

**GENERAL IMPLEMENTING PROVISIONS
ON GRANTING THE HOUSEHOLD ALLOWANCE BY SPECIAL
DECISION**

(ARTICLE 67 OF THE STAFF REGULATIONS AND

ARTICLE 1, PARAGRAPH 2, POINT (d) OF ANNEX VII THERETO)

THE SECRETARY-GENERAL,

HAVING REGARD TO the Staff Regulations of Officials of the European Communities and the Conditions of Employment of Other Servants of the European Communities laid down in Council Regulation (EC, Euratom, ECSC) No 259/68¹, as last amended by Council Regulation (EC, Euratom) No 723/2004², and in particular Article 67 of the Staff Regulations of Officials and Article 1(2)(d) of Annex VII thereto, and Articles 20, 21, 65 and 92 of the Conditions of Employment of Other Servants,

HAVING REGARD TO the Bureau decision of 29 March 2004 to delegate to the Secretary-General powers in respect of all the issues which, in connection with the implementation of the Staff Regulations, involve technical provisions derived therefrom,

HAVING REGARD TO the Bureau decision of 3 May 2004 determining the appointing authorities,

HAVING REGARD TO the opinion of the Staff Regulations Committee of 26 March 2004,

HAVING consulted the Legal Service, the Staff Committee and the Committee on Equal Opportunities,

¹ OJ L 56, 4.3.1968

² OJ L 124, 27.4.2004

HAS ADOPTED

THE FOLLOWING GENERAL IMPLEMENTING PROVISIONS

Section 1 - General Provisions

Article 1

Subject to the conditions specified below, an official who is widowed, divorced, legally separated or unmarried and has no dependent children within the meaning of Article 2(2) and (3) of Annex VII to the Staff Regulations, but who nevertheless actually assumes family responsibilities shall be entitled to the household allowance by special reasoned decision of the Appointing Authority based on supporting documents.

Article 2

The allowance shall be granted if the person in respect of whom the allowance is claimed:

- is a member of the official's family,
- actually lives with the official on a permanent basis and
- is unable to provide for his or her own upkeep.

These criteria are defined in greater detail in the following sections of these general implementing provisions.

Section 2 - Provisions relating to family membership and age criteria

Article 3

For the purposes of Article 2, the following shall be deemed to be members of officials' families:

- relatives in the direct ascending or descending line;
- brothers or sisters,
- father-in-law, mother-in-law, son-in-law or daughter-in-law.

Exceptionally, however, the Appointing Authority may, after consulting the administrations of the other Institutions, grant applications by officials citing other family ties.

Article 4

Members of officials' families in respect of whom the allowance is claimed must be:

- over 60 years of age, or
- under 18 years of age, or under 26 years of age if they are receiving educational or vocational training or are seeking employment and can produce documentary evidence to that effect from the relevant authorities of the State where they reside, or

- suffering from an illness or infirmity preventing them from providing for their own upkeep.

Section 3 - Provisions relating to where family members live

Article 5

Applications must relate to members of officials' families who live with them or with whom they live on a permanent basis during the entire period for which the allowance is granted, as defined in Article 13(2) of these general implementing provisions.

This condition shall no longer be satisfied where the official and the family member cease to live together for a continuous period of more than one month during the period for which the allowance is granted. In this event, the allowance shall be payable only in respect of the time during which they live together.

Article 6

The Institution shall take all appropriate steps to see that the conditions of Article 5 are satisfied.

In particular, from the beginning of the second month after an allowance is granted, it may check at any time during the period covered by the allowance whether the family member is continuing to live with the official.

Section 4 - Provisions relating to income of family members

Article 7

Persons shall be deemed unable to provide for their own upkeep if their income is less than 25% of the basic salary of an official in Grade 1, step 1¹.

Article 8

Income of a member of an official's family shall be deemed to mean income of all kinds, including in particular investment income, family and other allowances, and pensions.

It shall also include the rental value of any dwelling owned by the family member or of which the family member is the usufructuary, even where the official lives under that person's roof. This rental value shall be fixed at 12% of the basic salary of an official in Grade 1, step 1⁽¹⁾.

However, the following costs shall be deducted from the income of the family member where they are not reimbursed:

- the cost of employing a carer to attend the family member, if prescribed by a doctor;
- contributions to a sickness insurance scheme for the family member;
- that portion of any medical expenses incurred by or on behalf of the family member which, on a monthly average, is in excess of 2% of the basic salary of an official in Grade 1, step 1⁽¹⁾.

¹ For the period from 1 May 2004 to 30 April 2006: Grade D*1, step 1.

These costs shall be deductible whether they are paid by the official or the family member.

Article 9

The income to be taken into account shall be the net monthly income of the member of the official's family, calculated by dividing his or her net annual income by twelve.

Article 10

Where officials qualify for the allowance under Articles 3 to 6 of these general implementing provisions in respect of several members of their family who are themselves linked by marriage or by parental or filial ties, the income criterion shall be deemed to be satisfied if the sum of their incomes divided by their number is less than 25% of the basic salary of an official in Grade 1, step 1⁽¹⁾, even where one of them has an income equal to or greater than this ceiling.

Article 11

Where the allowance is claimed in respect of an official's brother or sister, even if he or she has no means whatsoever, the allowance shall be granted only where their parents' income is less than or equal to the presumed cost of maintenance as defined in Article 5 of the general provisions for giving effect to Article 2(4) of Annex VII to the Staff Regulations.

Article 12

The amounts referred to in Article 7, the second paragraph of Article 8, the third indent of the third paragraph of Article 8, and Article 10 of these general implementing provisions shall be subject to the weighting for the country of residence of the persons concerned, in accordance with the second indent of Article 3(5) of Annex XI to the Staff Regulations.

If the income referred to in Articles 9 to 13 of these provisions is not expressed in euros, it shall be converted at the euro rate applicable on the day when the entitlement takes effect.

Section 5 - Final provisions

Article 13

1. The Appointing Authority's decision shall be taken on the basis of a written application accompanied by supporting documents relating to all the factors which have to be taken into account under these general implementing provisions.

2. If the application is granted, the decision shall take effect from the first day of the month in which the official submits the application and shall be valid for no more than twelve months from that date. An application may be made for it to be extended.

The officials concerned must inform the administration of any change in the circumstances on which the decision granting the allowance was based.

If the conditions for granting the allowance are no longer satisfied as a result of such a change in circumstances, the decision shall be revoked with effect from the first day of the month following that in which the change occurs.

Article 14

These provisions apply by analogy to temporary, auxiliary and contract staff.

Article 15

These provisions repeal and replace the previous implementing provisions and enter into force on 1 May 2004.

(s)Julian PRIESTLEY
18-5-2004