

RIGHTS AND OBLIGATIONS OF AN OFFICIAL PLACED ON LEAVE IN THE INTERESTS OF THE SERVICE

I. An official placed on leave in the interests of the service will:

- a) in accordance with Article 42c, paragraph 7 of the Staff Regulations, receive an allowance calculated pursuant to Annex IV to the Staff Regulations. The official shall be entitled to a **monthly allowance** equal to:
- his basic salary for three months;
 - 85 % of his basic salary from the fourth to the sixth month;
 - 70 % of his basic salary until the official is automatically retired when he/she reaches the pensionable age (Article 42c, paragraph 5, of the Staff Regulations). For officials in service before 1 January 2014 the pensionable age is determined in accordance with Article 22(1) of Annex XIII to the Staff Regulations.

This allowance will not be subject to a correction coefficient or to the solidarity levy.

- b) continue receiving **family allowances**: household allowance, dependent child allowance and education allowance, under the conditions laid down in Articles 1, 2 and 3 of Annex VII to the Staff Regulations.

The household allowance will be calculated on the basis of the official's last basic salary before he/she was placed on leave, under the conditions of Article 1 of Annex VII to the Staff Regulations.

- c) request the permission of the Appointing Authority before engaging in an **outside activity** during the period of leave, under the conditions of Article 12b of the Staff Regulations and Commission Decision on outside activities and assignments.

When an official is authorised to engage in gainful employment during the leave period, any income derived from that activity will be deducted from the allowance provided for in Article 42c, paragraph 7, and in Article 1(1) of Annex IV to the Staff Regulations, to the extent that this income together with the allowance exceed the last remuneration of the official, established on the basis of the salary grid in force on the first day of the month for which the allowance is payable.

- d) be entitled to benefits under the **sickness insurance scheme** provided for in Article 72 of the Staff Regulations, on condition that the official pays the appropriate contribution by reference to his/her allowance under Annex IV to the Staff Regulations.

However, this insurance of the official and of the persons covered by their insurance will be effective only on the condition and to the extent that the official is not entitled to social protection under another insurance scheme, and will cease in the event of any gainful professional activity that entitles the official to social protection under another insurance scheme.

e) be entitled to:

- the reimbursement of the **removal expenses** provided for in Article 9(2) of Annex VII to the Staff Regulations;
- the payment of **travel expenses** from his place of employment to his place of origin, as provided for in Article 7(1)(b) of Annex VII to the Staff Regulations;
- the **resettlement allowance** provided for in Article 6 of Annex VII to the Staff Regulations.

The official has no obligation to reside in the place where he/she was employed before being placed on leave in the interests of the service. If the official requests the payment of these benefits subsequently to being placed on leave in the interests of the service, he/she will not be entitled to receive them again on retirement, once he/she reaches pensionable age.

- f) continue to be bound by the obligations under Title II of the Staff Regulations in relation to their functions and duties towards the Commission, in particular Articles 12b, 17, 17a and 19 of the Staff Regulations.
- g) be automatically retired when he/she reaches pensionable age (Article 42c, paragraph 5, of the Staff Regulations).

In practice, officials who have already reached their pensionable age before or at the date when the decision to be placed on leave in the interests of the service enters into force will be automatically retired.

II. An official placed on leave in the interests of the service will not:

- a) receive an expatriation or foreign residence allowance.
- b) be entitled to advancement to a higher step or promotion in grade.
- c) be eligible to be recognised for invalidity, unless he/she is reinstated in service.

III. Contributing to the EU pension scheme

At his/her own request, the official placed on leave in the interests of the service **may continue** contributing to the EU pension scheme for the entire period of leave (Article 3(b) of Annex VIII to the Staff Regulations).

In such a case, the period of service as an official on leave in the interests of the service shall be taken into account for the purpose of calculating years of pensionable service. The amount of the contribution will be calculated on the basis of the allowance under Annex IV to the Staff Regulations.

IV. Other

- a) The **survivor's pension** under Article 79 of the Staff Regulations will be payable to the surviving spouse of an official who dies while on leave in the interests of the service.

The minimum of 35% of the last basic salary referred to in Article 79 will be calculated by reference to the last basic salary received by the deceased official before he/she was placed on leave.

- b) The **orphan's pension** provided for in Article 80 of the Staff Regulations will be paid to the children dependent on a deceased official on leave in the interests of the service. This pension will be calculated in accordance with Article 21 of Annex VIII to the Staff Regulations.