWANCE UNDER ARTICLES 41 AND 50 OF THE STAFF REGULATIONS**Sole Article (14) (18)

1. An official to whom Article 41 or Article 50 of the Staff Regulations is applied shall be entitled:
  - a) for three months, to a monthly allowance equal to his basic salary plus the allowance referred to in Article 69b, paragraph 2, 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 Article 69b, paragraph 2, if applicable, from the fourth to the sixth month;
    - 70% of his basic salary plus the allowance referred to in Article 69b, paragraph 2, if applicable, for the next five years;
    - 60% of his basic salary plus the allowance referred to in Article 69b, paragraph 2, if applicable, thereafter.

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

However, for officials 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 official 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 table referred to in Article 66 of the Staff Regulations 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 official is to receive the allowance provided for in Article 41 or 50 of the Staff Regulations shall be determined by multiplying his length of service by the appropriate percentage for his age as shown in the following table; this period shall, where requisite, be rounded off to the month next below.

Age	%	Age	%	Age	%	Age	%
20	18	30	33	40	48	50	63
21	19.5	31	34.5	41	49.5	51	64.5
22	21	32	36	42	51	52	66
23	22.5	33	37.5	43	52.5	53	67.5
24	24	34	39	44	54	54	69
25	25.5	35	40.5	45	55.5	55	70.5
26	27	36	42	46	57	56	72
27	28.5	37	43.5	47	58.5	57	73.5
28	30	38	45	48	60	58	75
29	31.5	39	46.5	49	61.5	59 to 65	76.5

3. During the period of entitlement to the allowance, and for the first six months thereafter, the official referred to in Articles 41 and 50 of the Staff Regulations shall be entitled, in respect of himself and persons covered by his insurance, to benefit under the sickness insurance scheme provided for in

Article 72 of the Staff Regulations, on condition that the official pays the appropriate contribution calculated by reference, as the case may be, either to his basic salary or to the percentage thereof specified in paragraph 1 of this Article and that he is not gainfully employed.

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

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

Where the official has started to draw a pension under the pension scheme provided for in the Staff Regulations, he shall, for the purposes of Article 72 of the Staff Regulations, be treated in the same way as an official who has remained in the service until the age of 66 years.

**ANNEX IIa - PART-TIME WORK**Article 1 (2) (18)

The request for authorisation to work part-time shall be submitted by the official through the official's immediate superior at least two months before the requested date, except in duly justified urgent cases. This period of notice shall be increased to six months in the case of staff in Group E1, 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 points (g) and (h) of Article 55a, paragraph 2.

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

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

Article 2

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

The 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 official two months' notice.

Article 3 (2)(14)

An official shall be entitled, during the period for which part-time work is authorised, to a percentage of his remuneration corresponding to the percentage of the normal time worked. However, the percentage shall not be applied to the dependent child allowance, the basic amount of the household allowance or the education allowance. During the period of part-time work, the official may not work overtime or engage in any gainful activity, other than an activity in accordance with Article 15 of the Staff Regulations. This last provision shall not apply where the part-time work is performed pursuant to Article 55a.5 of the Staff Regulations.

Contributions to the sickness insurance scheme shall be calculated by reference to the basic salary payable to an official working full time. Contributions to the pension scheme shall be calculated by reference to the basic salary received by an official working part-time plus the allowance referred to in Article 69b, paragraph 2, if applicable. However, the official may also request that contributions to the pension scheme be calculated by reference to the basic salary payable to an official working full time, in accordance with Article 83 of the Staff Regulations, plus the allowance referred to in Article 69b, paragraph 2, if applicable. This provision shall not apply where the part-time work is performed pursuant to Article 55a.5 of the Staff Regulations. 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 4 (18)

Notwithstanding the first sentence of the first paragraph of Article 3, officials authorised, in accordance with point (g) of Article 55a, paragraph 2 of the Staff Regulations, to work half-time shall receive a reduced

basic salary equal to the higher of the two amounts obtained by applying the following percentages to the full-time basic salary:

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

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

#### Article 5 (18)

1. The part-time working arrangements provided for in point h) of paragraph 2 of Article 55a shall be authorised, at the request of the official, for a maximum period of eight years prior to retirement.
2. During this period, the official 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 official 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 official 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 official 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 official is paid on a full-time basis.
4. If upon retirement the official 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 official 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 official's retirement on the basis of the last salary received.

5. If the official 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 and, 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 official's service is terminated under Annex X or he is assigned to non-active status under Article 41 before the end of the eight-year period initially defined.

6. Where officials are retired on grounds of invalidity within the meaning of Article 78 of the Staff Regulations 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 is 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 (18)

##### Permanent Invalidity considered partial

An official under 65 years of age in the case of officials recruited before 1 July 2016, and 66 in the case of all other officials, who, subject to the conditions provided for in paragraph 4 of Article 59 of the Staff Regulations is recognised by the Invalidation 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, shall work part-time at a rate of 50%, 60%, 70%, 80% or 90% and 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 Invalidation Committee.

Until an official 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 official shall resume full-time work.

With regard to the application of Articles 62a to 66a of the Staff Regulations is concerned, this partial invalidity allowance shall be treated in the same way as remuneration.

With regard to the application of the Staff Regulations and its Rules of Application, the official shall be treated in the same way as officials 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 an official 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 an official working on a full-time basis.

The basic salary, whether reduced or not, may be supplemented if applicable by the allowance referred to in paragraph 2 of Article 69b for the purposes of calculating the pension contributions.

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

(1) (3) (4) (6) (8) (11) (15) (16) (17) (18) (19) (21) (23) (26)

(Expressed in euros)

**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

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



**ANNEX IV - PENSION SCHEME**

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

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

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

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

**Article 2**

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

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

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

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

#### Article 4 (18)

Provided that the officials concerned have paid their shares of the pension contributions in respect of the periods of service concerned, the following shall be taken into account for the purpose of calculating years of pensionable service within the meaning of Article 3:

- a) the period of service as an official of the Agency in one of the administrative statuses set out in Article 37(a), (b) and (e) of the Staff Regulations and, on the conditions laid down in the last sentence of the second subparagraph of Article 40.3 of the Staff Regulations, the administrative status referred to in Article 37(c) of the Staff Regulations;
- b) periods of entitlement to the allowance under Article 41, 42c and 50 of the Staff Regulations, up to a maximum of five years;
- c) periods of service as a member of the Staff of the EUROCONTROL Association, provided that the servant concerned has paid his share of the pension contribution in respect of such periods of service;
- d) periods of entitlement to an invalidity allowance.
- 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 officials, the years of pensionable service they have acquired as members of the contract staff shall, up to the number of years of actual service, entitle them to a number of years of pensionable service as officials calculated on the basis of the ratio between the last basic salary received as a member of the contract staff and the first basic salary received as an official. The surplus contributions, if any, corresponding to the difference between the number of years of pensionable service calculated and the number of years of actual service, shall be reimbursed to the person concerned on the basis of the last basic salary received as a member of the contract staff. This provision shall, with the necessary changes, apply where officials become members of the contract staff.

#### Article 5 (18)

Notwithstanding the provisions of Article 3 of this Annex, the official who remains in service after the pensionable age 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, with the proviso that the total of his pension plus the increase does not exceed 70% of his final basic salary as referred to in the second paragraph of Article 77 of the Staff Regulations.

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

#### Article 6 (18)

The minimum subsistence figure for the purpose of calculating pension benefits shall correspond to the basic salary of an official at the first step of grade AST1 of the salary scale provided for at Annex III to the present Staff Regulations.

#### Article 7

Article 7 is repealed.

Article 8 (9)

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

Article 9 (18)

An official leaving the service before reaching the pensionable age may request that his retirement pension:

- a) be deferred until the first day of the calendar month following that in which he reaches the pensionable age; or
- b) be paid immediately, provided that he is not less than 58 years of age. In this case, the retirement pension shall be reduced by an amount calculated by reference to the official's age when he starts to draw his pension.

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

Article 9a

For the purposes of determining the reduced pension of officials who have acquired pension rights exceeding the equivalent of 70% of their final basic salary and pension rights calculated in respect of the allowance referred to in Article 69b, paragraph 2 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 and the pension rights calculated in respect of the allowance referred to in Article 69b, paragraph 2 if applicable. In no case, however, may the reduced pension thus calculated exceed 70% of the last basic salary and the pension rights calculated in respect of the allowance referred to in Article 69b, paragraph 2 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 official, whether automatically or at his own request, becomes eligible for that pension; he shall continue to receive his remuneration until his pension becomes payable.

Article 11

An official who leaves the service of the Agency to:

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

shall be entitled to have the actuarial equivalent of his retirement pension rights updated to the actual date of transfer in the Agency transferred to the pension fund of that administration or organisation, or to the Staff Regulations

pension fund under which the official acquires retirement pension rights by virtue of the activity pursued in an employed or self-employed capacity.

#### Article 12

1. An official who enters the service of the Agency after:

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

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

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

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

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

#### Article 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, an official aged less than sixty-five years who at any time during the period in which he is acquiring pension rights is recognised by the Invalidity Committee to be suffering from total permanent invalidity preventing him from performing the duties corresponding to a post in his 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 Staff Regulations.
2. Persons in receipt of an invalidity allowance may not engage in gainful employment without the prior authorisation of the Director General. Any income from such gainful employment which, in

combination with the invalidity allowance, exceeds the final total remuneration received while in active service as determined on the basis of the salary scale in force on the first day of the month in which the allowance is to be paid, shall be deducted from the invalidity allowance.

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

#### Article 14

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

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

#### Article 15 (18)

While a former official drawing an invalidity allowance is aged less than the pensionable age, 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 an official dies having one of the administrative statuses set out in Article 37 of the Staff Regulations, the surviving spouse shall be entitled, provided that the couple were married for at least one year at the time of death and subject to the provisions of Article 1 and Article 22, to a survivor's pension equal to 60% of the retirement pension which the official would have been paid if he had qualified, irrespective of length of service or of age, for such pension at the time of death.

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

#### Article 17a

Subject to Article 1 and Article 22, the surviving spouse of a former official who was removed from his post and who died whilst in receipt of a monthly allowance under Article 50 of the Staff Regulations shall be entitled, provided that the couple were already married before the official left the service of the Agency and that the marriage had lasted at least one year, to a survivor's pension equal to 60% of the retirement

pension to which the spouse would have been entitled if he had qualified, irrespective of length of service or of age, for such pension at the time of death.

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

The duration of the marriage specified in the first paragraph shall not be taken into account if there are one or more children of a marriage contracted by the official before he or she left the service, provided that the surviving spouse maintains or has maintained such dependent children within the meaning of Article 2(2) of Rule of Application No. 7.

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

#### Article 18 (14) (18)

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

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

#### Article 18a (14) (18)

The surviving spouse of a former official who left the service before reaching the pensionable age 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 shall be entitled, provided that the couple were already married before the official left the service of the Agency and that the marriage had lasted at least one year, and subject to the provisions of Article 22, to a survivor's pension equal to 60% of the retirement pension which would have been payable to the spouse at the pensionable age. The minimum survivor's pension shall be 35% of the last basic salary; the amount of the survivor's pension shall in no case, however, exceed the amount of the retirement pension to which the official would have been entitled at the pensionable age.

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

#### Article 19

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

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

#### Article 20

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

#### Article 21

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

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

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

Orphans shall be entitled to education allowance in accordance with the relevant provisions of the Staff Regulations.

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

#### Article 22

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

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

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

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

#### Article 23

Article 23 is 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 official or former official in receipt of a retirement or invalidity allowance died. However, where the payment provided for in Article 69 of the Staff Regulations is made on the death of the official or of the person entitled to a pension, such right shall take effect on the first day of the fourth month following that in which death occurred.

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

#### Article 25

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

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

#### Article 26

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

#### Article 27 (18)

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



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

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

#### Article 28

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

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

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

#### Article 29

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

### CHAPTER 5 - PROVISIONAL PENSIONS

#### Article 30

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

#### Article 31

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

#### Article 31a

The spouse or persons recognised as dependants of a former official within the meaning of Article 18a of Annex IV, or of a former official entitled to an allowance under Article 50 of the Staff Regulations may, if the former official's whereabouts are unknown for more than one year, provisionally receive a survivor's pension 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 official or former official has been duly confirmed or he has been legally declared missing, presumed dead.

CHAPTER 6 - PENSION INCREASES IN RESPECT OF DEPENDENT CHILDRENArticle 34

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

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

Article 35

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

CHAPTER 7Section 1 - FUNDING OF THE PENSION SCHEMEArticle 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 Staff Regulations.

Article 37

An official on secondment shall continue to pay the contribution referred to in the preceding Article on the basis of the salary carried by his step and grade. This shall also apply, up to a maximum of five years as provided in Article 4, to officials receiving the allowance provided for in respect of non-active status or retirement in the interest of the service and to officials on leave on personal grounds who are continuing to acquire further pension rights on the conditions laid down in Article 40.3 of the Staff Regulations.

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

Article 38

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

Article 39

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 official or to those entitled under him at the same time as the decision awarding the pension.

A retirement pension or invalidity allowance shall not be paid concurrently with the salary payable by the Agency nor with the allowance payable under Articles 41 and 50 of the Staff Regulations. Similarly, they shall be incompatible with any remuneration derived from a post within the Agency or within other bodies or undertakings created by the Organisation.

### Article 41

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

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

### Article 42

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

### Article 43

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

### Article 44

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

## Section 3 - PAYMENT OF BENEFITS

### Article 45 (18)

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

Article 47

Article 47 is repealed.

**ANNEX V - DETERMINATION OF THE AMOUNT AND METHOD OF LEVY OF THE TAX ON  
EUROCONTROL STAFF REMUNERATION UNTIL 31 DECEMBER 2023**

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) (3) (4) (6) (8) (11) (15) (16) (17) (18) (19) (21) (23) (26)

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

Article 4 (1) (3) (4) (6) (8) (11) (15) (16) (17) (19) (21) (23) (26)

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

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) the ATFCM allowance provided for in Article 69b.2 of the Staff Regulations,

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 4a (25)

From 1 January 2020 to 31 December 2023, the amount of the tax adjustment provided for in Article 64 of the Staff Regulations and in Rule of Application No 27 shall for every official be reduced by 20% per annum, and shall be completely abolished with effect from 1 January 2024.

The amount of the internal tax resulting from the application of the provisions of the present Annex shall be reduced by the same amount as the one of the tax adjustment mentioned in the previous paragraph in order to maintain the same net remuneration for officials.

#### 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 (25)

This Regulation shall enter into force on 1 January 2020.

**ANNEX V - DETERMINATION OF THE AMOUNT AND METHOD OF LEVY OF THE TAX ON  
EUROCONTROL STAFF REMUNERATION AS FROM 1 JANUARY 2024**

(25)

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 1a (25)

The internal tax provided for in the present Annex shall be that applicable at the European Union, thereby ensuring compliance with the decision adopted by the Permanent Commission at its 52nd Session to the effect that net remuneration of Agency staff should remain unaffected by the introduction of an internal tax system.

The deduction of the internal tax shall be made at the rate applicable in accordance with the rules in force at the European Union, with the exception of the rate applicable to ancillary remuneration as defined in Article 4.2 of the present Annex, which shall be the average rate applicable, pursuant to Article 4.2 above.

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) (3) (4) (6) (8) (11) (15) (16) (17) (18) (19) (21) (23) (25)

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 or early termination of service, the unemployment allowance, the allowance payable to staff placed on leave in the interests of the service, and the interim allowance payable to a former Director General, with the exception of monies and allowances, whether lump sums or not, which represent reimbursement of expenses actually incurred in the performance of the said duties.
2. The following shall be deducted from the basic taxable amount:
  - a) contributions in respect of pensions and social security (sickness, accident and unemployment insurance);
  - b) the following allowances and benefits:
    - i) household allowance
    - ii) dependent child allowance
    - iii) education allowance
    - iv) expatriation allowance
    - v) installation allowance
    - vi) resettlement allowance
    - vii) birth grant.
3. The following shall not be included in the basic taxable amount:



- a) reimbursement in respect of medical expenses and funeral expenses;
  - b) lump-sum payments in the event of death or total or partial permanent invalidity;
  - c) payments by way of compensation for damage suffered in the cases mentioned in Article 24 of the Staff Regulations.
4. The amount obtained by applying the preceding provisions shall be subject to an abatement of 10% for occupational expenses.

An additional abatement equal to twice the dependent child allowance shall be applied for every dependent child of the person liable and for every person to be treated as a dependent child pursuant to Article 2.4 of Rule of Application No 7.

Article 4 (1) (3) (4) (6) (8) (11) (15) (16) (17) (19) (21) (23) (25) (26)

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 19.91 by applying the following rates: 10% to the slice between

8.0%	to the slice between EUR 19.91	and	EUR 351.46
10.0%	to the slice between EUR 351.47	and	EUR 484.09
12.5%	to the slice between EUR 484.10	and	EUR 554.80
15.0%	to the slice between EUR 554.80	and	EUR 629.97
17.5%	to the slice between EUR 629.98	and	EUR 700.67
20.0%	to the slice between EUR 700.68	and	EUR 769.21
22.5%	to the slice between EUR 769.22	and	EUR 839.94
25.0%	to the slice between EUR 839.95	and	EUR 908.48
27.5%	to the slice between EUR 908.49	and	EUR 979.18
30.0%	to the slice between EUR 979.19	and	EUR 1047.72
32.5%	to the slice between EUR 1047.73	and	EUR 1118.45
35.0%	to the slice between EUR 1118.46	and	EUR 1186.99
40.0%	to the slice between EUR 1187.00	and	EUR 1257.69
45.0%	to amounts in excess of		EUR 1257.69

Based on the level of remuneration at 1 July 2019, the above amounts are subject to a weighting factor of 6.50128. This factor is subject to the Article 65 of the Staff Regulations.

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) the ATFCM allowance provided for in Article 69b.2 of the Staff Regulations,
  - c) certain function allowances of operational staff, where stipulated in the provisions concerned, shall be taxed at the average rate applied to the other taxable items of remuneration paid to the person concerned.

The payments made by reason of termination of service shall be taxed, following application of an abatement of 10% for occupational expenses, at a rate equal to two thirds of the average tax rate applicable to the other components of the remuneration paid to the persons concerned in the month preceding their termination of service.

#### 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 5a (25)

Application of the present provisions shall not reduce the salaries and emoluments of any kind to an amount which is lower than the minimum subsistence figure applicable.

#### Article 6 (25)

Each person liable shall receive before 1st May each year, and according to the established schedule taking into account the obligations of each Member State, a slip showing the information to be declared to the national authorities for the past financial year. 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 (25)

This Regulation shall enter into force on 1 January 2024.

**ANNEX VI - ARRANGEMENTS FOR THE ADJUSTMENT OF THE REMUNERATION AND PENSION COMPONENTS FROM 1 JANUARY 2013 TO 31 DECEMBER 2013**

Article 1 (13)

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 (13) (15)

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 criteria for the reference period defined above 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 conditions laid down in Articles 64, 65 and 82 of the Staff Regulations.

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 (13)

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 VI - ARRANGEMENTS FOR THE UPDATING OF REMUNERATION AND PENSION  
COMPONENTS AS FROM 1 JANUARY 2014**

(13)

Article 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 country of residence.

The trend in the remuneration and pension update criteria for the reference period defined above shall be determined according to the remuneration and pension update method which is the subject of Articles 64 and 65 and of Annex XI of 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 Staff Regulations.

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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(\*) 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 VII - TEMPORARY SOCIAL ALLOWANCE**Sole Article (1) (12) (18)

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

- 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.

For officials governed by Annex Xa, the condition of having been established shall be replaced by the condition of having been confirmed in their post following the probationary period.

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 shall be deducted from the allowance paid under paragraph 3 of the present Article.

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

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

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

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

- 60% of the basic salary for an initial period of 12 months;
- 45% of the basic salary from the 13th to the 18th month;

- 30% of the basic salary from the 19th to 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 official for a maximum of 24 months from the date of termination of service. If, however, during that period the former official ceases to fulfil the conditions laid down in paragraphs 1 and 2 of the present Article, payment of the temporary social allowance shall be suspended. Payment shall be resumed if before the expiry of that period the former official again fulfils the said conditions and has not acquired the right to national unemployment benefit.
5. A former official who is eligible for the temporary social allowance shall be entitled to the family allowances provided for in Article 67 of the Staff Regulations. This provision shall apply to former officials governed by Annex Xa, subject to the restrictions stipulated in their case by Article 67 of the Staff Regulations; the household and education allowances shall not be payable.

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 official who is eligible for the temporary social allowance shall be entitled, as provided for in Article 72 of the Staff Regulations, to insurance cover against sickness without having to make any contribution.

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

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

The allowance shall be expressed in 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 Staff Regulations.

7. An official appointed for a limited or undetermined period or under Annex Xa shall contribute a third to the financing of the unemployment insurance scheme.

For officials governed by Annex Xa, the contribution shall be calculated on the basis of the remuneration as defined in paragraph 3 of Article 4 of Annex Xa.

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 Staff Regulations. That contribution shall be deducted monthly from the salary of the person concerned and paid, together with the remaining two thirds to be borne by the Agency, into an Unemployment Fund. The Agency shall pay its contribution each month, no later than eight days after the payment of remunerations.

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

**ANNEX VIII - MILITARY EXPERT SERVICE**

(18)

Annex VIII is repealed.



**ANNEX VIIIa - TEMPORARY PROVISIONS OF THE STAFF REGULATIONS CONCERNING THE  
MILITARY EXPERT DIVISION**

(18)

Sole Article

EUROCONTROL Military Experts in post on 30 June 2016, grouped on this date in a Military Expert Division (MAD), shall be transferred on 1 July 2016 into function group AD pursuant to provisions of Annex XIII, Part 2, Article 18. They shall retain their grade and step, as well as their fixed-term appointment.

As from 1 July 2016, they shall be subject to the provisions of Annex X to the Staff Regulations. However, their appointment before July 2016 for a fixed period and the arrangements relating to its renewal shall remain subject to the provisions of Annex VIII in force until 30 June 2016.

The possibility, after 1 July 2016, of converting their fixed-term appointment to an appointment for an undetermined period shall be subject to the provisions of Annex X.

**ANNEX IX - TEMPORARY PROVISIONS OF THE STAFF REGULATIONS RELATING TO THE  
CONVERSION OF LIMITED-TERM APPOINTMENTS VALID ON 1 MAY 2002 INTO APPOINTMENTS  
FOR AN UNLIMITED PERIOD**

Sole Article

1. An official 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 an official appointed for a limited period, he shall consult the Joint Committee.

2. Limited-term appointments shall be converted to appointments for an unlimited period at the grade and step reached at the time of the decision to convert such appointments.
3. Decisions relating to conversion shall be taken within six months of the date on which these amendments enter into force.

**ANNEX X - SPECIAL PROVISIONS OF THE STAFF REGULATIONS APPLICABLE TO OFFICIALS  
APPOINTED FOR AN UNDETERMINED OR LIMITED PERIOD 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 officials referred to in Article 1.4 of the Staff Regulations.

These special provisions shall in some cases derogate from, and in others supplement, certain provisions of the Staff Regulations

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

Directors shall not be covered by the provisions of this Annex.

Article 2

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

Article 3

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

CHAPTER 2 - SPECIAL PROVISIONS OF THE STAFF REGULATIONS RELATING TO  
APPOINTMENTS FOR AN UNDETERMINED PERIOD

Section 1 - CONDITIONS GOVERNING THE AWARD OF APPOINTMENTS FOR AN  
UNDETERMINED PERIOD

Article 4

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

Section 2 - PROCEDURE AND NOTICE APPLICABLE IN THE EVENT OF TERMINATION OF  
SERVICE OF AN OFFICIAL APPOINTED FOR AN UNDETERMINED PERIOD

Article 5 (18)

1. The Director General may terminate the service of an official appointed for an undetermined period where the duties the official performs cease or are substantially changed, with or without deletion of the budgetary post.
2. Prior to taking such a decision, the Director General shall explore all the options for reassigning the official to a different post 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 official concerned. The official shall be entitled to make any comments thereon which he considers relevant. The reasoned decision shall be taken by the Director General after consulting the Joint Reports Committee.
3. Where an official is appointed in accordance with the provisions of paragraph 2 above to a post carrying a lower grade than his previous post, the decision by the Director General shall specify his new grade, his step and his seniority in the step.

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

- for the period worked prior to the official's appointment to the lower grade, the salary attaching to the last grade and step reached prior to that appointment,

- for the period worked following the official's appointment to the lower grade, the salary attaching to the last grade and step reached at least one year prior to retirement.
4. The length of the period of notice for termination of service shall be six months plus one month per five-year period of service completed with the Agency as an official or servant.

The notice shall begin to run on the first day of the month following that in which the reasoned decision to terminate service is notified to the official.

The period of notice shall not, however, begin to run during maternity leave or sick leave, provided such sick leave does not exceed three months. The notice shall be suspended during maternity leave, and, subject to a limit of three months, during sick leave.

For the duration of the period of notice, the Director General shall grant the official concerned the time needed to find new employment and make private arrangements in connection with his resettlement.

5. An official appointed for an undetermined period shall be required to resign:
- either at the end of the period of notice for officials covered by the provisions of Article 7 below;
  - or at the age of sixty-three at the latest for officials covered by the provisions of Article 8 below.

### Section 3 - COMPENSATION IN THE EVENT OF TERMINATION OF SERVICE OF AN OFFICIAL APPOINTED FOR AN UNDETERMINED PERIOD

#### Article 6

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

#### Article 7

1. An official aged less than 55 years shall receive compensation proportionate to his years of service with the Agency, calculated as follows:
- less than 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 V to the Staff Regulations. In order to calculate the internal tax applicable to the compensation, each basic monthly salary payable shall be taxed individually on the basis of the internal tax scale.

The basic salary for the purposes of this Article shall be that shown in the table referred to in Article 66 of the Staff Regulations which is in force on the first day of the month during which the compensation is payable.

The compensation shall be expressed and paid in euros.

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

Article 8 (24)

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

The total duration of entitlement to this allowance is fixed in paragraph 6 below.

He may, however, opt for the compensation for termination of service provided for in Article 7 above, which is calculated on the basis of his actual age.

2. The allowance shall be subject to the adjustment laid down in Article 64 of the Staff Regulations, applicable by analogy, and weighted at the rate 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 Staff Regulations.

Gross income accruing to the official from any new employment shall be deducted from the allowance, in so far as that income plus that allowance exceed the total gross remuneration last received by the official, determined by reference to the salary scales in force on the first day of the month for which the allowance is payable. That remuneration shall be weighted as provided for in the first paragraph above.

Gross income and total gross remuneration last received, as referred to above, mean sums paid after deduction of social security contributions and before deduction of tax.

The official concerned shall provide the written proof required by the Agency when the annual return of gross income accruing to him from any new employment is requested and shall in the interval between annual requests notify the Agency of any factor which may affect his right to the allowance.

3. Under the conditions referred to in Article 67 of the Staff Regulations and Articles 1, 2 and 3 of Rule of Application No. 7 of the Staff Regulations, an official entitled to an allowance under this Article shall receive family allowances; the household allowance shall be calculated by reference to that allowance.
4. The allowance and other various allowances received shall be subject to the internal tax provided for in Annex V to the Staff Regulations, which shall be applicable by analogy, as well as Rule of Application No. 27.

5. Recipients of the allowance shall be entitled, in respect of themselves and persons covered by their insurance, to benefit under the sickness insurance scheme provided for in Article 72 of the Staff Regulations on condition that they pay the relevant contribution, calculated on the basis of the allowance, and are not gainfully employed. For the purposes of Article 72, the official shall be treated in the same way as an official who has remained in service until his pensionable age.
6. During the period for which he is entitled to receive the allowance, the official shall continue to acquire further rights to retirement pension based on the salary attaching to his grade and step, subject to payment during that period of the contribution provided for in the Staff Regulations by reference to that salary and those allowances, and provided that the total amount of pension rights does not exceed 70%.

The allowance shall cease on the last day of the month in which the official reaches his pensionable age but at the earliest at the age of 63.

At that point the official shall automatically receive a retirement pension, which shall take effect on the first day of the month following the month in which the allowance was paid for the last time.

However, an official may, at any time, request that his allowance be converted into a retirement pension calculated on the basis of the pension rights acquired in the EUROCONTROL pension scheme at the date of effect of his request.

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

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

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

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

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

CHAPTER 3 - SPECIAL PROVISIONS OF THE STAFF REGULATIONS RELATING TO LIMITED-TERM APPOINTMENTS

Section 1 - CONDITIONS GOVERNING THE AWARD AND DURATION OF LIMITED-TERM APPOINTMENTS

Article 9 (18) (24)

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

3. The Military Administrators and the Military Head of Division shall be assigned to a type of post of the function group AD, as defined in Annex I, and in the Directorate in charge of the ATM Civil-Military Coordination and may not be transferred to any other post within the Agency. However, the Director General, upon recommendation of the Director in charge of the ATM Civil-Military Coordination, may allocate them to functions in another Agency Unit when military proficiency is required for a limited period in another domain.

The Military Administrators shall be appointed for a period of four years. The appointment may be renewed not more than once for a fixed period of not more than three years.

Upon expiry of the first renewal period, the appointment of the Military Administrators may exceptionally be renewed for a period not longer than two years, indicating the specific reasons for giving an extension (for example length of a project).

The exceptional renewal shall be subject to a decision of the Director General which may not be delegated.

When it is duly justified in the interests of the service, the appointment of the Military Administrators may be converted into an appointment for an undetermined period, provided that the performance of the official in question is satisfactory.

4. By way of derogation from the provisions of paragraphs 1 and 2, where an official is appointed, as from 1 July 2016, on the basis of Article 30, paragraph 1, in a type of post of the function group AD, as defined in Annex I, and his immediate superior is the Director General and he performs functions related to the Agency strategy or with an impact on the Agency authorities, the duration of his appointment shall be limited to five years. The appointment may be renewed for a second period of maximum five years by a Director General decision. The concerned functions are defined in an Office Notice.

Officials already in post appointed for an undetermined period or to a permanent post before May 2002 who are selected to carry out the duties referred to in this paragraph for a limited period shall, at the end of their period of appointment, which may have been renewed once, be assigned to a type



of post at the grade they held in the month prior to appointment for a limited period to the duties referred to in this paragraph but granting the step advancement he would have received if he had kept his former grade. This official can be assigned to another duty station only with his formal consent.

When assigned at his former grade, the official is entitled to the reimbursement of the difference between the amount of the pension contributions that he has paid on the higher salary that he received for a limited period and the amount of the pension contributions that he would have paid if he had kept his former salary, taking into account the step advancement.

Officials already in post appointed for a limited period who are selected to carry out the duties referred to in this paragraph shall be appointed to such duties for a further period of five years, renewable once for a second period of no more than five years on the basis of a decision of the Director General.

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

Section 2 - PROCEDURE AND NOTICE APPLICABLE IN THE EVENT OF TERMINATION OF SERVICE OF AN OFFICIAL APPOINTED FOR A LIMITED-TERM PERIOD

Article 10 (18)

1. In principle, an official appointed for a limited period shall perform his duties until the date provided for in his act of appointment or its renewal, subject to the conditions set out in Article 9 above.
2. In exceptional circumstances, however, the Director General may terminate an appointment for a limited period where the duties performed cease or are fundamentally changed, with or without deletion of the budgetary post. Prior to taking such a decision, the Director General shall explore all the options for reassigning the official to a different post, at the same or a lower grade in his function group, including if necessary retraining measures. Any termination of service proposal shall adduce the reasons therefore and be communicated to the official concerned. The official shall be entitled to make any comments thereon which he considers relevant. The reasoned decision shall be taken by the Director General after consulting the Joint Reports Committee.
3. In the case of officials coming under the provisions of paragraph 2 above, the length of the period of notice for termination of service shall be six months, plus one month if the official has completed at least five years' service with the Agency in that capacity. The notice shall begin to run on the first day of the month following that in which the reasoned decision to terminate service is notified to the official.

The period of notice shall not, however, begin to run during maternity leave or sick leave, provided such sick leave does not exceed three months. The notice shall be suspended during maternity leave, and, subject to a limit of three months, during sick leave.

For the duration of the period of notice, the Director General shall grant the official concerned the time needed to find new employment and make private arrangements in connection with his resettlement.

4. On expiry of the period for which he was appointed, and no later than seven years after commencement thereof, the official shall be required to resign. He shall also be required to resign upon expiry of the period of notice provided for in paragraph 3 above.

Section 3 - COMPENSATION IN THE EVENT OF TERMINATION OF SERVICE OF AN OFFICIAL  
APPOINTED FOR A LIMITED-TERM PERIOD

Article 11

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

Article 12

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

The basic salary for the purposes of this Article shall be that shown in the table referred to in Article 66 of the Staff Regulations which is in force on the first day of the month during which the compensation is payable.

The compensation shall be expressed and paid in euros.

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

Article 13 (24)

Final provisions

If an official 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 Xa - SPECIAL PROVISIONS OF THE STAFF REGULATIONS APPLICABLE TO  
GRADUATES APPOINTED AS OFFICIALS FOR A LIMITED PERIOD**

(12)

Article 1

General principles

1. The aim of these special provisions is to allow the Organisation to recruit graduates with a high level of academic qualifications, but with little or no professional experience at the time of entry into the service. Their tasks must relate to the various domains required to support the Agency work programmes. The Organisation shall give these graduates the means to acquire professional qualifications through a series of placements within the services of the Agency.
2. The provisions of the present Annex shall solely determine the conditions governing the graduates in respect of:
  - recruitment;
  - duration of appointment;
  - grading;
  - probation period;
  - career and termination of career.
3. These special provisions shall in some cases derogate from, and in others, supplement certain provisions of the present Staff Regulations. The provisions of this Annex have to be read together with other provisions concerning graduates appointed as officials, elsewhere in the present Staff Regulations.

Article 2

Recruitment

Graduates shall be recruited as officials by means of an external competition. Recruitment shall be organised by domain in order to meet the needs of the Agency. The provisions governing their recruitment shall be set out in a specific Rule of Application. This Rule shall indicate inter alia:

- the composition of the selection boards;
- the selection method.

The Director General may delegate part of the selection procedure to duly authorised professional service providers. The final selection shall, however, be made under the responsibility of the selection board designated.

Article 3

Duration of appointment - placement within the Agency

1. Graduates shall be appointed as officials for an initial period of 25 months, including a probation period of 13 months as provided for in Article 5 below.
2. This initial appointment may be renewed once for 12 months if their acquisition of professional qualifications, practical performance and conduct in the service are considered satisfactory at the end of the 25-month period.
3. The appointment may be extended in exceptional cases by decision of the Director General for a final period of 12 months.
4. During the various phases of their appointment, the officials shall be successively placed in the service of the Agency at the various geographical sites. These placements shall not be considered as a transfer within the meaning of Article 7 of the Staff Regulations.
5. During the periods of appointment described above, the official may not apply via an internal or external competition for a post at any grade within the Agency, including for a contract staff post.
6. On expiry of any period of appointment, the appointment may be terminated. The official shall be informed of this termination two months in advance.

#### Article 4

##### Grading and remuneration

1. The post held by a graduate is considered as a specific function classified by reference to grade AD5 of Annex I to the Staff Regulations.
2. Graduates appointed as officials shall be classified at grade AD5, step 1.
3. Their remuneration shall be determined as follows:
  - 65% of the remuneration attaching to grade AD5, step 1 during the first 25 months of the initial appointment. After application of the internal tax provided for in Annex V to the Staff Regulations, their net remuneration shall be at least equal to the remuneration attaching to grade AST1, step 1;
  - 85% of the remuneration attaching to grade AD5, step 1, if their appointment is renewed at the end of the 25 months;
  - 100% of the remuneration attaching to grade AD5, step 1, if their appointment is extended for a further period.

#### Article 5

##### Probation period - confirmation in the service

1. Graduates appointed as officials shall serve a probation period of 13 months, including a one-month induction period. During this induction period they shall be familiarised with the general functioning of the services of the Agency and shall be given an in-depth introduction to their future area of activity. The remaining 12 months of the probation period shall be devoted to gradually acquiring the qualifications necessary for their functions, under the supervision and direction of senior staff specially designated by the Director of the service in cooperation with the services in charge of human resources.

2. A specific Rule of Application shall set out the practical organisation of their probation period and in particular:
  - the designation of the authorities in their service in charge of supervising and monitoring the progress of their probation period;
  - the periodicity of the reports drawn up on their performance;
  - the composition of the Board that will decide whether or not to recommend the confirmation of their initial appointment.
3. At the end of the probation period, if there is a positive recommendation by the competent board, the final decision concerning their confirmation in the service shall be taken by the Director General.
4. The provisions of Article 36, paragraph 1, last indent of the Staff Regulations concerning sickness or accidents during the probation period shall be applicable by analogy; the probation period may be extended by a maximum of one month. The total length of the probation period, including any extension, shall not exceed a total of 15 months. After that period the appointment shall be terminated if the official cannot resume his activity. In the event of maternity leave during the probation period, the probation shall be extended by an equal duration.
5. At any time during the probation period, a periodical report may conclude that the probation period should be terminated. In that case, the graduate shall be given 30 working days' notice, which may or may not be served, depending on the decision of the Director concerned. This period of notice shall be remunerated.
6. The period of notice shall not, however, begin to run during maternity leave or sick leave, provided such sick leave does not exceed one month. The notice shall be suspended during maternity leave.
7. For the duration of the period of notice, the Director General shall grant the official concerned the time needed to seek new employment and make private arrangements in connection with his resettlement.

#### Article 6

##### Further career progression

1. Officials who have successfully completed the full period of appointment as determined under Article 3 above may be offered by the Director General, depending on the needs of the Agency in terms of staff resources at the time and without a selection procedure:
  - the conversion of their appointment in career bracket AD5-8, to an appointment for an undetermined period. This appointment shall be governed by the provisions of Annex X to the Staff Regulations.
  - the conversion of their appointment for a limited period in career bracket AD5-8, subject to the conditions set out in Annex X to the Staff Regulations. The total length of the appointment, including the period spent as a graduate appointed as an official, shall not exceed seven years.
2. Following appointment, the official shall then have unrestricted access to all the benefits provided for in the Staff Regulations, in particular with regard to installation at his place of employment.
3. If the appointment is not converted or extended, it shall be terminated at the end of the period indicated in the letter of appointment.

**ANNEX Xb - SPECIAL PROVISIONS OF THE STAFF REGULATIONS APPLICABLE TO OFFICIALS  
APPOINTED AS FROM 1 JULY 2019**

(24)

**CHAPTER 1 - GENERAL PROVISIONS**

**Article 1**

1. The purpose of this Annex is to determine the special procedures governing inter alia appointments, termination of service and compensation in the event of termination of service which apply to the officials referred to in Article 1.6 of the Staff Regulations.

These special provisions shall in some cases derogate from, and in others supplement, certain provisions of the Staff Regulations.

2. The officials recruited as from 1 July 2019 referred to in Article 1.6 of the Staff Regulations shall be appointed for a limited term, subject to the conditions set out in Chapter 2 below.
3. By way of derogation from paragraph 2, officials belonging to function group FCO as referred to in Table II of Annex I to the Staff Regulations shall be directly recruited for an undetermined period as set out in Article 7.2 below.
4. Directors shall not be governed by the present Annex.
5. The status provided for in Article 37(d) ("non-active status") of the Staff Regulations shall not apply to the officials referred to in this Annex.
6. Granting leave on personal grounds pursuant to the provisions of Article 40 of the Staff Regulations may not result in the extension of the duration of a limited-term appointment, the renewal of such an appointment, or the suspension of the date on which the notice provided for in Articles 5.3 and 8.4 of this Annex starts to run.

## CHAPTER 2

### SPECIAL PROVISIONS RELATING TO LIMITED-TERM APPOINTMENTS

#### Section 1 - CONDITIONS GOVERNING THE AWARD OF 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, but its total duration, including all renewal periods, may not exceed nine years.

##### Article 3

1. Where an official is appointed, as from 1 July 2019, on the basis of paragraph 1 of Article 30 of the Staff Regulations to a type of post in function group AD, as defined in Annex I, his immediate superior is the Director General and he performs functions related to the Agency strategy or with an impact on the Agency authorities, the duration of his appointment shall be limited to five years. The appointment may be renewed for a second period of a maximum of four years and eleven months by a decision of the Director General.

An official already in post appointed for an undetermined period or to a permanent post before May 2002 who is selected to carry out duties as referred to in this paragraph for a limited period shall, at the end of his period of appointment, which may have been renewed once, be assigned to a type of post at the grade which he held in the month prior to appointment for a limited period in order to carry out the duties referred to in this paragraph, and he may be granted the step advancement which he would have received if he had remained at his former grade. The said official may be assigned to another duty station only with his formal consent.

When assigned to his former grade, an official shall be entitled to reimbursement of the difference between the amount of the pension contributions which he paid on the higher salary which he received for a limited period and the amount of the pension contributions which he would have paid if he had retained his former salary, taking into account the step advancement.

An official already in post appointed for a limited period who is selected to carry out duties as referred to in this paragraph shall be appointed to such duties for a further period of five years, renewable once, but the total duration of his services within the Agency shall not exceed nine years. However, after five years of service with the Agency, the appointment of that official, even if he is assigned to different posts, may be converted into an appointment of for an undetermined period, in accordance with the provisions of Article 7 of this Annex.

2. The Military Administrators and Military Head of Division recruited as from 1 July 2019 shall be assigned to a type of post in function group AD, as defined in Annex I of the Staff Regulations. They shall be assigned to a service of the Agency by a decision of the Director General in the interest of the service.

The Military Administrators shall be appointed pursuant to the provisions of Article 2 of the present Annex.

The appointments of the Military Administrators and Military Head of Division may be converted to appointments for an undetermined period pursuant to Article 7 below.

#### Article 4

If an official 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 Staff Regulations, 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 7 of this Annex.

### Section 2 - PROCEDURE AND NOTICE APPLICABLE IN THE EVENT OF TERMINATION OF SERVICE OF AN OFFICIAL APPOINTED FOR A LIMITED TERM

#### Article 5

1. An official 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 official 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 official concerned. The official 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 officials 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 official has completed at least five years' service with the Agency in that capacity. The notice shall begin to run on the first day of the month following that in which the official 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 official concerned the time needed to find new employment and make private arrangements in connection with his resettlement.

4. On expiry of the period for which he was appointed, and no later than nine years after commencement thereof, the official shall be required to resign. He shall also be required to resign upon expiry of the period of notice provided for in paragraph 3 above.



Section 3 - COMPENSATION IN THE EVENT OF TERMINATION OF SERVICE OF AN OFFICIAL  
APPOINTED FOR A LIMITED TERM

Article 6

1. An official whose service is terminated in accordance with the provisions of Article 5.2 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 Staff Regulations 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 official 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 7

1. Where a post is of a lasting nature, the Director General shall , in the interests of the service, convert the appointment of an official appointed as from 1 July 2019 pursuant to Article 2 and who has performed a minimum five years of service as an official to an appointment for an undetermined period, provided that his performance is satisfactory.
2. Pursuant to Article 1.3, officials appointed to a post belonging to function group FCO as referred to in Table II of Annex I to the Staff Regulations, shall be given an appointment for an undetermined period.

Section 2 - PROCEDURE AND NOTICE APPLICABLE IN THE EVENT OF TERMINATION OF SERVICE OF AN OFFICIAL APPOINTED FOR AN UNDETERMINED PERIOD

Article 8

1. The Director General may terminate the service of an official appointed for an undetermined period where the duties which the official 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 official 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 official concerned. The official shall be entitled to make any comments thereon which he considers relevant. The reasoned decision shall be taken by the Director General after consulting the Joint Reports Committee.
3. Where an official is appointed in accordance with the provisions of paragraph 2 above to a post carrying a lower grade than his previous post, the decision by the Director General shall specify his new grade, step and seniority in the step.

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

- for the period worked prior to the official's appointment to the lower grade, the salary attaching to the last grade and step reached prior to that appointment;
  - for the period worked following the official's appointment to the lower grade, the salary attaching to the last grade and step reached at least one year prior to retirement.
4. The length of the period of notice for termination of service shall be six months plus one month per five-year period of service completed with the Agency as an official or servant.

The notice shall begin to run on the first day of the month following that in which the official 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 official concerned the time needed to find new employment and make private arrangements in connection with his resettlement.

5. An official appointed for an undetermined period shall be required to resign:
  - either at the end of the period of notice for officials covered by the provisions of Article 10 below;
  - or, at the latest, at pensionable age for officials covered by the provisions of Article 11 below.

### Section 3 - COMPENSATION IN THE EVENT OF TERMINATION OF SERVICE OF AN OFFICIAL APPOINTED FOR AN UNDETERMINED PERIOD

#### Article 9

An official whose service is terminated pursuant to Article 8 above shall be entitled to the compensation as provided for in Articles 10 and 11 below.

#### Article 10

1. An official 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 V to the Staff Regulations. In order to calculate the internal tax applicable to the compensation, each basic monthly salary payable shall be taxed individually on the basis of the internal tax scale.

The basic salary for the purposes of this Article shall be that shown in the table referred to in Article 66 of the Staff Regulations which is in force on the first day of the month during which the compensation is payable.

The compensation shall be expressed and paid in euros.

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

#### Article 11

1. An official 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 Staff Regulations in force on the first day of the month for which the allowance is payable.

The total duration of entitlement to this allowance shall be as determined in paragraph 6 below.

He may, however, opt for compensation for termination of service as provided for in Article 10 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 the Staff Regulations, 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 Staff Regulations.

Gross income accruing to the official 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 official, determined by reference to the salary scales in force on the first day of the month for which the allowance is payable. That remuneration shall be weighted as provided for in the first paragraph above.

Gross income and total gross remuneration last received as referred to above shall mean the sums paid after deduction of social security contributions and before deduction of tax.

The official concerned shall provide the written proof required by the Agency when the annual return of gross income accruing to him from any new employment is requested, and shall in the interval between annual requests notify the Agency of any factor which may affect his right to the allowance.

3. Under the conditions referred to in Article 67 of the Staff Regulations and Articles 1, 2 and 3 of Rule of Application No 7 of the Staff Regulations, an official entitled to an allowance under this Article shall receive family allowances. The household allowance shall be calculated by reference to that allowance.
4. The allowance and other allowances received shall be subject to the internal tax provided for in Annex V to the Staff Regulations, 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 Staff Regulations 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 official shall be treated in the same way as an official who has remained in service until his pensionable age.

6. During the period for which he is entitled to receive the allowance, the official 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 Staff Regulations by reference to that salary and those allowances, and provided that the total amount of pension rights does not exceed 70%.

The allowance shall cease on the last day of the month in which the official reaches his pensionable age.

At that point, the official shall automatically receive a retirement pension, which shall take effect on the first day of the month following the month in which the allowance was paid for the last time.

However, an official may at any time request that his allowance be converted into a retirement pension calculated on the basis of the pension rights acquired under the EUROCONTROL pension scheme on the effective date of his request.

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

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

The amount of the survivor's pension referred to in the previous subparagraph shall not be less than the amounts specified in the second paragraph of Article 79 of the Staff Regulations. However, 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 Staff Regulations exceed the amount of the retirement pension to which the official would have been entitled had he survived and been granted a retirement pension when he ceased to be eligible for the allowance, subject to the allowances and deductions mentioned above.

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

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

**ANNEX XI PROVISIONS OF THE STAFF REGULATIONS RELATING TO THE APPLICATION OF  
ARTICLE 51 OF THE STAFF REGULATIONS**

Sole Article (18)

1. As regards the application of the first subparagraph of Article 51.1 of the Staff Regulations, the word "incompetent" shall be interpreted as meaning that the performance of the official is not satisfactory in the annual reports referred to in Article 43 of the Staff Regulations.

Incompetence shall be assessed with reference to the following: description of the post, determination of the objectives of the job, periodical report appraising performance and professional development.

2. Where an official's performance is not considered satisfactory, his manager shall immediately take remedial measures to allow the official to achieve a satisfactory level of performance. These measures shall be defined in a Rule of Application of the Director General.
3. If, despite such remedial measures, the official does not succeed in achieving a satisfactory level of performance by the deadline of 5 years set in Article 51 of the Staff Regulations, 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 STAFF REGULATIONS****CHAPTER 1 - GENERAL PRINCIPLES****Article 1**

1. In order to determine the contribution of officials to the pension scheme referred to in Article 83(2) of the Staff Regulations, the Director General shall, every five years starting on 1 July 2005, carry out the actuarial assessment of the balance of the pension scheme referred to in Article 83a(2) of the Staff Regulations. This assessment shall indicate whether the contribution of the officials is sufficient to finance one third of the cost under the pension scheme.
2. In preparation for the examination referred to in Article 83a(3) of the Staff Regulations, the Director General shall every year update this actuarial assessment, having regard to changes in the population as defined in Article 9 of this Annex, in the interest rate as defined in Article 10 of this Annex and in the rate of annual change in the salary scales of Agency officials as defined in Article 11 of this Annex.
3. The assessment and updates shall be carried out each year  $n$ , on the basis of the population of active members of the pension scheme at 31 December of the previous year ( $n-1$ ).

**Article 2 (18)**

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 Staff Regulations.

**CHAPTER 2 - ASSESSMENT OF THE ACTUARIAL BALANCE****Article 3**

The five-yearly actuarial assessments shall lay down the conditions for balance by taking into account, as charges on the scheme, the retirement pension as defined in Article 77 of the Staff Regulations, the invalidity allowance as defined in Article 78 of the Staff Regulations, and survivors' pensions as defined in Articles 79 and 80 of the Staff Regulations.

**Article 4 (14) (18)**

1. The actuarial balance shall be assessed on the basis of the method for calculation set out in this chapter.
2. In accordance with this method, the "actuarial value" of pension rights
  - acquired prior to 1 January 2005 shall represent the obligation in respect of past service prior to this date,
  - acquired between 1 January 2005 and the date of calculation shall represent the obligation in respect of the periods of service between these two dates,
  - acquired after the date of calculation shall represent the obligation in respect of future service.

3. It is assumed that all retirements (except for invalidity) will occur at a fixed average age (r). The average retirement age shall be updated only on the occasion of the five-yearly actuarial assessment referred to in Article 1 of this Annex and may be different for different groups of staff.
4. In determining the actuarial values:
  - a) the future changes in each official's basic salary and the allowance provided for in Article 69b, paragraph 2, subject to a pension contribution between the calculation date and the assumed retirement age shall be taken into account (projected salaries);
  - b) 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 Staff Regulations (particularly in Annexes IV and XIII) shall be taken into account in the actuarial evaluation of the service cost.
6. A smoothing process shall be applied to determine the real discount rate and the rate of annual change in the salary scales of officials of the Agency. The smoothing shall be obtained through a 30-year moving average for the interest rate and for the increase in the salary scales, and the allowance provided for in Article 69b, paragraph 2, subject to a pension contribution.

#### Article 5 (24)

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, officials' contributions to the cost of financing the pension scheme shall be calculated as being equal to one third of the result of the formula set out in paragraph 1 above.
3. The cost of the liabilities shall be the sum of:
  - a) the cost of the retirement liabilities (detailed in Article 6 of this Annex), i.e. the actuarial value of the pension rights acquired since 1 January 2005, including the value of the portion of that pension that will become payable to the surviving spouse and/or dependent children upon the death of the official after retirement (reversion);
  - b) the cost of the invalidity liabilities (detailed in Article 7 of this Annex), i.e. the actuarial value of the pension rights that will become payable to the active officials who are expected to become invalids after the date of calculation; and
  - c) the cost of the survivor's liabilities (detailed in Article 8 of this Annex), i.e. the actuarial value of the pension rights that will become payable on behalf of active officials who are expected to die after 1 January 2005.
4. The evaluation of the cost of the liabilities shall be based on the pension rights and on the appropriate annuities, as detailed in Articles 6 to 8 of this Annex.



These annuities shall give the actuarial present value of EUR 1 per year, taking into account the interest rate, the rate of annual change in the salary scales and the probability to be still alive at the age of retirement.

5. The minimum subsistence figures mentioned in Chapter 2 of Title V of the Staff Regulations and in Annex IV shall be taken into account.

#### Article 6 (24)

1. In order to calculate the value of retirement pensions, the pension rights acquired since 1 January 2005 shall be calculated for each official 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 will 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 official, the actuarial value of those pension rights (and of the associated survivor's pensions) shall be calculated by multiplying the pension rights as defined above by the appropriate annuities as laid down in Annex XII to the Staff Regulations of Officials of the European Communities.
4. The calculation of the cost for retirement liabilities shall take into account the reduction coefficient for officials leaving the service before the pensionable age.

#### Article 7

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

#### Article 8

1. The value of the pension rights that will become payable to survivors after 1 January 2005 shall be measured by applying to each active official the probability that he might die during one year after 1 January 2005. That probability shall then be multiplied by the amount of spouse's pension that will become payable. The calculation shall take into account the possible orphans' pensions that might become payable.
2. In calculating the actuarial value of the pension rights that will become payable to survivors after 1 January 2005, an immediate annuity shall be used. This annuity shall be multiplied by the probability

that the official is married, pursuant to the formula referred to in Annex XII to 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 (18)

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 (18)

1. The annual change in the salary scales of officials to be taken into consideration for the actuarial calculations shall be based on the specific indicators referred to in Article 1(4) of Annex XI to 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 (18)

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 (18)

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 - IMPLEMENTATIONArticle 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 CLAUSEArticle 14 (18)

Article 14 is repealed.

CHAPTER 6

(24)

Article 15

By way of derogation from Article 83.2 of the Staff Regulations, 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 OFFICIALS****PART 1 - PENSIONS****Article 1 (18)**

1. The pensions of officials who retire before 1 July 2005 shall be subject to the correction coefficient referred to in point (b) of Article 3(5) of Annex XI to the Staff Regulations of Officials of the European 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 Staff Regulations.

2. Repealed.
3. For officials 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 officials recruited before that date and aged less than 35 years at that date, and
  - b) to years of pensionable service resulting from a transfer under Article 12 of Annex IV concerning the pension rights acquired under the system of origin before 1 July 2005 by the official in service before 1 July 2005.

Their pensions shall be subject to the correction coefficient only if the residence of the official coincides with 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, officials receiving a pension may exceptionally request the Director General to change their place of origin. This decision shall be taken on production by the official concerned of appropriate supporting evidence.

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 Staff Regulations.

4. This Article shall apply by analogy to invalidity allowances and to allowances under Articles 41 and 50 of the Staff Regulations.

**Article 2 (18)**

1. Notwithstanding Article 77.2, first subparagraph, last sentence, officials who entered the service before 1 July 2005 shall be entitled to 2% of the salary referred to therein for every year of pensionable service calculated in accordance with Article 4 of Annex IV.

Officials 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.

2. Notwithstanding paragraphs 3 and 4 of Article 77, officials in the NMD Operational Staff Service shall be entitled to the percentage referred to in paragraph 1, determined on the basis of their date of entry into service, of one half of the allowance referred to for every year of receipt in accordance with paragraph 3 of Article 77. For every year of additional credit in accordance with paragraph 4 of Article 77, the pension right acquisition rate shall vary on the basis of the age reached on the date of entry into force of these measures as follows:
  - 3% for officials aged 60 and above,
  - 2.5% for officials aged between 50 and 60, and
  - 2% for officials below the age of 50.

Article 3 (14) (18)

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

Officials aged 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

Officials 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 officials 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 officials in service before 1 July 2016, the pensionable age to be taken into consideration for all references to the pensionable age in these Staff Regulations shall be determined in accordance with the above provisions, save as otherwise provided in these Staff Regulations.

2. Notwithstanding Article 3 of Annex IV, officials who enter the service before 1 July 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 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 officials 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 official has remained in service beyond the age at which he became entitled to a retirement pension.

If, pursuant to Annex IIa, an official 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 52 and Article 9 of Annex IV to the Staff Regulations, the official recruited before July 2016, 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, an official 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 official reaches his pensionable age.

However, above that age and up to the age of 65 years the official shall continue to receive the allowance until he reaches the maximum retirement pension.

#### Article 4 (18)

1. When the first paragraph of Article 52 of the Staff Regulations applies, and without prejudice to the provisions of Article 50, an official 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 officials in service before 1 July 2016, the words "age of 66" and "age 66" in the second paragraph of Article 78 and point (b) of Article 81a(1) of the Staff Regulations and in point (b) of Article 86(1) shall be read as "age of 65" and "age 65".

2. By way of derogation from the eighth paragraph of Article 50 of the Staff Regulations, an official recruited before 1 July 2016 who is retired in the interests of the service in accordance with the first paragraph of Article 50 of the Staff Regulations shall be entitled to receive the payment of a pension under Article 9 of Annex 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 Staff Regulations provisions in force on the date of their retirement.

For the purposes of applying the first subparagraph, if the pension calculated on the basis of the provisions in force is less than the nominal pension as defined below, a compensatory amount equal to the difference shall be granted.

For recipients of a pension before 1 July 2005, the nominal pension shall be calculated each month taking into account the family situation and the country of residence at the time of calculation, and the Staff Regulations rules in force on the date preceding 1 July 2005.

For officials who retire between 1 July 2005 and 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 Staff Regulations rules in force on the date when they retire.

In the event of the death after 1 July 2005 of a recipient of a pension determined before that date, the survivor's pension shall be determined taking into account the guaranteed nominal pension which the deceased was receiving.

3. Provided that recipients of an invalidity pension have not asked to be covered by the provisions applicable after 1 July 2005, and have not been declared fit to resume their duties, their invalidity pensions thus maintained shall be considered retirement pensions when the recipients reach the age of 65 years.
4. Paragraphs 1 and 2 shall apply to recipients of one of the allowances paid under Articles 41 or 50 of the Staff Regulations. However, their retirement pensions shall be determined in accordance with the rules in force on the date on which their payment commences.

#### Article 5a (18)

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 Staff Regulations is calculated, the official shall be covered, for the portion of his rights relating to periods of service before 1 July 2005, by the provisions set out below.

The retirement pension actuarial equivalent may not be less than the sum of:

- a) the amount of the sums deducted from basic salary as pension contributions, plus compound interest at the rate of 3.5% a year;
  - b) a severance grant proportional to the length of service actually completed, calculated on the basis of one and a half months of final basic salary subject to deduction per year of service;
  - c) the total sum paid to the Agency in accordance with Article 12 of Annex IV to the Staff Regulations, plus compound interest at the rate of 3.5% a year.
2. However, where officials leave because their contracts are revoked or terminated, the severance grant to be paid or actuarial equivalent to be transferred shall be determined in the light of the decision taken on the basis of Article 4.1.h) of Annex XIV to the Staff Regulations.
  3. Unless they have benefited from Article 12(1) or (2) of Annex IV to the Staff Regulations, officials in service on 1 July 2005 and who would, for lack of a transfer option under Article 11, have been entitled to payment of a severance grant in accordance with the Staff Regulations rules in force before 1 July 2005, shall retain the right to payment of a severance grant calculated in accordance with the rules in force before that date.
  4. However, officials appointed prior to 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 MEASURESSection 1 - GENERAL PROVISIONSArticle 1

1. For the period from 1 July 2008 to 30 June 2010, paragraphs 1 and 2 of Article 5 of the Staff Regulations shall be replaced by the following:

"1. The posts covered by the Staff Regulations shall be classified, according to the nature and importance of the duties to which they relate, in 3 categories A\*, B\* and C\*, in descending order of rank.

2. Category A\* shall comprise twelve 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.

Article 2

1. On 1 July 2008, the grades of officials (including Military Experts) having one of the administrative statuses set out in Article 37 of the Staff Regulations shall be renamed as follows:

Former grade	New intermediate grade	Former grade	New intermediate grade	Former grade	New intermediate grade
A1	A*16				
A2	A*15				
A3/LA3	A*14				
A4/LA4	A*12				
A5/LA5	A*11				
A6/LA6	A*10	B1	B*10		
A7/LA7	A*8	B2	B*8		
A8/LA8	A*7	B3	B*7	C1	C*6
		B4	B*6	C2	C*5
		B5	B*5	C3	C*4
				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.

## Other transitional measures

Category A									
Former grades	New intermediate grades	1	2	3	4	5	6	7	8
<b>A1</b>	<b>A*16</b>	<b>15 824.35</b>	<b>16 489.31</b>	<b>17 182.21</b>	<b>17 182.21</b>	<b>17 182.21</b>	<b>17 182.21</b>		
		<i>13 576.26</i>	<i>14 297.45</i>	<i>15 018.64</i>	<i>15 739.83</i>	<i>16 461.02</i>	<i>17 182.21</i>		
		0.8579348	0.8670739	0.8740808	0.9160539	0.9580269	1.0000000		
<b>A2</b>	<b>A*15</b>	<b>13 986.08</b>	<b>14 573.79</b>	<b>15 186.20</b>	<b>15 608.71</b>	<b>15 824.35</b>	<b>16 489.31</b>		
		<i>12 047.87</i>	<i>12 736.05</i>	<i>13 424.23</i>	<i>14 112.41</i>	<i>14 800.59</i>	<i>15 488.77</i>		
		0.8614186	0.8739010	0.8839756	0.9041369	0.9353048	0.9393219		
<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>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>A4</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>

- NB: - The above scale is applicable with effect from 1 July 2008 (Scale revised as from 1 July 2007).  
 - Bold characters = new scale  
 - Italics characters = old scale  
 - Third line = multiplication factor

## Other transitional measures

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>
		0.7917620	0.8012919	0.8087655	0.8255844	0.8525169	0.8547807	0.8554755	0.8547235
	<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>
		0.8781806	0.8822774	0.8846162	0.8975631	0.9217211	0.9194739	0.9159080	0.9111341
<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>
		0.8334300	0.8369924	0.8389116	0.8509112	0.8735509	0.8711763	0.8675732	0.8628442
<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>
		0.8155864	0.8191724	0.8211440	0.8329742	0.8552164	0.8529672	0.8495080	0.8449425
<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>				
		0.8248471	0.8249774	0.8237565	0.8326373				
	<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>

Note: - The above scale is applicable with effect from 1 July 2008 (Scale revised as from 1 July 2007).

- Bold characters = new scale
- Italics characters = old scale
- Third line = multiplication factor

## Other transitional measures

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>			

- NB:**
- The above scale is applicable with effect from 1 July 2008 (Scale revised as from 1 July 2007).
  - Bold characters = new scale
  - Italic characters = old scale
  - Third line = multiplication factor

Article 3

The step occupied by an official and the seniority acquired in grade and step shall not be affected by the procedure described in Article 2(1) of this Annex. Salaries shall be determined in accordance with Article 7 of this Annex.

Article 4 (2)

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 Staff Regulations in:
    - Article 6, first indent,
    - Article 7, first indent,
    - Article 8, first indent,
    - Article 29 a),
    - Article 35a(2), third indent
    - Article 39(3), f),
    - Article 40(4) d),
    - Article 41(3), second indent,
    - Article 45, first indent,
    - Article 51(1) and (6),
    - Article 14 in Annex IV,
    - Article 7 of Annex VIII,
    - Article 5(2) and Article 10(2) of Annex X,
    - Article 7 of Appendix I;
  - ii) reserved;
  - iii) reserved;
  - iv) reserved;
  - v) in Annex XIV to the Staff Regulations in:
    - Article 4(1), f) and g);
- b) the word "function group AD" shall be replaced by the words "category A\*":
- i) in the Staff Regulations in:
    - Article 5(3), b) and c), and (5),
    - Article 7, second indent,
    - Article 48, third indent,
    - Article 56;
  - ii) in Annex VIII, article 5,
  - iii) reserved;
  - iv) reserved;
- c) the words "function group AST" shall be replaced by the words "categories B\* and C\*":
- i) in the Staff Regulations in:
    - Article 43, second indent,
    - Article 48, third indent,
    - Article 56;
  - ii) reserved;

## Other transitional measures

iii) reserved;

In Article 5, paragraph 6.1 of the Staff Regulations, the words "function group FCO" shall be replaced by the words "categories A\*, B\* and C\*". The specific careers expressed by reference to the grades of the FCO function group should be read as follows: the words "FCO8/9/10/11 and FCO7/8/9/10" shall be replaced by the words "A\*8/9/10/11 and A\*7/8/9/10", the words "FCO5/6/7/8/9/10 and FCO3/4/5/6/7" shall be replaced by the words "B\*5/6/7/8/9/10 and B\*3/4/5/6/7", the words "FCO5/6/7/8" shall be replaced by the words "B\*5/6/7/8" and the words "FCO2/3/4/5/6" shall be replaced by the words "C\*2/3/4/5/6".

- d) the words "grade AST1 to AST4" shall be replaced by the words "category C\* grades 1 to 4" in the Staff Regulations in Article 56, third indent as well as under the relevant articles of Rule of Application No. 4;
- e) in Article 5(3) a) of the Staff Regulations the words "function group AST" shall be replaced by the words "categories B\* and C\*";
- f) in Article 43, second indent of the Staff Regulations "an administrator's function" shall be replaced by the words "a function in the next highest category";
- g) - in Article 32 of the Staff Regulations, the words "AD14/13/12" shall be replaced by the words "A\*14/13/12";  
 - In Article 5 of Annex VIII, the letters "MAD" shall be replaced by the letters "MA", the words "grades MAD14/13/12" shall be replaced by the words "grades MA\*14/13/12", the words "grades MAD12/11/10" shall be replaced by the words "grades MA\*12/11/10", the words "grades MAD11/10/9/8/7" shall be replaced by the words "grades MA\*11/10/9/8/7", the words "grades MAD8/7/6" shall be replaced by the words "grades MA\*8/7/6",  
 - under the relevant articles of Rule of Application No. 4;
- h) in Article 1 of Annex XIV to the Staff Regulations:  
 - in paragraph 3, the words "AD11/FCO11" shall be replaced by the words "A\*11" and the words "AD16 or AD15" by the words "A\*16 or A\*15";
- i) in Article 43, second indent of the Staff Regulations, the words "As of grade 4," shall be deleted;
- j) in Article 5(7) of the Staff Regulations, the reference to "Annex I" shall be replaced by a reference to "Annex XIII.1";
- k) in Article 6 of Annex IV to the Staff Regulations, the words "of grade 1" shall be replaced by the words "of grade C\*1" ;
- l) in Article 1, paragraph 3, of Rule of Application No. 7, the words "of grade 3" shall be replaced by the words "of grade C\*3" ;
- m) in Article 14 of Rule of Application No. 10, the words "[grade 2]" shall be replaced by the words "[grade C\*2]".

Article 5

Notwithstanding the provisions of Article 45.2 of the Staff Regulations, officials eligible for promotion to a higher grade on 1 July 2008 shall continue to be eligible even if they have not completed a minimum of two years in their grade.

Article 6

Reserved

Article 7

Basic monthly salaries of officials 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 official.
2. For each official, 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 an official before 1 July 2008 and the applicable amount defined in Article 2(2) of this Annex.

The basic monthly salary paid to the official 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 official'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 Staff Regulations, for periods after 1 July 2008, the basic monthly salary paid to an official shall be not less than that he would have received under the system in force before that date through 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.

In the case of officials assigned to the CFMU Operational Staff Service (FCO, group E1), they shall be entitled under the provisions of Article 7.3 of Part 2 of Annex XIII to the guaranteed basic monthly salary applicable up to and including the last step of the grade in the career bracket to which they were entitled pursuant to the structured career arrangements applicable to them as at 30 June 2008.

4. Without prejudice to paragraph 3, for each official, 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 categories

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%

## Other transitional measures

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 an official who is not in the last step of his grade, the value of the notional step shall be taken into account. For the purposes of this provision, each grade shall also be divided into notional salaries rising by one twelfth of the two-yearly increment for that grade throughout the span of the actual steps.

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 official shall, by derogation from Article 44 of the Staff Regulations, remain in the first step of his new grade for as long as the multiplication factor remains below 1 or until he is promoted 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 official shall start to advance in step in accordance with Article 44 of the Staff Regulations. 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) (3) (4) (6) (8) (11) (15) (16) (17) (19) (21) (23) (26)

1. With effect from 1 July 2010, the grades introduced by Article 2(1) shall be renamed as follows:

Former grade	New grade	Former grade	New grade
A*16	AD16		
A*15	AD15		
A*14	AD14		
A*13	AD13		
A*12	AD12		
A*11	AD11 FCO11	B*11	AST11
A*10	AD10 FCO10	B*10	AST10 FCO10
A*9	AD9 FCO9	B*9	AST9 FCO9
A*8	AD8 FCO8	B*8	AST8 FCO8
A*7	AD7	B*7/C*7	AST7 FCO7
A*6	AD6	B*6/C*6	AST6 FCO6
A*5	AD5	B*5/C*5	AST5 FCO5
		B*4/C*4	AST4 FCO4
		B*3/C*3	AST3 FCO3
		C*2	AST2 FCO2
		C*1	AST1



## Other transitional measures

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 to the Staff Regulations. For officials 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			

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

#### Article 9 (18)

Article 9 is repealed.

### Section 2 - SPECIAL PROVISIONS FOR OFFICIALS RECRUITED AFTER 1 JULY 2008

#### Article 10

In the case of officials recruited from lists of suitable candidates resulting from competitions published before 1 July 2008, Article 5(3) of the Staff Regulations shall not apply.

Officials 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, LA, B or C, be graded in accordance with the provisions established by the Director General.

#### Article 11

Officials 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 PROVISIONSArticle 12 (1) (3) (4) (6) (8) (11) (18)

Article 12 is repealed.

Article 13 (1) (3) (4) (6) (8) (11) (18)

Article 13 is repealed.

Article 14 (18)

Article 14 is repealed.

Article 15 (18)

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 VI to the Staff Regulations. When the net remuneration of an official who has been promoted to grade 7, as a consequence of the abolition of the fixed allowance, is lower than the net remuneration he received, all other conditions being unchanged, in the last month before the promotion 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 (18)

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 to the Staff Regulations for the new grade thus determined, at the same step, weighted by a percentage equivalent to the ratio of basic salary under the old scale to that under the scale in Annex III to the Staff Regulations for the same step.

For steps under the old scale without correspondence in the scale in Annex III to the Staff Regulations, the last step of the same grade shall be used as the reference for calculating the percentage referred to in the second subparagraph.

2. On a transitional basis, the basic salary within the meaning of Articles 77 and 78 of the Staff Regulations 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 to the Staff Regulations.

For steps under the old scale without correspondence in the scale in Annex III to the Staff Regulations, the last step in the same grade shall be used as the reference for calculating the multiplication factor.

## Other transitional measures

For retirement pensions and invalidity benefits determined between 1 July 2008 and 30 June 2010, Article 8(1) shall apply.

3. For recipients of a survivor's pension, paragraphs 1 and 2 of this Article shall apply by reference to the deceased official or former official.
4. Paragraphs 1 and 2 of this Article shall apply by analogy to recipients of one of the allowances paid under Articles 41 or 50 of the Staff Regulations.

Section 4 - SPECIAL PROVISIONS FOR OFFICIALS RECRUITED BEFORE 1 JULY 2016

(18)

Article 18 (18)

1. With effect from 1 July 2016, the Director General shall classify officials in service on 30 June 2016 in function group AD in types of posts as follows:
  - a) Officials who were on 30 June 2016 in a post classified in the career bracket AD5/6/7/8, AD8/9/10/11, MAD7/8/9/10/11 or MAD6/7/8, shall be assigned to the type of post "Administrator/Military Administrator";
  - b) Officials who were on 30 June 2016 in a post classified in the career bracket AD11/12, MAD10/11/12 or MAD 12/13/14, shall be assigned to the type of post "Head of Unit or equivalent";
  - c) Officials 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/Military Head of Division";
  - d) Officials who were on 30 June 2016 in a post classified in the career bracket AD14/15 (Director) or AD15/16 (Principal Director) shall be assigned to the type of post "Director".
  - e) Officials retain at the date of this assignment their grade, step and function group, except for the officials in the function group MAD in post on 30 June 2016, who are classified in the function group AD.

If the grade held by the official is higher than the upper grade of the type of post 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 official is assigned to a new function corresponding to another type of post, only in accordance with the procedure laid down in Articles 4 and Article 30, paragraph 1 of the Staff Regulations.

Promotion pursuant to article 45 of the Staff Regulations shall only be allowed within the career streams corresponding to each type of post indicated in paragraph 1 and in Annex I of the Staff Regulations.

Article 19 (18)

1. By way of derogation from Annex I, point 2, the following type of post in function group AST shall apply to some officials in service on 30 June 2016 pursuant to paragraph 2, point e) of this article:

## Other transitional measures

Administrative Assistant in transition	AST1 – AST7
Carries 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 officials in service on 30 June 2016 in function group AST in types of posts as follows:
- a) Officials who were on 30 June 2016 in a post classified in the career bracket AST3/4/5/6 or AST5/6/7/8, shall be assigned to the type of post "Assistant";
  - b) Officials who were on 30 June 2016 in a post classified in the career bracket AST8/9/10 and who were in the grade AST8 or AST 9 shall be assigned to the type of post "Assistant". Nonetheless, they may be promoted, pursuant to Article 45 of the Staff Regulations, 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 Staff Regulations shall apply pursuant to Rule of Application No 2;
  - c) Officials who were on 30 June 2016 in a post classified in the career bracket AST8/9/10 and who were in the grade AST10 shall be assigned to the type of post "Senior Assistant";
  - d) Officials 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) Officials 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, AST2/3/4/5, AST4/5/6 or AST7, shall be assigned to the type of post "Support Staff in transition" defined in paragraph 1.

Officials 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 official is assigned to a new function corresponding to another type of post, only in accordance with the procedure laid down in Articles 4 and 30.1 of the Staff Regulations.

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 4 and 30.1 of the Staff Regulations.

Promotion pursuant to article 45 of the Staff Regulations shall only be allowed within the career streams corresponding to each type of post indicated in paragraph 1 and in Annex I of the Staff Regulations

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. Officials who were recruited before 1 July 2016, are authorised, to work part-time as from the age of 55 and for a period of five years before retirement, by way of derogation from point (g) of Article 55a(2) of the Staff Regulations and of Article 4 of Annex IIa.

Other transitional measures

6. For officials 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 Staff Regulations do not apply to the official who occupies an "Administrative Assistant in transition" type of post.

Article 20 (18)

By way of derogation from Article 40(2) of the Staff Regulations, when an official 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 official's entire career.

Article 21 (18)

For the officials recruited before 1 July 2016, the provisions of Article 59, second subparagraph of paragraph 4 of the Staff Regulations and Article 6 of Annex IIa thereof, are applicable as from 1 July 2017.

**ANNEX XIII.1: Types of post during the transitional period**

(18)

Annex XIII.1 is repealed

**ANNEX XIII - OTHER TRANSITIONAL MEASURES**PART 3

(18)

Sole Article

By way of derogation from the fourth subparagraph of Article 82.1 of the present Staff Regulations concerning the tax arrangements for former officials residing in a non-Member State, officials whose service terminates prior to the entry into force of the amended provisions of this Article, i.e. prior to 1 July 2019, as well as officials leaving on early termination of service not later than 31 December 2012, pursuant to the provisions of Annex XVI to the Staff Regulations, 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 officials or former officials 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 officials or former officials received, or could have received, a pension before the aforementioned date.

**ANNEX XIV - DISCIPLINARY PROCEEDINGS - GENERAL PROVISIONS**Section 1 - DISCIPLINARY BOARDArticle 1

1. A Disciplinary Board, hereinafter referred to as "the Board", shall be established by the Director General for officials covered by these Staff 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 the officials in active employment in at least grade AD11/FCO11 in respect of all cases other than those concerning officials in grades AD16 or AD15.
4. The members and alternates of the Board shall be appointed from amongst officials in active employment with the grade of Director for cases involving officials with the grade of Director.

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 Staff Regulations is based, the chairman of the Board shall notify the official concerned and the individual members of the Board of its composition.
5. The official 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 official's dependants. In case of such reduction, the official's income may not, however, be less than the minimum subsistence figure laid down in Article 6 of Annex IV to these Staff Regulations, with the addition of any family allowances payable.
2. Where the official 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 official's dependants. The official's income may not, however, be less than the minimum subsistence figure laid down in Article 6 of Annex VIII to these Staff Regulations, 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 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 official's misconduct;
- e) the official's grade and seniority;
- f) the degree of the official's personal responsibility;

- g) the level of the official's duties and responsibilities;
- h) whether the misconduct involves repeated action or behaviour;
- i) the conduct of the official throughout the course of his career.

### Section 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 Disciplinary Board. The official 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 official concerned and to the chairman of the Disciplinary Board, who shall bring it to the attention of the members of the Board.

#### Article 8

1. On receipt of the report, the official concerned shall have the right to obtain his complete personal file and take copies of all documents relevant to the proceedings, including exonerating evidence.
2. The official concerned shall have not less than 15 days from the date of receipt of the report initiating the disciplinary proceedings to prepare a defence.
3. The official concerned may be assisted by a person of his or her choice.

#### Article 9

Where, in the presence of the chairman of the Board, the official 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 official 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 official concerned shall be heard by the Board; at the hearing, he may submit observations in writing or orally, whether in person or through a representative. He may call witnesses.
2. The Agency shall be represented before the Board by an official mandated by the Director General to this effect and having rights equivalent to those of the official 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 official, note shall be taken of any refusal to comply.

Article 13 (18)

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 official 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 an official concerned in the course of disciplinary proceedings, and in particular fees paid to a person chosen to assist the official or for his defence, shall be borne by the official where the disciplinary proceedings result in the imposition of one of the penalties provided for in Article 4 of this Annex.
2. However, the Director General may decide otherwise in exceptional cases where the burden on the official concerned would be unfair.

#### Article 17

1. After hearing the official, 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 official concerned in writing without delay. The official concerned may request that this decision be inserted in his personal file.

### Section 5 - SUSPENSION

#### Article 18

1. If the Director General accuses an official of serious misconduct, whether through a failure to honour his professional obligations or through an infringement of the law, he 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 official concerned, save in exceptional circumstances.

#### Article 19

1. The decision suspending an official shall state whether the official is to continue to receive his full remuneration during the period of suspension or what part thereof is to be withheld. The amount paid to the official shall not under any circumstances be less than the minimum subsistence figure laid down in Article 6 of Annex IV to these Staff Regulations, with the addition of any family allowances payable.
2. The situation of a suspended official 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 official concerned shall be entitled to again receive full remuneration, subject to paragraph 3.
3. Remuneration may continue to be withheld in part after the four-month deadline referred to in paragraph 2 if the official concerned is the subject of criminal proceedings for the same acts and is in custody as a result of those proceedings. In such cases, the official shall not receive full remuneration until the competent court has ordered his release.
4. Sums withheld under paragraph 1 shall be repaid to the official if the final decision imposes a disciplinary penalty no more severe than a written warning, reprimand or deferment of advancement.

to a higher step, or if no disciplinary penalty is imposed; in the latter case, the repayment shall be made with compound interest at the rate defined in Article 12 of Annex XII.

#### Section 6 - PARALLEL PROCEEDINGS

(18)

##### Article 20

Where the official 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 (18)

Where the official 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

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

The 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 his own initiative or on application by the official concerned.

##### Article 23

The Director General shall, if he sees fit, adopt implementing arrangements for this Annex after consulting the Staff Committee.

**ANNEX XVI - TEMPORARY PROVISIONS OF THE SERVICE REGULATIONS RELATING TO AN  
EARLY TERMINATION OF SERVICE SCHEME**

(5)

Preamble

The following provisions of the service regulations shall constitute a temporary derogation from the provisions of the Staff Regulations or, where necessary, supplement them. They shall apply solely to officials meeting the criteria set out below for a period of two years commencing on 1.1.11.

Article 1

In order to qualify for the early termination of service scheme, officials appointed to an established post for an unlimited period or those appointed for an undetermined period must be at least 55 years of age on 1.1.11 or reach the age of 55 during the period between 1.1.11 and 31.12.12.

Article 2

The early termination of service scheme shall be applied on a voluntary basis. Officials meeting the criteria set out in Article 1 above and wishing to take advantage of the provisions of the scheme must indicate their intention to volunteer, by letter addressed to the Director General in the period between 1 June and 15 September 2010 inclusive. The application must also specify the date on which the official concerned wishes to take advantage of the scheme.

Article 3

Having obtained the opinion of the relevant line managers, and in the light of the requirements of the service, the Director General shall, not later than 15 October 2010, draw up, from among the officials who have volunteered for the scheme, a list of those to whom the measure is to be applied, taking into consideration the selection criteria laid down in an Office Notice issued by the Director General.

Officials whose names appear on this list shall be subject to early termination of service by decision of the Director General.

The effective date of the early termination of service decision shall be set by the Director General, and shall be between 1.1.11 and 31.12.12, in the light of requirements and the interests of the service, and if possible in accordance with the wishes of the official concerned. It must not precede the last day of the month in which the official concerned reaches the age of 55. If the official concerned does not agree with the date set by the Director General, he or she shall remain in post and may not take advantage of the scheme.

Article 4

Officials who are the subject of a termination of service decision within the meaning of Article 3 above shall stop working for the Agency and cease to enjoy rights to remuneration. They shall be paid a transitional allowance subject to the conditions laid down in the Appendix to these provisions.

**APPENDIX TO ANNEX XVI TO THE STAFF REGULATIONS RELATING TO THE TRANSITIONAL ALLOWANCE PAYABLE IN THE EVENT OF EARLY TERMINATION OF SERVICE AND TO THE SUBSEQUENT RETIREMENT PENSION**

Article 1

1. An official subject to early termination of service in line with the temporary provisions of the Staff Regulations shall cease to enjoy rights to remuneration but shall be paid a transitional allowance as provided for below. He or she may nevertheless acquire, on a transitional basis and until no later than 31 December 2012, the next step in the grade he or she held at the time of early termination of service.

The transitional allowance shall be equal to 70% of the amount of the basic salary for:

- the grade held by the person concerned at the time of early termination of service, and
- the step held by the person concerned at the time of early termination of service or the step acquired during the early termination of service period as defined in the previous paragraph.

The basic salary shall be determined in accordance with the provisions of Article 66 of, and of Part 2 of Annex XIII to, the Staff Regulations. The basic salary shall be increased, where applicable, by the allowance referred to in Article 69b of the Staff Regulations payable to the official concerned at the time of early termination of service.

2. The allowance shall cease to be payable no later than the last day of the month in which the official:
  - reaches the age of 65, if he or she has been appointed for an unlimited period;
  - reaches the age of 63, if he or she has been appointed for an undetermined period.

Entitlement to the allowance shall cease when the person concerned meets, prior to attaining the said ages, the conditions giving entitlement to the maximum retirement pension (70%). However, the recipient of the early termination of service allowance may, at any time, request that his or her 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 or her request.

At that point the official shall automatically receive a retirement pension, which shall take effect on the first day of the month following the month in which the allowance was paid for the last time.

3. The calculation and payment of this pension, or of any other amount provided for in Annex IV, shall be governed by the provisions of the Staff Regulations, including the provisions relating to the transfer of rights from other schemes and to increased pension rights pursuant to Article 5 of Annex IV and Article 3.2 of Part 1 of Annex XIII.

Article 2

1. The allowance provided for above shall be subject to the adjustment laid down in Article 64 of the Staff Regulations, applicable by analogy, except for the weightings reflecting living conditions which are fixed under the provisions of the Staff Regulations applicable to pensions paid by the Agency.

The allowance shall be expressed in euros and shall be paid in the currency laid down in the provisions of the Staff Regulations applicable to pensions paid by the Agency.

Gross income accruing to the former official from any new employment shall be deducted from the allowance provided for above, insofar as that income plus the allowance exceed the total gross remuneration last received by the official concerned, 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 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 former official shall provide the written proof required by the Agency when the annual return of gross income accruing to him or her from any new employment is requested and shall in the interval between annual requests notify the Agency of any factor which may affect his or her right to the allowance.

2. Under the conditions referred to in Article 67 of the Staff Regulations and Articles 1, 2 and 3 of Rule of Application No. 7 thereof, an official entitled to an allowance shall receive family allowances. The part of the household allowance which is not fixed shall be calculated by reference to the former allowance. He or she shall not be entitled to the expatriation or foreign residence allowance.
3. The allowance referred to above shall be subject to the internal tax provided for in Annex V to the Staff Regulations and Rule of Application No. 27, which shall be applicable by analogy.

#### Article 3

1. Recipients of the allowance shall be entitled, in respect of themselves and persons covered by their insurance, to benefits under the sickness and accident insurance scheme provided for in Articles 72 and 73 of the Staff Regulations on condition that they are not gainfully employed and pay the relevant contributions, calculated on the basis of the allowance. For the purposes of Article 72, the official shall be treated in the same way as an official who has remained in service until the retirement age applicable to him or her under the provisions of the Staff Regulations.
2. During the period for which he or she is entitled to receive the allowance, the official shall continue to acquire rights to retirement pension based on the salary attaching to his or her grade and step, plus the allowance referred to in Article 69b of the Staff Regulations, where applicable, if this allowance is being paid to him or her at the time of early termination of service, under the provision that the contribution provided for in the Staff Regulations by reference to that salary and that allowance is paid during that period and provided that the total amount of pension rights does not exceed 70%.

#### Article 4

1. Subject to Articles 1 and 22 of Annex IV to the Staff Regulations, the surviving spouse of a former official who dies while in receipt of the provisional allowance provided for in Article 1 above shall be entitled, provided that they had been married for at least one year when the former official left the service of the Agency, to a survivor's pension equal to 60% of the retirement pension which, irrespective of length of service or age, would have been payable to the former official if he or she had qualified for it at the time of death.



2. The amount of the survivor's pension referred to in the previous subparagraph shall not be less than the amounts specified in the second paragraph of Article 79 of the Staff Regulations. However, in no case may the total amount payable to the widow, or widower and other entitled persons by way of survivor's pension, plus family allowances less a sum equivalent to the tax applicable at the European Communities and other compulsory deductions under the Staff Regulations, exceed the amount of the retirement pension to which the former official would have been entitled had he or she survived and been granted a retirement pension when he or she ceased to be eligible for the allowance referred to in Article 1, subject to the allowances and deductions mentioned above.

3. 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 former official before he or she left the service provided that the surviving spouse maintains or has maintained those children, or if the former official's death resulted either from disability or sickness contracted in the performance of his or her duties or from an accident.

4. On the death of the former official in receipt of the allowance provided for in Article 1, 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 Staff Regulations and in Article 21 of Annex IV to the Staff Regulations.

**ANNEX XVII - TEMPORARY PROVISIONS RELATING TO THE TRANSFER, ON A VOLUNTARY BASIS, OF OFFICIALS TO A POST COVERED BY THE GENERAL CONDITIONS OF EMPLOYMENT GOVERNING SERVANTS AT THE EUROCONTROL MAASTRICHT CENTRE**

(10)

Article 1

The Director General shall transfer an official in function group AD and assigned to a post at the Maastricht Centre in 2012, with the latter's consent, to a post in the same function group at the same grade and with an identical grade bracket governed by the General Conditions of Employment.

Officials who were placed under the Early Termination of Service Scheme pursuant to Annex XVI to the Staff Regulations up to 1 January 2013 inclusive shall not qualify for such a transfer.

Article 2

By way of derogation from the relevant provisions of Appendix I to the Staff Regulations concerning the "Coordinating provisions relating to the assignment of officials and servants to authorised Agency posts not falling under the Staff Regulations governing their original post", an official who has accepted such a transfer under a post governed by the General Conditions of Employment shall be appointed without undergoing a recruitment procedure.

From the date of the official's appointment to the new post governed by the General Conditions of Employment, his administrative situation shall be exclusively subject to the General Conditions of Employment.

The official shall retain unchanged his grade, step and seniority in his grade and step, also with regard to his eligibility for promotion and step advancement, and his classification in the grade bracket existing at the time of transfer.

The official's remuneration shall remain identical and shall be determined by Annex III to the General Conditions of Employment and the relevant provisions of Part 2 of Annex XIII.

The official's pension entitlement and retirement age shall not be changed as a result of such a transfer and shall be governed by the relevant provisions of the General Conditions of Employment, in particular Annex IV and Part 1 of Annex XIII.

The duration of the appointment at the time of transfer shall not be modified.

Article 3

For the purpose of the transfer, the Permanent Commission shall create the necessary types of posts as provided for in Article 4(5) of the General Conditions of Employment. These posts shall be set out in Table I ("Administrative Division"), Table II.a ("Operations Division – Operational Support Staff") and Table III ("Engineering Division") of Annex I to the General Conditions of Employment.

The duties and powers attaching to each type of post shall be determined by the provisions of Rule of Application No 35a, as amended by the Director General.

Article 4

As from the date of appointment to their new post governed by the General Conditions of Employment, the former officials shall be governed by the provisions applicable to servants, in particular concerning the promotion procedure and composition of the joint bodies representing servants.

As regards staff representation on the Staff Committee, the present arrangements shall continue to apply on a provisional basis until the start of the term of office of the new the Staff Committee.

Article 5

Officials concerned by the provisions of the present Annex shall be given a period of two months as from the publication of the present measures by an Office Notice to communicate their final and unequivocal acceptance in writing to the Director General.

The list of officials who have accepted such a transfer shall be drawn up by the Director General within one month following the period set out in paragraph 1 of this Article. The former officials shall be appointed to a post governed by the General Conditions of Employment with effect from the first day of the month following the publication of this list.

**ANNEX XVIII - SPECIAL PROVISIONS OF THE STAFF REGULATIONS RELATING TO THE  
PAYMENT OF A LUMP SUM IN THE EVENT OF RESIGNATION**

(18)

Sole Article

1. On the proposal of the Director General, a lump-sum payment may be made to an official if he resigns in accordance with Article 48 of the Staff Regulations, 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 official. 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 Staff Regulations 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 to the Staff Regulations, at the average rate.

The compensation shall be expressed and paid in euros.

4. The lump-sum payment may be granted only if the official does not retire in the following twenty-four months.

**ANNEX XIX - TEMPORARY PROVISIONS OF THE STAFF REGULATIONS RELATING TO THE  
ASSIGNMENT OF SOME FCO OPERATIONAL STAFF ON 01/10/2017 OUTSIDE THE NETWORK  
MANAGER (NMD) OPERATIONAL SERVICE**

(20)

Sole Article

In derogation of Article 5, paragraph 6.1 and 6.2 of the Staff Regulations, officials in the function group FCO, group E1 or E2, with the basic post titles of Technical System Manager, Technical Specialist, Technical System Expert, Deputy Team Leader, Deputy Technical System Manager, Operational support manager, Advanced Operational Support Expert, Advanced Operational Support Specialist as defined in Annex I, Table II, can be assigned outside the Network Manager (NMD) operational service for the performance of generic IT and certain technical facilities activities.

The concerned officials are assigned outside the Network Manager (NMD) operational staff service to perform these activities on the basis of individual decisions with effect on 01/10/2017.

These officials in the function group FCO so assigned outside the Network Manager (NMD) operational service remain subject to the same statutory provisions and associated Rules of Application as those in force for the Network Manager (NMD) operational staff service in the function group FCO.

An official who, on the basis of the present Article, has been assigned outside the Network Manager (NMD) operational service on 01/10/17, keeps his right to be assigned again to the Network Manager (NMD) operational service, at his own request, on the first post corresponding to his grade bracket which falls vacant in his function group.

**APPENDIX I - COORDINATING PROVISIONS RELATING TO THE ASSIGNMENT OF OFFICIALS  
AND SERVANTS TO AUTHORISED AGENCY POSTS NOT FALLING UNDER THE STAFF  
REGULATIONS GOVERNING THEIR ORIGINAL POST**

(18)

Appendix I is repealed.

**APPENDIX Ia - 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, paragraphs 4 and 5 of the Staff Regulations, the move between services as defined in Annex I to the Staff Regulations and the assignment of function groups AD, AST and FCO officials governed by the Staff Regulations to a post governed by the General Conditions of Employment corresponding to his grade and for function group AD or AST officials, to his function group and type of post, 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 service regulations governing their original appointment, his basic salary and the protection measures for the operational indemnities referred to in Article 69a and 69b of the staff Regulations and Rule of Application No 29a of the Staff Regulations and in Article 69a, 69b, 69c of the General Conditions of Employment and Article 11 of Rule of Application No 21b of the General Conditions of Employment.

Article 2

DETERMINATION OF THE BASIC SALARY

1. 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:
  - i. in the case of 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;
  - ii. as regards the application of this principle, the function group FCO shall be equivalent to the function group AST, except in the case of grades associated with the type of post of Operations Manager, Technical System Expert, Service Delivery Manager, Operational Support Experts and Advanced Operational Support Expert that are equivalent to the AD function group.
2. In the case of appointment to a post of a higher grade, under the provisions provided for by the Rule of Application mentioned by Article 30 of the Staff Regulations and General Conditions of Employment. Where a servant occupying a post in the Operations Division 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 Staff Regulations

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 is entitled to the indemnities referred to in Article 69a and 69b, paragraph 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 - STAFF REGULATIONS PRINCIPLES GOVERNING POSTS IN THE CFMU  
OPERATIONAL STAFF**

SERVICE AND APPLICABLE TO STAFF IN POST AS AT 30 JUNE 2008

1. The grades of the basic posts in group E1 (categories B\* and C\*) of the CFMU Operational Staff Service shall be grouped into career brackets covering one or more grades, as indicated in Annex XIII.I (basic posts during the transitional period) to the Staff Regulations.

Staff in group E1 (categories B\* and C\*) of the CFMU Operational Staff Service shall have a predetermined career progression within these grades, subject to satisfactory performance, as follows:

Basic post	Career profile
Tactical Network Coordinator	B*7
Technical Supervisor	} 5 years
Technical System Manager	B*8
Air Traffic Flow and Capacity Controller	} 6 years
System Controller	B*9
	} 6 years
	B*10
Aircraft Operator Liaison Officer	B*7
	} 5 years
	B*8
Network Specialist	B*5
Assistant ATFCM	} 6 years
Multi-systems Assistant	B*6
Infrastructure Assistant	} 6 years
	B*7
System Operator	C*4
Infrastructure Operator	} 6 years
	C*5
	} 6 years
	C*6

2. Throughout their career in Category B\* and C\*, the officials concerned in group E1 of the CFMU Operational Service as described in paragraph 1 above shall be entitled under the provisions of Article 7.3 of Part 2 of Annex XIII to the guaranteed basic monthly salary applicable up to and including the last step of the grade in the career bracket to which they were entitled pursuant to the structured career arrangements applicable to them as at 30 June 2008.
3. Any officials in group E1 or group E2 who have already been placed in the last step of the last grade of their career bracket for two years as at 30 June 2008 or who are placed in corresponding grades (as determined in Article 2.1 or Article 8.1 of Part 2 of Annex XIII to the Staff Regulations) for two years following the entry into force of the Administrative Reform without reaching factor 1 in their grades shall, on expiry of the two-year period defined above, be awarded step 5 at factor 1 in the grades corresponding to those they hold (as determined in Article 2.1 or Article 8.1 of Part 2 of Annex XIII to the Staff Regulations) where the basic salary attaching to step 5 at factor 1 in the corresponding grades is higher than the basic salary attaching to their grades.

4. Category A\*, B\* or C\* officials in group E1 or group E2 or, after 1 July 2010, FCO function group grade 4-11 officials in group E1 or group E2 who are candidates by means of transfer or competition for posts in career brackets comprising basic grades which are lower than those they already hold shall be appointed in those new career brackets to grades corresponding to those to which they would have been appointed in those career brackets prior to the entry into force of the Administrative Reform. The correspondence between the grades before and after the entry into force of the Administrative Reform shall be established on the basis of Article 2.1 and Article 8.1 respectively of Part 2 of Annex XIII to the Staff Regulations.
5. Officials appointed with no change of grade in new career brackets in function group of CFMU Operational Staff Service (E1/E2) shall retain the seniority acquired in their grade and step for the purpose of progression in their new career brackets.

**APPENDIX IIa - CAREER STRUCTURE FOR OFFICIALS IN GROUP E1 OF THE CFMU**  
**OPERATIONAL SERVICE**

RECRUITED AS OF 1 JULY 2008

Basic post	Career profile
Tactical Network Coordinator Technical Supervisor Technical System Manager Air Traffic Flow and Capacity Controller System Controller	B*5 } four years B*6 } four years B*7 } five years B*8 } six years B*9 } six years B*10
Aircraft Operator Liaison Officer	B*5 } four years B*6 } four years B*7 } five years B*8
Network Specialist Assistant ATFCM Multi-systems Assistant Infrastructure Assistant	B*3 } four years B*4 } five years B*5 } six years B*6 } six years B*7
System Operator Infrastructure Operator	C*2 } four years C*3 } five years C*4 } six years C*5 } six years C*6

**APPENDIX IIb - CAREER STRUCTURE FOR OFFICIALS IN GROUP E1 OF THE NM OPERATIONAL SERVICE AS OF 1 JUNE 2014**

(14)

Article 1 (18)Career profile

Type of post	Career profile
<ul style="list-style-type: none"> <li>• Deputy Operations Manager</li> <li>• Senior Network Operations Coordinator</li> </ul>	FCO8 } five years FCO9 } six years FCO10
<ul style="list-style-type: none"> <li>• Senior Network Operations Supervisor</li> <li>• Network Operations Supervisor</li> <li>• Technical System Manager</li> <li>• Senior Technical Supervisor</li> <li>• Deputy Team Leader</li> <li>• Network Operations Controller</li> <li>• Technical Supervisor</li> </ul>	FCO5 } four years FCO6 } four years FCO7 } five years FCO8 } six years FCO9 } six years FCO10
<ul style="list-style-type: none"> <li>• Aircraft Operator Liaison Officer</li> <li>• Network Operations Specialist</li> <li>• Deputy Technical Supervisor</li> <li>• Deputy Technical System Manager</li> </ul>	FCO5 } four years FCO6 } four years FCO7 } five years FCO8
<ul style="list-style-type: none"> <li>• Network Operations Officer</li> <li>• Multi-systems Assistant</li> <li>• Technical Specialist</li> </ul>	FCO3 } four years FCO4 } five years FCO5 } six years FCO6 } six years FCO7
<ul style="list-style-type: none"> <li>• System Operator</li> </ul>	FCO2 } four years FCO3 } five years FCO4 } six years FCO5 } six years FCO6

Article 2 (18)

Staff aged of 55 or above, assigned to a type of post of Deputy Operations Manager, Senior Network Operations Supervisor or Senior Technical Supervisor, having performed a minimum of 20 years of service at EUROCONTROL and more than 12 years as Senior Supervisory or Supervisory functions in the NMD Operational Service or as ex-CFMU, are promoted, by way of derogation from the procedure provided for in the Rule of Application mentioned in Article 45 of the Staff Regulations, beyond the last grade FCO10, to the grade FCO11 after 10 years of service in the grade FCO10 or B\*10 or B1.

Staff cannot be appointed to this grade FCO11 in these three types of posts following a vacancy notice published in accordance to Article 30.1 nor transferred to this grade FCO11 on the basis of Article 7.

For publication purposes of one of these three types of posts in accordance to Article 30.1, the grade bracket FCO8/9/10, for the type of post of Deputy Operations Manager, or FCO5/6/7/8/9/10 for the type of post of Senior Network Operations Supervisor or Senior Technical Supervisor, is published.

**APPENDIX III - 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 shall in such cases be carried out between the official or other servant himself and the Agency.