

**PROVISIONAL GUIDELINES FOR IMPLEMENTATION OF THE BUDGET HEADING**

**"SUPPLEMENTARY AID FOR THE DISABLED" CONCERNING WELFARE**

**APPROPRIATIONS FOR DISABLED PERSONS**

1. Provided that the funds are available under the budget, the appropriations entered under the budget heading "Supplementary aid for the disabled", to be used in accordance with the conditions set out in these guidelines after national aid and aid under the Staff Regulations have been claimed, are intended to finance non-medical expenses arising from a disability as defined in point 4.1.

The welfare unit of each institution shall guide and assist applicants and recipients who so wish in their dealings with the administration of their institution and with national administrations.

- 2.1 The decision to grant support under the budget heading "Supplementary aid for the disabled" shall be taken within the institution responsible for the applicant by the authority designated for that purpose, hereinafter referred to as "the Authority".
- 2.2 For the purpose of adopting any decision under these guidelines and without prejudice to the opinion of the medical officer provided for in point 4.3, the Authority may seek the opinion of an ad hoc committee consisting of the Institution's medical officer, the social worker and the administrator responsible for the case concerned, and, where appropriate, two experts appointed by the Institution according to the nature of the disability, hereinafter referred to as "the ad hoc Committee".
- 2.3. For the purposes of these guidelines, the Authority, the medical officer, the social worker, or the administrator in charge shall be those of the Institution responsible for the applicant or the person in receipt of aid.
- 3.1. Provided that their disability has been recognised in accordance with point 4.1 below, the following shall be eligible for support under the budget heading "Supplementary aid for the disabled":
  - (a) officials and members of the temporary staff in active employment;
  - (b) spouses of the persons specified in point (a), provided that they are not in gainful employment or in receipt of income or pensions deriving from an earlier occupation;
  - (c) children in respect of whom the dependent child allowance is payable under the conditions set out in Article 2(2), (3) and (5) of Annex VII to the Staff Regulations;

- (d) children aged over 26 no longer eligible for the dependent child allowance referred to above, but in respect of whom tax is deductible under Regulation (EEC, Euratom, ECSC) No 260/68 laying down the conditions and procedure for applying the tax for the benefit of the European Communities;
- (e) orphans who have lost both parents in receipt of an orphan's pension within the meaning of Article 21 of Annex VIII to the Staff Regulations.

3.2. To guarantee continuity of benefits, a pensioner or person in receipt of a termination of service allowance or an invalidity allowance who, when in active employment, received supplementary aid for the disabled in his/her own right or in respect of his/her spouse and was reimbursed accordingly for expenses incurred in the two years preceding his/her retirement or the termination of his/her service shall continue to receive that aid from his/her parent institution under the conditions set out in these guidelines.

The aid shall be granted to a pensioner's spouse provided that he/she is not in gainful employment or in receipt of income or pensions deriving from an earlier occupation.

4.1. A person shall be considered disabled if he/she is suffering from severe deficiencies, disabilities, or handicaps resulting from physical impairment, including sensory, mental, or psychological impairment, which limit or impede integration or prevent the person from performing an activity or function considered normal for a human being.

To be eligible for financial support, the person concerned must be at least 30 % physically disabled and/or at least 20 % mentally disabled according to the evaluation of the Institution's medical officer based on the scale laid down by the Interinstitutional Medical Board.

4.2. The application for recognition of a disability must be submitted to the Authority. It shall include a detailed assessment by the person concerned or his/her representative of the measures necessary to offset the effects of the disability and facilitate social integration. It shall be submitted together with a medical report, under sealed cover, by the person's doctor, which, in so far as this is possible, shall propose a degree of physical and/or mental invalidity.

The Authority shall forward the medical report to the medical officer for an opinion.

4.3. After examining the disabled person, if he/she thinks it necessary, and on the basis of point 4.1., the medical officer shall establish that the minimum threshold specified in point 4.1 is met, determine the period of validity of his opinion.

4.4. After obtaining the opinion of the medical officer, the Authority may consult the ad hoc Committee, which shall assess the social integration problems resulting from the disability and deliver an opinion on the measures advocated by the person concerned or his/her representative to offset its effects.

- 4.5. The Authority shall take its decision on the basis of the medical officer's opinion and, where applicable, the opinion of the ad hoc Committee. The decision shall specify the services to be covered by the financial support granted by the Institution. It shall be notified to the person concerned or his/her representative.

The decision shall be renewed under the same conditions as it was adopted.

- 5.1. The following may be covered by an application for direct billing or reimbursement under the budget heading "Supplementary aid for the disabled" under the conditions set out in point 8 below:

- (a) costs of residence (including board and lodging, and service and other charges) in an institution or home for the disabled approved by the proper national authorities, after deduction, where applicable, of the expenses reimbursed by the Joint Sickness Insurance Scheme (JSIS);
- (b) costs of education or specific training considered necessary to offset the effects of the disability;
- (c) costs of care by a qualified home nurse, after deduction of the amounts reimbursable by the JSIS;
  - other costs incurred in duly justified nursing care administered under the responsibility of the applicant's doctor.
- (d) The disabled person's transport expenses linked directly to the expenses referred to in points (a) and (b) above shall be reimbursed, up to a maximum of € 000 a year and on presentation of sound documentary evidence, on the basis of the first-class rail fare or the economy-class air fare. The Authority may, however, decide to exceed the above ceiling on a proposal from the ad hoc Committee adopted unanimously.

The costs of transport by private car, when the disabled person lives in the family home, shall be defrayed on presentation of a certificate issued by the care or education institution confirming that there is no organised transport system or of a certificate issued by the disabled person's doctor attesting that the disabled person cannot use the transport system provided.

The expenses incurred in regular journeys between the family home and the care or education institution shall be reimbursed at the rate of €0.26 per kilometre for one round trip (two journeys) a day, without exceeding the ceiling specified above.

Where a disabled person cannot use an appropriate service, whether public or provided by the care or education institution, or a private car for the journeys referred to above, the costs of transport by taxi or a special vehicle shall be reimbursed, taking into account the local market conditions and on the basis of a prior estimate.

- 5.2. If purchased after the date of entry into force of these rules, given appliances may be eligible for reimbursement according to a specific degressive scale based on family income (see Annex I, "List of appliances", and Annex II, "Scale").

In any one calendar year, each recipient may be reimbursed for not more than 55 % of the cost of an appliance or replacement thereof, up to a maximum amount of €16.505,98 (adjusted annually). Reimbursement for an appliance may not be spread over several years. Repair costs shall not be reimbursed. The need for replacement must be justified by the fact that the appliance cannot be repaired or is not suited to the disabled person's needs.

*Specific conditions for granting reimbursement*

Reimbursement shall be granted

- on the basis of a detailed report by the disabled person's doctor demonstrating that the appliance is strictly necessary on account of the seriousness of the disability or the urgent need for replacement,
- on presentation of at least two estimates,
- after the Institution's medical officer or, if expenses are to be reimbursed by the JSIS, the medical officer of the Settlements Office has delivered his/her opinion,
- after the disabled person has claimed all possible national aid, which shall be taken into account when calculating the financial support, and submitted documentary evidence of dealings with and any aid granted by national administrations.

- 6.1. Bills including expenses reimbursable under the JSIS must be sent in the first instance to the Settlements Office responsible for the recipient.

- 6.2. Bills not including expenses reimbursable under the JSIS must be sent directly to the welfare unit of the Institution.

7. Financial support from the Institution shall be granted on presentation of original itemised bills specifying the nature of the expenses incurred and the corresponding amounts. Where it is impossible to supply itemised bills serving to distinguish between medical and non-medical expenses, the Settlements Office shall determine the portion chargeable to the JSIS and, after setting the rate, forward the bill to the welfare unit of the Institution responsible for the recipient.

- 8.1. The recipient shall be reimbursed for bills showing the expenses referred to in points 5.1 and 5.2 according to the scale reproduced in Annex II. Reimbursement shall be granted after the recipient has claimed all possible national aid, which shall be taken into account when calculating the financial support. The recipient must submit documentary evidence of dealings with and aid paid by national administrations (see point 1, assistance from welfare units).

The scale shall allow for all monthly family income, namely:

- taxable earned income of the official/other servant and his/her spouse;
- retirement, survivor's, and orphan's pensions and invalidity pensions and allowances, maintenance, etc.;
- unemployment benefits;
- chronic sickness allowances;
- any pension, income, annuity, allowance, etc. paid from other sources on account of the disability.

Bills must be submitted for reimbursement within three months of being paid or sent to the person in receipt of aid.

8.2. Expenses considered excessive or related to services not required for practical purposes and/or necessary to offset the effects of the disability shall be excluded from reimbursement by decision of the Authority, after consulting the ad hoc Committee, in accordance with the criteria laid down by each institution.

9.1. The following shall be deducted from the amount of expenses incurred to be defrayed by the Institution:

- reimbursements of expenses obtained from another source under any other national law or regulation; the recipient shall be obliged to declare reimbursements and aid obtained from other sources and supply the appropriate supporting documents;
- the additional education allowance granted by the Appointing Authority and any similar national allowances obtained on account of the disability.

The recipient's entitlement to the dependent child allowance (basic rate and increment) shall not be affected.

9.2. The recipient shall be obliged to declare any sums drawn under the heading of points 1 and 2 to the appropriate department and supply the necessary supporting documents.

10. Any sum paid in error shall be recovered if the recipient has been informed that the payment was incorrect or the error was so obvious that he/she must have been aware of it.

The recovery claim must be made no later than five years from the date on which the sum was paid. This time limit may not be invoked against the authority where the latter is able to establish that the person concerned deliberately misled the administration in order to be paid the sum in question.

11. The institutions shall hold regular consultations with a view to harmonising the application of these guidelines.

12. Thee guidelines shall enter into force on 1 May 2004.

**LIST OF EQUIPMENT**

- An alarm system for a person who is hard of hearing;
- electronic equipment essential to education and communication for a person who cannot speak, is partially sighted or hard of hearing;
- a text vocalisation scanner for a partially-sighted person;
- a guide dog;
- a monitoring system linked to an emergency service;
- a special bath with access door;
- adapting one or more doorways in a person's home to the width of e.g. a hospital-type bed;
- fixed and/or telescopic access ramps;
- fitting ceiling rails as an aid to movement, particularly to and in the bathroom;
- adapting a motor vehicle to be driven by a disabled person and/or to accommodate their wheelchair.

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## SCALES AS AT 1 JANUARY 2016

Recipients' personal contributions are calculated on the basis of the following scales:

<b>Taxable family income (1) – (2) – (3) – (4)</b>	<b>Contribution (% of non-medical expenses other than equipment costs) payable by the official or other servant</b>	<b>Contribution (% of equipment costs) payable by the official or other servant</b>
From                      to		
0,00 € - 3.327,82 €	5 %	45 %
3.327,83 € - 4.658,95 €	10 %	50 %
4.658,96 € - 5.990,07 €	15 %	55 %
5.990,08 € - 7.321,20 €	20 %	65 %
7.321,21 € - 8.652,33 €	25 %	75 %
8.652,34 € - 9.983,45 €	30 %	85 %
9.983,46 € and above	35 %	95 %

(The amounts shown are adjustable in line with the basic monthly salaries listed in Article 66 of the Staff Regulations).

**Monthly taxable family income** as referred to in point 8.1 of these guidelines is calculated on the basis of the following definitions:

1) **The official/other servant's taxable salary** is defined as follows:

Basic salary (listed in Article 66 of the Staff Regulations)	€.....
+ secretarial allowance	€.....
– 10 % abatement	€.....
– abatement equal to twice the dependent child allowance	€.....
– social contributions (official's pension, sickness and accident insurance contributions)	€.....
<b>= TAXABLE AMOUNT</b>	<b>€.....</b>

2) **The taxable income of the spouse not working at the Community institutions or the EIB** is defined as follows:

+ the spouse's gross income (salary, pension, etc.)*	€.....
– social contributions (employee's pension, sickness and accident insurance contributions)	€.....
<b>= TAXABLE AMOUNT</b>	<b>€.....</b>

\* For self-employed spouses, the taxable amount to be taken into account is that set by the relevant authority; the amount usually comprises gross income, minus professional costs and social contributions and before deduction of tax.

3) **Other income, allowances, benefits, etc.** referred to in Article 8.1 of the guidelines.

**Supporting documents to be provided for calculating family income:**

- official/other agent's declaration;
- official's salary statement;
- documents relating to income from the spouse's employment (tax certificate, salary slips);
- If the spouse is self-employed: official tax documents issued by the relevant authorities;
- Where appropriate, documents relating to other income, allowances or benefits linked to the disability.