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Proposal for a

**REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**amending the Staff Regulations of Officials and the Conditions of Employment of Other  
Servants of the European Union**

## **EXPLANATORY MEMORANDUM**

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Proposal for a

**REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**amending the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Union**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 336 thereof,

Having regard to the proposal from the European Commission, submitted following consultation with the Staff Regulations Committee,

After transmission of the draft legislative act to the national Parliaments,

Having regard to the opinion of the Court of Justice,

Having regard to the opinion of the Court of Auditors,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) The European Union should be equipped with a high-quality European public administration, so as to enable it to perform its tasks to the highest possible standard in accordance with the Treaties and to meet the challenges, both internal and external, that it will face in the future.
- (2) Consequently, it is necessary to provide a framework for the recruitment by the Union of high calibre staff in terms of productivity and integrity, drawn on the widest possible geographical basis from among citizens of the Member States, and to enable such staff to carry out their duties as effectively and efficiently as possible.
- (3) A broader aim should be to optimise human resources management in a European civil service characterised by competence, independence, loyalty, impartiality and permanence, as well as by cultural and linguistic diversity.
- (4) In the interest of guaranteeing that the purchasing power of Union officials and other servants develop in parallel with that of national civil servants in central governments of the Member States, it is essential to preserve the principle of a multi-annual mechanism for pay, known as 'the Method', by extending its application until the end of 2020 with a review at the end of the fifth year.
- (5) The potential advantages for officials and other servants of the Union of a multi-annual pay system should be balanced by the continuation of the system of special levy, to be renamed as 'solidarity levy'. While the rate of the special levy in force

during the period from 2004 to 2012 increased gradually over time and averaged at 4.23 %, it seems appropriate in the present circumstances to set the solidarity levy at the uniform rate of 5.5%, so as to take account of a difficult economic context and its ramifications for public finances throughout the Union. Such a solidarity levy should apply to all officials and other servants of the Union for the same period as the 'Method' itself.

- (6) Demographic changes and the changing age structure of the population concerned require that the pension age be increased, subject however to transitional measures for officials and other servant of the Union already in service.
- (7) Since the European pension scheme is in actuarial balance and this balance has to be maintained in the short and in the long term, staff employed before 1 January 2013 should be compensated for their pension contribution by transitional measures, such as a higher accrual rate for the years of service after the statutory retirement age (Barcelona incentive) and by applying half of the reduction for early retirement between the age of 60 and the statutory retirement age.
- (8) The commonly accepted actuarial practice requires that a period of past observations between 20 and 40 years be used for interest rates and salary growth with a view to ensuring the balance of pension schemes. The moving averages for interest rates and salary growth should therefore be extended to 30 years with a transitional period of 9 years.
- (9) The Council requested from the Commission a study and the submission of appropriate proposals on Article 5(4), Annex I.A and Article 45(1) of the Staff Regulations with a view to establishing a clear link between responsibilities and grade in the AST function group and in order to ensure a greater emphasis on the level of responsibility when comparing merits in the context of promotion.
- (10) Taking this request into account, it is appropriate that promotion to a higher grade should be made conditional on performing duties whose importance justifies the official's appointment to that higher grade.
- (11) The career stream in the AST function group should be restructured in such a way that the top grades will be reserved for a limited number of officials exercising the highest level of responsibilities with regard to staff management, budget implementation or coordination in this function group.
- (12) Working hours applied in the institutions should be aligned to those in force in some of the Member States of the Union to compensate for the reduction of staff in the institutions. The introduction of a minimum number of weekly working hours will ensure that the staff employed by the institutions is able to carry out the work-load resulting from the Union's policy objectives while, at the same time, harmonising working conditions in the institutions, in the interest of solidarity throughout the Union's civil service.
- (13) Flexible working-time arrangements are an essential element of a modern and efficient public administration allowing for family friendly working conditions and enabling a suitable gender balance within the institutions. It is therefore necessary to introduce an explicit reference to these arrangements in the Staff Regulations.

- (14) The rules on annual travelling time and annual payment of costs of travel between the place of employment and the place of origin should be modernised, rationalised and linked with the expatriate status, in order to make their application simpler and more transparent. The annual travelling time should be limited to a maximum of two days and the annual payment of costs of travel should be limited to territories of the Member States of the Union.
- (15) It is appropriate to provide a more flexible framework for the employment of contract staff. In particular, the institutions of the Union should be enabled to engage contract staff for an indefinite period in order to perform clerical and secretarial tasks, office management and other equivalent tasks under the supervision of officials or temporary staff.
- (16) Transitional arrangements should be provided to enable the new rules and measures to be applied gradually, whilst respecting the acquired rights and legitimate expectations of the staff employed before the entry into force of these amendments to the Staff Regulations.
- (17) In the interest of a consistent staff policy, the rules adopted by the Commission to implement the Staff Regulations should apply by analogy to the agencies. However, in order to ensure that the specific situation of agencies may, if necessary, be taken into account, agencies should be entitled to request the Commission's authorisation to adopt implementing rules which derogate from those adopted by the Commission, or not to apply the Commission's rules at all.
- (18) A register of all of the rules adopted to give effect to the Staff Regulations should be set up and administered within the Court of Justice of the European Union. This register, which can be consulted by all institutions and agencies, will allow for transparency and promote a cohesive application of the Staff Regulations.
- (19) Taking into account the high number of temporary staff within agencies and the need to define a consistent staff policy, it is necessary to create a new category of temporary staff and to lay down specific rules for this category.
- (20) In order to achieve the objectives set out in the Staff Regulations, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of certain aspects of working conditions and in respect of the adjustments of the remuneration and the pensions of officials and other servants of the European Union and the correction coefficient applied thereto.
- (21) The Commission, when preparing and drawing-up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and Council,

HAVE ADOPTED THIS REGULATION:

*Article 1*

The Staff Regulations of Officials of the European Union shall be amended as follows:

1. Article 5(4) shall be amended as follows:
  - (a) In the first sentence the reference 'Annex I, point A' shall be replaced by 'Annex I, Section A';
  - (b) In the second sentence the words 'shall define' shall be replaced by 'may define in more detail';

2. Article 6 shall be replaced by the following:

*'Article 6*

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

2. Without prejudice to the principle of promotion based on merit as laid down in Article 45, this plan shall ensure that for each institution, the number of vacant positions at every grade of the establishment plan on 1 January of each year corresponds to the number of officials in the lower grade in active employment on 1 January of the preceding year, multiplied by the rates laid down in Annex I, Section B, for that grade. These rates shall be applied on a five-year average basis as from 1 January 2013.

3. The rates laid down in Annex I, Section B, shall be reviewed at the end of a five-year period starting on 1 January 2013 on the basis of a report, submitted by the Commission to the European Parliament and the Council, and a proposal by the Commission.

The European Parliament and the Council shall decide in accordance with Article 336 of the Treaty on the Functioning of the European Union.

4. Each institution's establishment plan shall reflect the obligations set out in the multiannual financial framework and the interinstitutional agreement on its implementation.';

3. Article 9 shall be amended as follows:

- (a) Paragraph 1 shall be replaced by the following:

- '1. Without prejudice to paragraph 2, there shall be set up within each institution:

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

- a Reports Committee, if required;
- an Invalidity Committee,

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

(b) Paragraph 1a shall be replaced by the following:

'By way of derogation from paragraph 1, the agencies may decide not to set up a Joint Committee. The requirement of a Joint Committee opinion, as stipulated in certain provisions of these Staff Regulations or of the Conditions of Employment of Other Servants, shall not apply in such a case.

For the application of certain provisions of these Staff Regulations, a common Joint Committee may be established for two or more institutions. The other Committees referred to in paragraph 1 and the Disciplinary Board may be established as common bodies by two or more agencies.';

(c) The following sentence shall be added to paragraph 2:

'The agencies may apply the provisions of Annex II with the necessary adaptations.';

4. Article 18(1) shall be replaced by the following:

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

5. Article 27 shall be replaced by the following:

*'Article 27*

Recruitment shall be directed to securing for the institution the services of officials of the highest standard of ability, efficiency and integrity, recruited on the broadest possible geographical basis from among nationals of Member States of the Union. No posts shall be reserved for nationals of any specific Member State. However, the principle of the equality of Union's citizens shall allow each institution to adopt corrective measures following the observation of a long lasting and significant imbalance between nationalities among officials which is not justified by objective criteria. These corrective measures shall never result in recruitment criteria other than the observed merit.';

6. In Article 45(1), the following sentence shall be inserted after the second sentence:

'Unless the procedure laid down in Article 29(1) is applied, officials may only be promoted if they occupy a post which corresponds to one of the types of post set out in Annex I, Section A, for the next higher grade.';

7. In Article 45(2), the words 'Article 55 of the Treaty on European Union' shall be replaced by 'Article 55(1) of the Treaty on European Union';
8. In the eighth paragraph of Article 50, the words 'fifty-five' shall be replaced by 'fifty-eight';
9. Article 52(b) shall be replaced by the following:

'(b) at his own request on the last day of the month in respect of which the request was submitted where he is between 58 and 65 years of age and satisfies the requirements for immediate payment of a pension in accordance with Article 9 of Annex VIII. The second sentence of the second paragraph of Article 48 shall apply by analogy.

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

10. Article 55 shall be amended as follows:

- (a) The paragraphs shall be numbered;
- (b) The first sentence of paragraph 2 shall be replaced by the following:

'The normal working week shall range from 40 to 42 hours, the hours of the working day to be determined by the Appointing Authority';

- (c) The following paragraph shall be added:

'4. Each institution may introduce flexible working-time arrangements. Officials to whom the provisions of the second paragraph of Article 44 apply shall manage their working-time without resorting to such arrangements.';

11. Article 55a shall be amended as follows:

- (a) Point (e) of the first subparagraph of paragraph 2 shall be replaced by the following:

'(e) during the last three years before he reaches retirement age';

- (b) In the second subparagraph of paragraph 2, the words ', or as of the age of 55' shall be replaced by ', or during the last three years before reaching retirement age';

12. The second paragraph of Article 56a and the second paragraph of Article 56b shall be replaced by the following:

'After consulting the Staff Regulations Committee, the Commission shall determine, by means of delegated acts in accordance with Articles 110a and 110b, the categories of officials entitled to such allowances, the conditions for granting the allowances and the rates thereof.';

13. The second paragraph of Article 56c shall be replaced by the following:
- 'After consulting the Staff Regulations Committee, the Commission shall determine, by means of delegated acts in accordance with Articles 110a and 110b, the categories of officials entitled to the special allowances, the conditions for granting such allowances and the rates thereof.';
14. In the third paragraph of Article 63, the words 'by the Council acting by a qualified majority upon a proposal from the Commission as provided in the first indent of the second subparagraph of Articles 148 (2) of the EEC Treaty and of 118 (2) of the Euratom Treaty' shall be replaced by 'by the European Parliament and by the Council acting upon a proposal from the European Commission in accordance with Article 336 of the Treaty on the Functioning of the European Union';
15. In Article 64, the words 'by the Council, acting by a qualified majority on a proposal from the Commission as provided in Article 16(4) and (5) of the Treaty on European Union. The weighting applicable to the remuneration of officials employed at the provisional seats of the Union shall be equal to 100 % as at 1 January 1962' shall be replaced by 'by the European Parliament and by the Council acting upon a proposal from the European Commission in accordance with Article 336 of the Treaty on the Functioning of the European Union';
16. Article 65 shall be amended as follows:
- (a) In paragraphs 1 and 2, the word 'Council' shall be replaced by 'European Parliament and the Council';
- (b) Paragraph 3 shall be replaced by the following:
- 'For the purposes of this Article, the European Parliament and the Council shall act on a proposal from the Commission in accordance with Article 336 of the Treaty on the Functioning of the European Union.';
17. In Article 72(2) and (2a), in the first and fifth paragraphs of Article 77, in the sixth paragraph of Article 80 and in Article 81a(1)(d), the number '63' shall be replaced by '65';
18. Article 66a shall be modified as follows:
- (a) Paragraphs 1 and 2 shall be replaced by the following:
- '1. By way of derogation from Article 3(1) of Council Regulation (EEC, Euratom, ECSC) No 260/68<sup>1</sup> a temporary measure regarding remuneration paid by the Union to staff in active employment, to be known as the 'solidarity levy', shall be applied from 1 January 2013 to 31 December 2020.
2. The rate of this solidarity levy, which shall apply to the base defined in paragraph 3, shall be 5.5 %.';

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<sup>1</sup> Regulation (EEC, Euratom, ECSC) No 260/68 of the Council of 29 February 1968 laying down the conditions and procedure for applying the tax for the benefit of the European Communities, OJ L 56, 4.3.1968, p. 8.

- (b) In paragraphs 3 and 4, the words 'special levy' shall be replaced by 'solidarity levy';
19. Paragraph 2 of Article 82 shall be replaced by the following:
- '2. Where remuneration is adjusted in accordance with Article 65(1), the same adjustment shall be applied to pensions.';
20. In Article 83(1), the words 'Council acting by a qualified majority on a proposal from the Commission after consulting the Staff Regulations Committee' shall be replaced by 'Commission acting by means of delegated acts in accordance with Articles 110a and 110b after consulting the Staff Regulations Committee'.;
21. Article 83a shall be amended as follows:
- (a) Paragraph 2 shall be replaced by following:
- 'Agencies which do not receive a subsidy from the general budget of the European Union shall pay into that budget the entire amount of the contributions needed to finance the scheme. Agencies which are partially financed from that budget shall pay the part of the employers' contributions which corresponds to the proportion between the agency's revenues without the subsidy from the general budget of the European Union and its total revenues.';
- (b) In paragraph 3, the word 'Council' shall be replaced by 'Commission';
- (c) Paragraph 4 shall be replaced by the following:
- '4. Each year the Commission shall present an updated version of the actuarial assessment, in accordance with Article 1(2) of Annex XII. Where it is shown that there is a gap of at least 0,25 points between the rate of contribution currently applied and the rate required to maintain actuarial balance, the Commission shall adjust the rate, in accordance with the arrangements laid down in Annex XII.';
- (d) Paragraph 5 shall be replaced by the following:
- '5. For the purposes of paragraphs 3 and 4 of this Article, the Commission shall act by means of delegated acts in accordance with Articles 110a and 110b, after consulting the Staff Regulations Committee.';
22. Title VIII 'Special provisions applicable to officials in the scientific or technical services of the Union' shall be deleted;
23. Article 110 shall be replaced by the following:
- Article 110*
1. The general provisions implementing these Staff Regulations shall be adopted by each institution after consulting its Staff Committee and the Staff Regulations Committee.

2. Implementing rules adopted by the Commission to give effect to these Staff Regulations, including the general implementing provisions referred to in paragraph 1, shall apply by analogy to the agencies.

Such implementing rules shall enter into force at the agencies nine months after their entry into force at the Commission or, if an agency so decides, as of an earlier date.

By way of derogation, an agency may, before the expiry of the nine-month period referred to above and after consulting its Staff Committee, submit to the Commission for its agreement implementing rules which are different from those adopted by the Commission. Under the same conditions, an agency may request the agreement of the Commission for not applying certain of these implementing rules. In the latter case, the Commission may, instead of accepting or rejecting the request, require the agency to submit for its agreement implementing rules which are different from those adopted by the Commission.

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

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

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

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

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

6. The Court of Justice of the European Union shall administer a register of the rules adopted by the institutions to give effect to these Staff Regulations, and those rules adopted by the agencies to the extent they derogate from the rules adopted by the Commission, in accordance with the procedure provided in paragraph 2. Institutions and agencies shall have direct access to this register and full right to amend their own rules. Every three years, the Commission shall present a report to the European Parliament and the Council on rules adopted by the institutions to give effect to these Staff Regulations.';

24. The following Articles shall be inserted after Article 110:

*'Article 110a*

The Commission shall be empowered to adopt delegated acts in accordance with Article 110b concerning certain aspects of working conditions and concerning the

adjustments of the remuneration and pensions of officials and other servants of the European Union and the correction coefficient applied thereto.

*Article 110b*

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

2. The delegation of power referred to in Articles 56a, 56b, 56c, 83(1), 83a of the Staff Regulations, Article 13 of Annex VII and Article 13 of Annex X of the Staff Regulations and Articles 28a and 96 of the Conditions of Employment of Other Servants shall be conferred on the Commission for an indeterminate period of time from 1 January 2013.

The delegation of power referred to in Articles, 4, 9 and 10 of Annex XI and in Article 12 of Annex XII shall be conferred on the Commission for a period of 9 years from 1 January 2013.

3. The delegation of power referred to in Articles 56a, 56b, 56c, 83(1), 83a of the Staff Regulations, Article 13 of Annex VII, Article 13 of Annex X, Articles 3, 4, 9 and 10 of Annex XI and Article 12 of Annex XII of the Staff Regulations and Articles 28a and 96 of the Conditions of Employment of Other Servants may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

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

5. A delegated act adopted pursuant to Articles 56a, 56b, 56c, 83(1), 83a of the Staff Regulations and Article 13 of Annex VII, Article 13 of Annex X, Articles 3, 4, 9 and 10 of Annex XI and Article 12 of Annex XII of the Staff Regulations and Articles 28a and 96 of the Conditions of Employment of Other Servants shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or the Council.

However, for the application of Articles 83a and Articles 3, 4, 9 and 10 of Annex XI, the period for objection as referred to in the previous subparagraph shall be one month. That period shall be extended by one month at the initiative of the European Parliament or the Council.;

25. Annex I shall be amended as follows:

(a) Section A shall be replaced by the following:

'A. TYPES OF POSTS IN EACH FUNCTION GROUP, AS PROVIDED FOR IN ARTICLE 5(4)

**1. Function Group AD**

<b>Director-General</b>	AD 16
<b>Director-General</b> <b>Director</b>	AD 15
<b>Director</b> <b>Administrator</b> , <i>working for example as:</i> Head of unit/ Adviser linguistic expert; economic expert; legal expert; medical expert; veterinary expert; scientific expert; research expert; financial expert, audit expert	AD 14
<b>Administrator</b> , <i>working for example as:</i> Head of Unit/ Adviser/ linguistic expert; economic expert; legal expert; medical expert; veterinary expert; scientific expert; research expert; financial expert, audit expert	AD 13
<b>Administrator</b> , <i>working for example as:</i> Head of Unit/ principal translator, principal interpreter, principal economist; principal lawyer; principal medical officer; principal veterinary inspector; principal scientist; principal researcher; principal financial officer, principal audit officer	AD 12
<b>Administrator</b> , <i>working for example as:</i> Head of Unit/ principal translator,	AD 11

<p>principal interpreter, principal economist; principal lawyer; principal medical officer; principal veterinary inspector; principal scientist; principal researcher; principal financial officer, principal audit officer</p>	
<p><b>Administrator</b>, <i>working for example as:</i> Head of Unit/ senior translator; senior interpreter; senior economist; senior lawyer; senior medical officer; senior veterinary inspector; senior scientist; senior researcher; senior financial officer, senior audit officer</p>	AD 10
<p><b>Administrator</b>, <i>working for example as:</i> Head of Unit/ senior translator; senior interpreter; senior economist; senior lawyer; senior medical officer; senior veterinary inspector; senior scientist; senior researcher; senior financial officer, senior audit officer</p>	AD 9
<p><b>Administrator</b>, <i>working for example as:</i> Translator; interpreter; economist; lawyer; medical officer; veterinary inspector; scientist; researcher; financial officer, auditor</p>	AD 8
<p><b>Administrator</b>, <i>working for example as:</i> Translator; interpreter; economist; lawyer; medical officer;</p>	AD 7

veterinary inspector; scientist; researcher; financial officer, auditor	
<b>Administrator</b> , <i>working for example as:</i> Junior translator; junior interpreter; junior economist; junior lawyer; junior medical officer; junior veterinary inspector; junior scientist; junior researcher; junior financial officer, junior auditor	AD 6
<b>Administrator</b> , <i>working for example as:</i> Junior translator; junior interpreter; junior economist; junior lawyer; junior medical officer; junior veterinary inspector; junior scientist; junior researcher; junior financial officer, junior auditor	AD 5

## 2. Function Group AST

<b>Senior Assistant<sup>2</sup></b>  In charge of administrative, technical or training activities requiring a high degree of autonomy and carrying significant responsibilities in terms of staff management, budget implementation or political coordination	AST 10 – AST 11
<b>Assistant<sup>3</sup></b>  In charge of administrative, technical or training activities requiring a certain degree of autonomy, notably with regard to the implementation of rules and regulations or general instructions or as personal assistant of a Member of the institution, of the Head of a Member's private office or of a (Deputy) Director-General or an equivalent senior manager	AST 1 – AST 9

<sup>2</sup> The first assignment of an official to a post of Senior Assistant may only take place in accordance with the procedure laid down in Article 29(1) of the Staff Regulations.

- (b) In Section B, the term '20 %' set out in the table for grade 9 of function group AST shall be replaced by '8%'.;
26. In the first indent of the second paragraph of Article 2 of Annex II, the words 'the third subparagraph of' shall be deleted;
27. The Sole Article of Annex IV shall be modified as follows:
- (a) In the second subparagraph of paragraph 1 and the fourth subparagraph of paragraph 4, the number '63' shall be replaced by '65';
- (b) The third subparagraph of paragraph 1 shall be deleted;
28. In the first paragraph of Article 4 of Annex IVa, the words 'officials aged over 55 authorised to work half time in preparation of retirement' shall be replaced by 'officials authorised, in accordance with Article 55a(2)(e) of the Staff Regulations, to work half time';
29. Article 7 of Annex V shall be replaced by the following:

*Article 7*

To the annual leave of officials entitled to the expatriation or foreign residence allowance shall be added travelling time based on the geographical distance between the place of employment and the place of origin, calculated as follows:

- 250 to 600 km: one day of home travelling time,
- more than 600 km: two days of home travelling time.

Where special leave is granted in pursuance of Section 2 above, any home travelling time of up to two days shall be fixed by special decision taking into account particular needs.;

30. Annex VII shall be amended as follows:
- (a) Paragraphs 1 and 2 of Article 7 shall be replaced by the following:
- '1. An official shall be entitled to a flat-rate payment corresponding to the cost of travel for himself, his spouse and his dependents actually living in his household:
- (a) on taking up his appointment, from the place where he was recruited to the place where he is employed;
- (b) on termination of service within the meaning of Article 47 of the Staff Regulations, from the place where he is employed to the place of origin as defined in paragraph 3 below;

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<sup>3</sup> The first assignment of an official to a post of Assistant may only take place in accordance with the procedure laid down in Article 29(1) of the Staff Regulations.

(c) on any transfer involving a change in the place where he is employed.

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

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

The kilometric allowance<sup>4</sup> shall be:

EUR 0 for every km from	0 to 200 km
EUR 0,3790 for every km from	201 to 1000 km
EUR 0,6316 for every km from	1001 to 2000 km
EUR 0,3790 for every km from	2001 to 3000 km
EUR 0,1262 for every km from	3001 to 4000 km
EUR 0,0609 for every km from	4001 to 10000 km
EUR 0 for every km over	10000 km.

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

- EUR 189,48 if the geographical distance between the places referred to in paragraph 1 is between 725 km and 1450 km,
- EUR 378,93 if the geographical distance between the places referred to in paragraph 1 is greater than 1450 km.

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

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

(b) Article 8 shall be replaced by the following:

*'Article 8*

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<sup>4</sup> Hereunder kilometric allowances and flat-rates have only an example value. 2012 adjusted values or the correct data to be considered.

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

Where a husband and wife are both officials of the Union, each has the right in respect of himself or herself and in respect of dependants to the flat-rate payment of travelling expenses, in accordance with the above provisions; each dependant shall be entitled to one payment only. The payment in respect of dependent children is fixed at the request of the husband or wife, on the basis of the place of origin of one or other of them.

Where an official marries during a given year and thereby becomes entitled to the household allowance, the travel expenses payable for the spouse shall be calculated in proportion to the period from the date of the marriage to the end of the year.

Any alteration to the basis of calculation which may arise from changes in family status after the date of payment of the sums in question shall not render the official concerned liable to make repayment.

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

2. The flat-rate payment corresponding to travelling expenses shall be based on an allowance per kilometre of distance calculated on the basis of the geographical distance between the official's place of employment and his place of origin within the territories of the Member States of the Union.

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

The second, third and fourth subparagraphs of Article 7(2) shall apply by analogy.

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

4. The preceding provisions shall apply to officials whose place of employment is within the territories of the Member States. Officials whose place of employment is outside the territory of the Member States shall be entitled for themselves and, if they are entitled to receive the household allowance, for their spouse and other dependants within the meaning of Article 2, in each calendar year, to repayment of travel expenses to their place of origin, or to repayment of travel expenses to another place

not exceeding the expense of travel to the place of origin. However, if the spouse and the persons referred to in Article 2(2) do not live with the official at the place of employment, they shall be entitled each calendar year to reimbursement of travel expenses from the place of origin to the place of employment or to another place not exceeding the cost of the former journey.

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

(c) Paragraph 3 of Article 13 of Annex VII shall be replaced by the following:

'3. The Commission shall review every two years the rates set out in paragraph 2(a). This review shall take place in the light of a report on the prices of hotels, restaurants and catering services, and shall be based on the indexes on the evolution of such prices. For the purpose of this review, the Commission shall act by means of delegated acts in accordance with Articles 110a and 110b of the Staff Regulations.';

(d) Article 17 shall be modified as follows:

(i) In paragraph 1 the words 'at the place' shall be replaced by 'into a bank within the European Union';

(ii) In the first subparagraph of paragraph 2 the words 'regularly have part of their remuneration transferred by their institution of employment to another Member State' shall be replaced by 'apply for special regular transfer of part of their remuneration';

(iii) In the first sentence of paragraph 3, after the words 'shall be made', the words 'in the currency of the relevant Member State' shall be inserted.

(iv) In the first sentence of paragraph 4, after the words 'to another Member State', the words 'in local currency' shall be inserted;

31. Annex VIII shall be amended as follows:

(a) In Article 5, the number '63' shall be replaced by '65";

(b) Article 9 shall be amended as follows:

- the number '63' shall be replaced by '65';
- in point (b) of paragraph 1, the number '55' shall be replaced by '58';
- paragraph 2 shall be replaced by the following:

'The Appointing Authority may decide, in the interests of the service on the basis of objective criteria and transparent procedures introduced by means of general implementing provisions, not to apply the above reduction to the officials concerned. The total number of officials and temporary servants, who retire without any reduction of their pension each year, shall not be higher than 5 % of the officials in all institutions who retired the previous year. The annual percentage may vary from

4 % to 6 %, subject to a maximum of 5 % over two years and the principle of budget neutrality.';

(c) In Article 12(1) and (2), the number '63' shall be replaced by '65';

(d) In Articles 15 and 18a, the number '63' shall be replaced by '65';

(e) Article 45 shall be modified as follows:

(i) In the third paragraph, the words 'Member State of residence' shall be replaced by 'European Union';

(ii) In the first sentence of the fourth paragraph, the words 'in the European Union or' shall be inserted after the word 'bank';

(iii) In the second sentence of the fourth paragraph, the words 'in euro into a bank in the country where the institution has its headquarters, or' shall be deleted;

32. In Annex IX, the first sentence of Article 5(1) shall be replaced by the following:

'A Disciplinary Board, hereinafter referred to as 'the Board', shall be established in each institution, unless two or more agencies decide, in accordance with paragraph 1a of Article 9 of the Staff Regulations, to set up a common Board.';

33. Annex X shall be amended as follows:

(a) In the first sentence of Article 11, the word 'Belgium' shall be replaced by 'the European Union';

(b) Article 13 shall be replaced by the following:

*Article 13*

In order to ensure as far as possible that officials enjoy equivalent purchasing power irrespective of their place of employment, the Commission shall determine the weighting referred to in Article 12 once a year. The Commission shall act by means of delegated acts in accordance with Articles 110a and 110b of the Staff Regulations.

Where however, in the case of a given country, the variation in the cost of living measured on the basis of the weighting and the corresponding exchange rate is found to have exceeded 5 % since the last adjustment, the Commission shall decide on interim measures for adjusting the weighting in accordance with the procedure laid down in the first paragraph.';

34. Annex XI shall be replaced by the following:

'Annex XI

Rules for implementing Articles 64 and 65 of the Staff Regulations

## CHAPTER 1

### ANNUAL REVIEW OF REMUNERATION PROVIDED FOR IN ARTICLE 65(1) OF THE STAFF REGULATIONS

#### SECTION 1

##### FACTORS DETERMINING ANNUAL ADJUSTMENTS

###### *Article 1*

1. *Report from the Statistical Office of the European Union (Eurostat)*

For the purposes of the review provided for in Article 65(1) of the Staff Regulations, Eurostat shall draw up every year before the end of September a report on the nominal changes of salaries in national civil services in central government and changes in the cost of living in Member States.

2. *Cost of Living Index*

- (a) Eurostat shall draw up a Cost of Living Index, based on data on the Harmonised Index of Consumer Prices provided by the national statistical offices, to measure changes in the cost of living in the following reference Member States: Belgium, Germany, Spain, France, Italy, Luxembourg, the Netherlands, Poland, Sweden and the United Kingdom.
- (b) This index shall take into account the changes between June of the previous year and June of the current year.
- (c) The result per country shall be weighted in proportion to its national GDP measured using purchasing power parities as shown in the most recent statistics published in accordance with the national accounts definitions in the European System of Accounts currently in force.

3. *Changes in the cost of living in Member States*

- (a) Eurostat shall draw up the economic parities to establish the equivalence of purchasing power for salaries and pensions of officials. The economic parities shall refer to the month of June each year.
- (b) In 2013 the economic parity for each country or place of employment shall be the product of the purchasing power parity as established by Eurostat on 1 July 2012 for salaries and pensions and the ratio between the inflation in the corresponding country and the Cost of Living Index. For every following year the economic parity shall be updated by the ratio between the inflation in the corresponding country and the Cost of Living Index.

- (c) However, one joint economic parity shall be calculated for Belgium and Luxembourg. For this purpose, the inflation in those countries shall be weighted according to the distribution of the Union staff therein, and the purchasing power parity shall be 1.
- (d) The economic parities shall be calculated in such a way that each basic component can be updated twice per year.

4. *Changes in the remuneration of national civil servants in central government*

- (a) Eurostat shall, on the basis of information supplied before the end of August by the national authorities concerned, calculate salary indicators reflecting either upward or downward changes in the nominal remuneration of civil servants in central government, between the month of July of the previous year and the month of July of the current year. The two should include one twelfth of all annually-paid elements.

The salary indicators shall take two forms:

- (i) one indicator for each of the function groups as defined by Eurostat,
- (ii) an average indicator weighted to reflect the number of national civil servants corresponding to each function group.

To establish the global salary indicator for the European Union total, Eurostat shall use the sample of the Member States referred to in the point (a) of paragraph 2 of this Article. The results per country shall be weighted in proportion to its national GDP measured using purchasing power parities as shown in the most recent statistics published in accordance with the national accounts definitions in the European System of Accounts currently in force.

Each of these indicators shall be established in nominal gross terms. Eurostat shall establish a definition of gross remuneration for each of the reference Member States after consulting their statistical offices.

- (b) At the request of Eurostat, the appropriate national authorities shall supply it with the additional information which it considers necessary in order to draw up a salary indicator accurately measuring changes in the remuneration of national civil servants.

If, after further consultation of the national authorities concerned, Eurostat finds statistical anomalies in the information obtained or finds it impossible to draw up indicators which measure with statistical accuracy the changes in the nominal income of civil servants in a given Member State, it shall report to the Commission and provide it with all the material it needs to make an assessment.

- (c) In addition to the salary indicators, Eurostat shall calculate certain control indicators.

The Eurostat report on the salary indicators shall be accompanied by comments on the differences between these indicators and the above-mentioned control indicators.

#### *Article 2*

The Commission shall produce a comprehensive report every three years on the recruitment requirements of the institutions and transmit it to the European Parliament and the Council. On the basis of this report the Commission shall, if necessary, present proposals based on all relevant factors to the European Parliament and the Council after consulting the other institutions within the framework of the Staff Regulations.

### **SECTION 2**

#### **ARRANGEMENTS FOR THE ANNUAL ADJUSTMENT OF REMUNERATION AND PENSIONS**

#### *Article 3*

1. Under Article 65(3) of the Staff Regulations, on the basis of the criteria set out in Section 1 of this Annex, the remuneration and pensions shall be adjusted before the end of each year, with effect from 1 July.
2. The amount of the adjustment shall be the global salary indicator. The adjustment shall be in gross terms as a uniform across-the-board percentage.
3. The amount of the adjustment thus fixed shall be incorporated in the basic salary tables appearing in Article 66 of the Staff Regulations and in Annex XIII to the Staff Regulations and in Articles 20 and 93 of the Conditions of Employment of other servants.
4. For the purposes of applying Regulation (EEC, Euratom, ECSC) No 260/68, the amounts in Article 4 of that Regulation shall be multiplied by a factor composed of:
  - (a) the factor resulting from the previous adjustment, and/or
  - (b) the rate of adjustment of remuneration referred to in paragraph 2.
5. The correction coefficients shall be determined on the basis of the ratios between the corresponding economic parities referred to in Article 1 of this Annex and the exchange rates specified in Article 63 of the Staff Regulations for the relevant countries. They shall be applicable:
  - (a) to the salaries of officials of the Union serving in each of the Member States and in certain other places of employment,

- (b) by way of derogation from Article 82(1) of the Staff Regulations, to Union pensions paid in each of the Member States for the part corresponding to the acquired rights acquired before 1 May 2004.

The procedures laid down in Article 8 of this Annex concerning the retrospective application of correction coefficients in places of employment with a high rate of inflation shall apply.

6. The institutions shall make the corresponding positive or negative adjustment to the remuneration and pensions of the officials, former officials and other persons concerned with retroactive effect for the period between the effective date and the date of entry into force of the next adjustment.

If this retroactive adjustment necessitates the recovery of sums overpaid, such recovery may be spread over a period of not more than twelve months from the date of entry into force of the next annual adjustment.

7. For the application of this Article the Commission shall act by means of delegated acts in accordance with Articles 110a and 110b of the Staff Regulations, which shall enter into force before the end of the year.

## **CHAPTER 2**

### **INTERMEDIATE ADJUSTMENTS OF REMUNERATION AND PENSIONS (ARTICLE 65(2) OF THE STAFF REGULATIONS)**

#### *Article 4*

1. Intermediate adjustments of remuneration and pensions pursuant to Article 65(2) of the Staff Regulations, taking effect on 1 January, shall be made in the event of a substantial change in the cost of living between June and December (by reference to the sensitivity threshold defined in Article 6(1) of this Annex).

2. In accordance with Articles 110a and 110b of the Staff Regulations, the Commission shall act by means of delegated acts not later than the second half of April.

3. These intermediate adjustments shall be taken into account in the annual salary adjustment.

#### *Article 5*

The change in the cost of living shall be measured by the Harmonised Index of Consumer Prices for the period from June to December of the previous calendar year. However, for Belgium and Luxembourg the change in the cost of living shall be measured by the inflation in those countries weighted as laid down in point (c) of Article 1(3).

### *Article 6*

The sensitivity threshold for the six-month period mentioned in Article 5 of this Annex shall be the percentage corresponding to 5 % for a 12 month period. If the sensitivity threshold is reached or exceeded in a Member State, the remuneration and pensions for all places of employment in that country shall be adjusted.

### *Article 7*

For the purposes of Article 6 of this Annex, correction coefficients shall be adjusted to take into account the changes in the cost of living as referred to in Article 5.

## **CHAPTER 3**

### **DATE ON WHICH A CORRECTION COEFFICIENT COMES INTO EFFECT (PLACES OF EMPLOYMENT WITH A HIGH COST-OF-LIVING INCREASE)**

### *Article 8*

1. For places with a high cost-of-living increase, the correction coefficient shall come into effect before 1 January in the case of the intermediate adjustment, or 1 July in the case of the annual adjustment. This is so as to bring the loss in purchasing power into line with what it would be in a place of employment where the change in the cost of living corresponded to the sensitivity threshold.

2. The effective dates for the annual adjustment shall be as follows:

- (a) 16 May for places of employment having an inflation higher than 5 %, and
- (b) 1 May for places of employment having an inflation higher than 10 %.

3. The effective dates for the intermediate adjustment shall be as follows:

- (a) 16 November for places of employment having an inflation higher than 5 %, and
- (b) 1 November for places of employment having an inflation higher than 10 %.

## **CHAPTER 4**

### **CREATION AND WITHDRAWAL OF CORRECTION COEFFICIENTS (ARTICLE 64 OF THE STAFF REGULATIONS)**

#### *Article 9*

1. The appropriate authorities of the Member States concerned, the administration of an institution of the Union or the representatives of officials of the Union in a given place of employment can request the creation of a correction coefficient specific to that place.

This request should be supported by objective factors revealing an appreciable difference over some years in the cost of living between that place of employment and the capital of the Member State concerned (except for the Netherlands where The Hague is used instead of Amsterdam). If Eurostat confirms that the difference is appreciable (more than 5 %) and sustainable, the Commission shall act by means of delegated acts in accordance with Articles 110a and 110b of the Staff Regulations, a correction coefficient for that place.

2. Likewise the Commission shall decide to withdraw the application of a correction coefficient specific to a certain place. In that case the proposal shall be based on one of the following:

- (a) a request by the appropriate authorities of the Member State concerned, the administration of an institution of the Union or the representatives of officials of the Union in a given place of employment showing that the cost of living in that place is no longer significantly different (less than 2 %) than that of the capital of the Member State concerned. This convergence should be sustainable and validated by Eurostat,
- (b) the fact that there are no longer any officials and temporary staff of the Union employed in that place.

3. Eurostat shall establish the purchasing power parity between the place of employment and the capital city of the Member State concerned. The economic parity for the place of employment shall be the product of the purchasing power parity and the correction coefficient applicable to the capital city.

## **CHAPTER 5**

### **EXCEPTION CLAUSE**

#### *Article 10*

If there is a decrease in the gross domestic product of the Union for the current year, forecasted by the Commission's directorate-general for economic and financial affairs, and the annual adjustment value exceeds the forecasted change in the gross domestic product of the

Union by two percentage points, the adjustment value, in case it is positive, shall be divided into two equal parts. The Commission shall act by means of delegated acts in accordance with Articles 110a and 110b of the Staff Regulations, according to which the first half of the adjustment value shall come into effect from 1 July of the current year and the second half shall come into effect from 1 July of the following year.

## **CHAPTER 6**

### **ROLE OF EUROSTAT AND RELATIONS WITH THE APPROPRIATE AUTHORITIES IN THE MEMBER STATES**

#### *Article 11*

It shall be the task of Eurostat to monitor the quality of basic data and statistical methods used to work out the factors taken into account for the adjustment of remuneration. In particular, it shall make any assessments or carry out any studies required for such monitoring.

#### *Article 12*

In March each year Eurostat shall convene a working group composed of experts from the appropriate authorities in the Member States to be known as the ‘Working Group on Article 65 of the Staff Regulations’.

At this meeting, the statistical methodology and its implementation concerning specific and control indicators shall be examined.

The information required to produce a forecast of changes in purchasing power for the purposes of the intermediate adjustment of remuneration shall also be provided, together with the data on working hours in central government departments.

#### *Article 13*

At the request of Eurostat, Member States shall inform Eurostat of any factors having a direct or indirect impact on the composition and changes in the remuneration of central government civil servants.

## **CHAPTER 7**

### **FINAL PROVISION AND REVIEW CLAUSE**

#### *Article 14*

1. The provisions of this Annex shall apply from 1 January 2013 to 31 December 2020.

2. They may be reviewed at the end of the fifth year particularly in the light of their budgetary implications. To this end, the Commission shall submit a report to the European Parliament and the Council and, where appropriate, a proposal to amend this Annex on the basis of Article 336 of the Treaty on the Functioning of the European Union.';

35. Annex XII shall be amended as follows:

- (a) In Article 2, paragraph 2 shall be deleted and paragraph 3 shall become paragraph 2;
- (b) In Article 4(6), the words '12-year' shall be replaced by '30-year';
- (c) In Articles 10(2) and 11(2) the words '12 years' shall be replaced by '30 years';
- (d) After Article 11 the following Article shall be inserted:

*'Article 11a*

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:

In 2013 – 14 years	In 2017 – 22 years
In 2014 – 16 years	In 2018 – 24 years
In 2015 – 18 years	In 2019 – 26 years
In 2016 – 20 years	In 2020 – 28 years.';

- (e) The following sentence shall be added to Article 12:

'For that purpose, the Commission shall act by means of delegated acts in accordance with Articles 110a and 110b of the Staff Regulations.';

- (f) Article 14 shall be amended as follows:

- Paragraphs 1 and 3 shall be deleted;
- Paragraph 2 shall be unnumbered and be replaced by the following:

'On the occasion of the five-yearly actuarial assessment, this Annex may be reconsidered by the European Parliament and the Council, particularly in the light of its budgetary implications and actuarial balance, on the basis of a report together with, if appropriate, a proposal from the Commission made after securing the opinion of the Staff Regulations Committee. The European Parliament and the Council shall act on this proposal on the basis of Article 336 of the Treaty on the Functioning of the European Union.';

36. Annex XIII shall be amended as follows:

- (a) Articles 10, 14 to 17, 18(2) and 19 shall be deleted;
- (b) Article 22 shall be replaced by the following:

*Article 22*

1. Officials aged 30 years or more on 1 May 2013 and who entered the service before 1 January 2013 shall become entitled to a retirement pension at the age shown in the table below:

Age on 1 May 2013	Pensionable age	Age on 1 May 2013	Pensionable age
59 years and above	60 years 0 months	44 years	62 years 8 months
58 years	60 years 2 months	43 years	62 years 11 months
57 years	60 years 4 months	42 years	63 years 1 months
56 years	60 years 6 months	41 years	63 years 3 months
55 years	60 years 8 months	40 years	63 years 5 months
54 years	60 years 10 months	39 years	63 years 7 months
53 years	61 years 0 months	38 years	64 years 0 months
52 years	61 years 2 months	37 years	64 years 1 months
51 years	61 years 4 months	36 years	64 years 2 months
50 years	61 years 6 months	35 years	64 years 3 months
49 years	61 years 9 months	34 years	64 years 4 months
48 years	62 years 0 months	33 years	64 years 5 months
47 years	62 years 2 months	32 years	64 years 6 months
46 years	62 years 4 months	31 years	64 years 7 months
45 years	62 years 6 months	30 years	64 years 8 months

Officials aged less than 30 years on 1 May 2013 shall become entitled to a retirement pension at the age of 65 years.

However, for officials aged 43 years or more on 1 May 2013 who entered the service between 1 May 2004 and 31 December 2012, the retirement age shall remain 63 years.

For officials in service before 1 January 2013 the pensionable age to be taken into consideration for all references to the pensionable age in these Staff Regulations shall be determined in accordance with the above provisions, save as otherwise provided in these Staff Regulations.

2. Notwithstanding Article 2 of Annex VIII, officials who enter the service before 1 January 2013 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 3 % of their final basic salary for each year worked after that age, provided that their total pension does not exceed 70 % of final basic salary within the meaning of the second or third paragraph of Article 77 of the Staff Regulations, as the case may be.

However, for officials aged 50 years or over or with 20 or more years' service on 1 May 2004, the increase in pension provided for in the previous subparagraph shall not be less than 5 % of the amount of the pension rights acquired at the age of 60.

The increase shall also be granted in the event of death, if the official has remained in service beyond the age at which he became entitled to a retirement pension.

If, pursuant to Annex IVa, an official who enters the service before 1 January 2013 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. If the official retires before reaching the retirement age as laid down in this Article, only half of the reduction laid down in Article 9(1)(b) of Annex VIII, shall be applied for the period between the age of 60 and the statutory retirement age.';

4. By way of derogation from the second subparagraph of paragraph 1 of the Sole Article of Annex IV, an official to whom a retirement age of less than 65 years applies in accordance with paragraph 1 shall receive the allowance provided for in that Annex under the conditions laid down therein until the day on which the official reaches the age of 63 years or his retirement age, if the latter is higher than 63 years.

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

(c) Article 23 shall be amended as follows:

– Paragraph 1 shall be replaced by the following:

'1. Notwithstanding Article 52 of the Staff Regulations, officials who enter the service before 1 January 2013 and who leave the service before the age at which they would have become entitled to a retirement pension in accordance with Article 22 of this Annex may request the second subparagraph of point (b) of Article 9(1) of Annex VIII to be applied from the age determined in accordance with the table below:

Date	Age when drawing an immediate pension
Until 31 December 2013	55 years 6 months
Until 31 December 2014	56 years
Until 31 December 2015	56 years 6 months
Until 31 December 2016	57 years
Until 31 December 2017	57 years 6 months

– Paragraph 2 shall be deleted;

(d) After Article 24, the following article shall be inserted:

*'Article 24a*

In the case of a pension determined before 1 January 2013, 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.';

(e) After Section 4, the following Section shall be added:

Section 5

*Article 30*

1. By way of derogation from Annex I, Section A, point 2, the following table of types of posts in function group AST shall apply to officials in service on 31 December 2012:

<b>Senior Assistant<sup>5</sup></b>  In charge of administrative, technical or training activities requiring a high degree of autonomy and carrying significant responsibilities in terms of staff management, budget implementation or political coordination	AST 10 – AST 11
<b>Assistant<sup>6</sup></b>  In charge of administrative, technical or training activities requiring a certain degree of autonomy, notably with regard to the implementation of rules and regulations or general instructions or as personal assistant of a Member of the institution, of the Head of a Member's private office or of a (Deputy) Director-General or an equivalent senior manager	AST 1 – AST 9

<sup>5</sup> Without prejudice to paragraph 2 point (a), the first assignment of an official to a post of Senior Assistant may only take place in accordance with the procedure laid down in Article 29(1).

<sup>6</sup> Without prejudice to paragraph 2 point (b) and (e), the first assignment of an official to a post of Assistant may only take place in accordance with the procedure laid down in Article 29(1).

<p><b>Administrative Assistant in transition</b></p> <p>Carrying out clerical, secretarial, office management or other equivalent tasks</p>	<p>AST 1 – AST 7</p>
<p><b>Support Agent in transition</b></p> <p>Carrying out simple manual or administrative support activities</p>	<p>AST 1 – AST 5</p>

2. With effect from 1 January 2013, the Appointing Authority shall classify officials in service on 31 December 2012 in function group AST in types of posts as follows, notwithstanding the descriptions given in paragraph 1:

- (a) Officials who were in grade AST 10 or AST 11 on 31 December 2012 shall be classified as Senior Assistant.
- (b) Officials not covered by point (a) who were before 1 May 2004 in the former category B or who were before 1 May 2004 in the former category C or D and have become member of function group AST without restriction shall be classified as Assistant.
- (c) Officials not covered by points (a) and (b) who were before 1 May 2004 in the former category C shall be classified as Administrative Assistant in transition.
- (d) Officials not covered by points (a) and (b) who were before 1 May 2004 in the former category D shall be classified as Support Agent in transition.
- (e) Officials not covered by points (a) to (d) shall be classified on the basis of the grade of the competition that resulted in the list of suitable candidates from which they were recruited. Officials who passed a competition of grade AST3 or higher shall be classified as Assistants, all other officials shall be classified as Administrative Assistants in transition. The correlation table in Article 13(1) of this Annex shall apply by analogy, irrespective of the date on which the official was recruited.

3. Without prejudice to Article 86 and Annex IX of the Staff Regulations, officials shall keep their initial classification until they are assigned to a post of a superior type. Promotion shall only be allowed within the career streams indicated in paragraph 1.

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

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

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

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

#### *Article 2*

The Conditions of Employment of Other Servants of the European Union shall be amended as follows:

1. The second indent of Article 1 shall be deleted.;
2. The following point shall be added to Article 2:  

'(f) staff engaged to fill a post which is included in the list of posts appended to the section of the budget relating to an agency as referred to in Article 1a(2) of the Staff Regulations and which the budgetary authorities have classified as temporary.';
3. Article 3 shall be deleted.;
4. Point (a) of Article 3a shall be replaced by the following:  

'in an institution to carry out manual or administrative support service tasks, clerical and secretarial tasks, office management and other equivalent tasks,';
5. In the first paragraph of Article 8, the terms 'Article 2(a)' shall be replaced by 'Article 2(a) or Article 2(f)';
6. Article 10(4) shall be deleted;
7. In the third paragraph of Article 11, the word 'second' shall be replaced by 'third';
8. The following sentence shall be added to paragraph 1 of Article 12:

'No posts shall be reserved for nationals of any specific Member State. However, the principle of the equality of Union's citizens shall allow each institution to adopt corrective measures following the observation of a long lasting and significant imbalance between nationalities among temporary staff which is not justified by objective criteria. These corrective measures shall never result in recruitment criteria other than the observed merit.';

9. The first and second paragraphs of Article 14 shall be replaced by the following:

'A member of the temporary staff shall serve a nine month probationary period.

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

10. In paragraph 1 of Article 15, the following sentence shall be added to the first subparagraph:

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

11. The second paragraph of Article 17 shall be replaced by the following:

'Any period of leave granted in accordance with the preceding paragraph shall not count for the purposes of the application of Article 20(4).';

12. Article 20 shall be amended as follows:

(a) In paragraph 3, the words 'special levy' shall be replaced by 'solidarity levy';

(b) Paragraph 4 shall be replaced by the following:

'Articles 44 of the Staff Regulations shall apply by analogy to temporary staff.';

13. Paragraph 11 of Article 28a shall be replaced by the following:

'Every two years the Commission shall present a report on the financial situation of the unemployment insurance scheme. Independently of this report, the Commission may, by means of delegated acts in accordance with Articles 110a and 110b of the Staff Regulations, adjust the contributions provided for in paragraph 7 if this is necessary in the interests of the balance of the scheme.';

14. In the second and third subparagraphs of Article 34, the fourth paragraph of Article 37, Article 95, Article 103(2) and (3) and in Article 106(4), the number '63' shall be replaced by '65';

15. Article 39(1) shall be replaced by the following:

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

Article 9(2) of Annex VIII to the Staff Regulations shall apply under the following conditions: the Appointing Authority may decide, in the interests of the service on the basis of objective criteria and transparent procedures introduced by means of general implementing provisions, not to apply any reduction to the pension of a temporary servant, up to a maximum of four temporary servants in all institutions in any one year. The annual number may vary, subject to a maximum of six every two years and the principle of budget neutrality.';

16. Point (a) of Article 47 shall be replaced by the following:

'at the end of the month in which the servant reaches the age of 65, or, on an exceptional basis, at the date fixed in accordance with the second subparagraph of Article 52(b) of the Staff Regulations; or';

17. Article 50c(2) shall be deleted;

18. The following Chapter shall be added to Title II:

'Chapter 11

**Special provisions for members of temporary staff referred to in Article 2(f)**

*Article 51*

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

*Article 52*

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

The total length of such leave may not exceed 15 years in the course of staff member's entire career.

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

On the expiry of his leave a member of the temporary staff must be reinstated in the first post corresponding to his grade which falls vacant in his function group, provided that he satisfies the requirements for that post. If he declines the post offered to him, he shall retain his right to reinstatement when the next vacancy corresponding to his grade occurs in his function group subject to the same provisions; if he declines a second time, employment may be terminated by the

institution without notice. Until effectively reinstated or placed on secondment he shall remain on unpaid leave on personal grounds.

#### *Article 53*

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

In case of an external selection procedure, temporary staff referred to in Article 2(f) shall be engaged only at grades AST 1 to AST 4 or AD 5 to AD 8. However, the agency may, where appropriate, authorise the engagement at grade AD 9, AD 10, AD 11 or, on an exceptional basis, at grade AD 12. The total number of engagements at grades AD 9 to AD 12 in an agency shall not exceed 20 % of the total number of engagements of temporary staff to the function group AD, calculated over a five-year rolling period.

The preceding paragraph shall not apply to the engagement of the heads and the deputy heads of the agencies.

#### *Article 54*

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

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

#### *Article 55*

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

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

#### *Article 56*

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

19. Title III 'Auxiliary staff' shall be deleted;
20. Article 80 shall be amended as follows:
  - (a) In paragraph 3, the words 'shall, after consulting the Staff Committee, define' shall be replaced by 'may, after consulting the Staff Committee, define in more detail';
  - (b) Paragraph 4 shall be replaced by the following:

'Articles 1c, 1d and 1e of the Staff Regulations shall apply by analogy.';
21. Paragraph 2 of Article 84 shall be replaced by the following:

'Where, during his probationary period, a member of the contract staff is prevented, by sickness, maternity leave under Article 58 of the Staff Regulations, or accident, from performing his duties for a continuous period of at least one month, the authority referred to in the first paragraph of Article 6 may extend his probationary period by the corresponding length of time.';
22. In Article 85(3), the words 'Article 314 of the EC Treaty' shall be replaced by 'Article 55(1) of the Treaty on European Union';
23. In point (b) of the first subparagraph of Article 88, the terms 'three years' shall be replaced by the terms 'five years';
24. The first sentence of Article 89(1) shall be replaced by the following:

'Contract staff referred to in Article 3b may be recruited to any grade of function groups III and IV as referred to in Article 80, taking into account the qualifications and experience of the persons concerned.';
25. In Article 90, the following paragraph shall be added:

'Any person employed by the Union on 31 December 2012 as contract staff referred to in Article 3b in function group II can continue the employment for the time provided in the contract, with the possibility of renewal as provided in Article 88. The actual period of employment of contract staff referred to in Article 3b in function group II, including any period of renewal, shall not extend beyond 31 December 2015. No new contract staff referred to in Article 3b in function group II shall be engaged after 31 December 2012.';
26. Paragraph 11 of Article 96 shall be replaced by the following:

'Every two years the Commission shall present a report on the financial situation of the unemployment insurance scheme. Independently of this report, the Commission may, by means of delegated acts in accordance with Articles 110a and 110b of the Staff Regulations, adjust the contributions provided for in paragraph 7 if this is necessary in the interests of the balance of the scheme.';
27. The Annex shall be amended as follows:
  - (a) The following sentences shall be added to Article 1(1):

'Articles 22, with the exception of paragraph 4, Article 23 and Article 24a of that Annex shall apply by analogy to other servants employed on 31 December 2012. Paragraphs 1 to 3 of Article 30 of that Annex shall apply by analogy to temporary staff employed on 31 December 2012.';

(b) The following Article shall be added:

*'Article 6*

The agencies may decide to transform, without selection procedure, contracts of temporary staff to whom Article 2(a) of the Conditions of Employment of Other Servants applies and who are in service on 31 December 2012 into contracts under point (f) of these Conditions of Employment. In this case, the conditions of the contract shall remain unchanged for the rest.'

*Article 3*

This Regulation shall enter into force on 1 January 2013.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

*For the European Parliament*  
*The President*

*For the Council*  
*The President*

