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► **B** **REGULATION No 31 (EEC), 11 (EAEC),**
laying down the Staff Regulations of Officials and the Conditions of Employment of Other
Servants of the European Economic Community and the European Atomic Energy Community

(OJ 45, 14.6.1962, p. 1385)

Amended by:

		Official Journal		
		No	page	date
► <u>M1</u>	Règlement n° 1/63/Euratom du Conseil du 26 février 1963 (*)	35	524	6.3.1963
► <u>M2</u>	Règlement n° 2/63/Euratom du Conseil du 26 février 1963 (*)	35	526	6.3.1963
► <u>M3</u>	Règlement n° 17/63/CEE du Conseil du 26 février 1963 (*)	35	528	6.3.1963
► <u>M4</u>	Regulation No 18/63/EEC of the Council of 26 February 1963	35	529	6.3.1963
► <u>M5</u>	Regulation No 5/64/Euratom of the Council of 10 November 1964	190	2971	21.11.1964
► <u>M6</u>	Regulation No 182/64/EEC of the Council of 10 November 1964	190	2971	21.11.1964
► <u>M7</u>	Règlement n° 2/65/Euratom du Conseil du 11 janvier 1965 (*)	18	242	4.2.1965
► <u>M8</u>	Règlement n° 8/65/CEE du Conseil du 11 janvier 1965 (*)	18	242	4.2.1965
► <u>M9</u>	Regulation No 4/65/Euratom of the Council of 16 March 1965	47	701	24.3.1965
► <u>M10</u>	Regulation No 30/65/EEC of the Council of 16 March 1965	47	701	24.3.1965
► <u>M11</u>	Règlement n° 1/66/Euratom du Conseil du 28 décembre 1965 (*)	31	461	19.2.1966
► <u>M12</u>	Règlement n° 14/66/CEE du Conseil du 28 décembre 1965 (*)	31	461	19.2.1966
► <u>M13</u>	Règlement n° 10/66/Euratom du Conseil du 24 novembre 1966 (*)	225	3814	6.12.1966
► <u>M14</u>	Règlement n° 198/66/CEE du Conseil du 24 novembre 1966 (*)	225	3814	6.12.1966
► <u>M15</u>	Regulation (EEC, Euratom, ECSC) No 259/68 of the Council of 29 February 1968	L 56	1	4.3.1968
► <u>M16</u>	Regulation (Euratom, ECSC, EEC) No 2278/69 of the Council of 13 November 1969	L 289	1	17.11.1969
► <u>M17</u>	Règlement (CECA, CEE, Euratom) n° 95/70 du Conseil du 19 janvier 1970 (*)	L 15	1	21.1.1970
► <u>M18</u>	Regulation (ECSC, EEC, Euratom) No 96/70 of the Council of 19 January 1970	L 15	4	21.1.1970
► <u>M19</u>	Regulation (EEC, Euratom, ECSC) No 16/71 of the Council of 30 December 1970	L 5	1	7.1.1971
► <u>M20</u>	Regulation (EEC, Euratom, ECSC) No 2653/71 of the Council of 11 December 1971	L 276	1	16.12.1971
► <u>M21</u>	Regulation (EEC, Euratom, ECSC) No 2654/71 of the Council of 11 December 1971	L 276	6	16.12.1971
► <u>M22</u>	Regulation (Euratom, ECSC, EEC) No 1369/72 of the Council of 27 June 1972	L 149	1	1.7.1972
► <u>M23</u>	Regulation (Euratom, ECSC, EEC) No 1473/72 of the Council of 30 June 1972	L 160	1	16.7.1972
► <u>M24</u>	Regulation (ECSC, EEC, Euratom) No 2647/72 of the Council of 12 December 1972	L 283	1	20.12.1972
► <u>M25</u>	Regulation (ECSC, EEC, Euratom) No 558/73 of the Council of 26 February 1973	L 55	1	28.2.1973

(*) This act was never published in english.

► <u>M26</u>	Regulation (ECSC, EEC, Euratom) No 2188/73 of the Council of 9 August 1973	L 223	1	11.8.1973
► <u>M27</u>	Regulation (EEC, Euratom, ECSC) No 2/74 of the Council of 28 December 1973	L 2	1	3.1.1974
► <u>M28</u>	Regulation (EEC, Euratom, ECSC) No 3191/74 of the Council of 17 December 1974	L 341	1	20.12.1974
► <u>M29</u>	Regulation (Euratom, ECSC, EEC) No 711/75 of the Council of 18 March 1975	L 71	1	20.3.1975
► <u>M30</u>	Regulation (Euratom, ECSC, EEC) No 1009/75 of the Council of 14 April 1975	L 98	1	19.4.1975
► <u>M31</u>	Regulation (Euratom, ECSC, EEC) No 1601/75 of the Council of 24 June 1975	L 164	1	27.6.1975
► <u>M32</u>	Regulation (Euratom, ECSC, EEC) No 2577/75 of the Council of 7 October 1975	L 263	1	11.10.1975
► <u>M33</u>	Council Regulation (ECSC, EEC, Euratom) No 2615/76 of 21 October 1976	L 299	1	29.10.1976
► <u>M34</u>	Council Regulation (ECSC, EEC, Euratom) No 3177/76 of 21 December 1976	L 359	1	30.12.1976
► <u>M35</u>	Council Regulation (ECSC, EEC, Euratom) No 3178/76 of 21 December 1976	L 359	9	30.12.1976
► <u>M36</u>	Council Regulation (EEC, Euratom, ECSC) No 1376/77 of 21 June 1977	L 157	1	28.6.1977
► <u>M37</u>	Council Regulation (EEC, Euratom, ECSC) No 2687/77 of 5 December 1977	L 314	1	8.12.1977
► <u>M38</u>	Council Regulation (EEC, Euratom, ECSC) No 2859/77 of 19 December 1977	L 330	1	23.12.1977
► <u>M39</u>	Council Regulation (Euratom, ECSC, EEC) No 912/78 of 2 May 1978	L 119	1	3.5.1978
► <u>M40</u>	Council Regulation (Euratom, ECSC, EEC) No 914/78 of 2 May 1978	L 119	8	3.5.1978
► <u>M41</u>	Council Regulation (Euratom, ECSC, EEC) No 2711/78 of 20 November 1978	L 328	1	23.11.1978
► <u>M42</u>	Council Regulation (Euratom, ECSC, EEC) No 3084/78 of 21 December 1978	L 369	1	29.12.1978
► <u>M43</u>	Council Regulation (Euratom, ECSC, EEC) No 3085/78 of 21 December 1978	L 369	6	29.12.1978
► <u>M44</u>	Council Regulation (ECSC, EEC, Euratom) No 2955/79 of 18 December 1979	L 336	1	29.12.1979
► <u>M45</u>	Council Regulation (EEC, Euratom, ECSC) No 160/80 of 21 January 1980	L 20	1	26.1.1980
► <u>M46</u>	Council Regulation (EEC, Euratom, ECSC) No 161/80 of 21 January 1980	L 20	5	26.1.1980
► <u>M47</u>	Council Regulation (Euratom, ECSC, EEC) No 187/81 of 20 January 1981	L 21	18	24.1.1981
► <u>M48</u>	Council Regulation (Euratom, ECSC, EEC) No 397/81 of 10 February 1981	L 46	1	19.2.1981
► <u>M49</u>	Council Regulation (Euratom, ECSC, EEC) No 2780/81 of 22 September 1981	L 271	1	26.9.1981
► <u>M50</u>	Council Regulation (Euratom, ECSC, EEC) No 3821/81 of 15 December 1981	L 386	1	31.12.1981
► <u>M51</u>	Council Regulation (ECSC, EEC, Euratom) No 371/82 of 15 February 1982	L 47	8	19.2.1982
► <u>M52</u>	Council Regulation (ECSC, EEC, Euratom) No 372/82 of 15 February 1982	L 47	13	19.2.1982
► <u>M53</u>	Council Regulation (ECSC, EEC, Euratom) No 3139/82 of 22 November 1982	L 331	1	26.11.1982
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► <u>M56</u>	Council Regulation (EEC, Euratom, ECSC) No 2074/83 of 21 July 1983	L 203	1	27.7.1983

► <u>M57</u>	Council Regulation (EEC, Euratom, ECSC) No 3647/83 of 19 December 1983	L 361	1	24.12.1983
► <u>M58</u>	Council Regulation (ECSC, EEC, Euratom) No 419/85 of 18 February 1985	L 51	1	21.2.1985
► <u>M59</u>	Council Regulation (ECSC, EEC, Euratom) No 420/85 of 18 February 1985	L 51	6	21.2.1985
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► <u>M67</u>	Council Regulation (Euratom, ECSC, EEC) No 3019/87 of 5 October 1987	L 286	3	9.10.1987
► <u>M68</u>	Council Regulation (Euratom, ECSC, EEC) No 3212/87 of 20 October 1987	L 307	1	29.10.1987
► <u>M69</u>	Council Regulation (Euratom, ECSC, EEC) No 3784/87 of 14 December 1987	L 356	1	18.12.1987
► <u>M70</u>	Council Regulation (ECSC, EEC, Euratom) No 2338/88 of 25 July 1988	L 204	1	29.7.1988
► <u>M71</u>	Council Regulation (ECSC, EEC, Euratom) No 2339/88 of 25 July 1988	L 204	5	29.7.1988
► <u>M72</u>	Council Regulation (ECSC, EEC, Euratom) No 3982/88 of 19 December 1988	L 354	1	22.12.1988
► <u>M73</u>	Council Regulation (EEC, Euratom, ECSC) No 2187/89 of 18 July 1989	L 209	1	21.7.1989
► <u>M74</u>	Council Regulation (EEC, Euratom, ECSC) No 3728/89 of 11 December 1989	L 364	1	14.12.1989
► <u>M75</u>	Council Regulation (Euratom, ECSC, EEC) No 2258/90 of 27 July 1990	L 204	1	2.8.1990
► <u>M76</u>	Council Regulation (Euratom, ECSC, EEC) No 3736/90 of 19 December 1990	L 360	1	22.12.1990
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► <u>M78</u>	Council Regulation (ECSC, EEC, Euratom) No 3830/91 of 19 December 1991	L 361	1	31.12.1991
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► <u>M82</u>	Council Regulation (ECSC, EEC, Euratom) No 3834/91 of 19 December 1991	L 361	13	31.12.1991
► <u>M83</u>	Council Regulation (EEC, Euratom, ECSC) No 571/92 of 2 March 1992	L 62	1	7.3.1992
► <u>M84</u>	Council Regulation (EEC, Euratom, ECSC) No 3761/92 of 21 December 1992	L 383	1	29.12.1992
► <u>M85</u>	Council Regulation (EEC, Euratom, ECSC) No 3947/92 of 21 December 1992	L 404	1	31.12.1992
► <u>M86</u>	Council Regulation (Euratom, ECSC, EC) No 3608/93 of 20 December 1993	L 328	1	29.12.1993
► <u>M87</u>	Council Regulation (ECSC, EC, Euratom) No 3161/94 of 19 December 1994	L 335	1	23.12.1994

► <u>M88</u>	Council Regulation (EC, Euratom, ECSC) No 2963/95 of 18 December 1995	L 310	1	22.12.1995
► <u>M89</u>	Council Regulation (Euratom, ECSC, EC) No 1354/96 of 8 July 1996	L 175	1	13.7.1996
► <u>M90</u>	Council Regulation (Euratom, ECSC, EC) No 2485/96 of 20 December 1996	L 338	1	28.12.1996
► <u>M91</u>	Council Regulation (ECSC, EC, Euratom) No 2192/97 of 30 October 1997	L 301	5	5.11.1997
► <u>M92</u>	Council Regulation (ECSC, EC, Euratom) No 2591/97 of 18 December 1997	L 351	1	23.12.1997
► <u>M93</u>	Council Regulation (EC, ECSC, Euratom) No 781/98 of 7 April 1998	L 113	4	15.4.1998
► <u>M94</u>	Council Regulation (EC, ECSC, Euratom) No 2458/98 of 12 November 1998	L 307	1	17.11.1998
► <u>M95</u>	Council Regulation (EC, ECSC, Euratom) No 2594/98 of 27 November 1998	L 325	1	3.12.1998
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► <u>M98</u>	Council Regulation (EC, ECSC, Euratom) No 620/1999 of 22 March 1999	L 78	1	24.3.1999
► <u>M99</u>	Council Regulation (EC, ECSC, Euratom) No 1238/1999 of 14 June 1999	L 150	1	17.6.1999
► <u>M100</u>	Council Regulation (EC, ECSC, Euratom) No 2700/1999 of 17 December 1999	L 327	1	21.12.1999
► <u>M101</u>	Council Regulation (EC, ECSC, Euratom) No 212/2000 of 24 January 2000	L 24	1	29.1.2000
► <u>M102</u>	Council Regulation (EC, ECSC, Euratom) No 628/2000 of 20 March 2000	L 76	1	25.3.2000
► <u>M103</u>	Council Regulation (EC, ECSC, Euratom) No 2804/2000 of 18 December 2000	L 326	3	22.12.2000
► <u>M104</u>	Council Regulation (EC, ECSC, Euratom) No 2805/2000 of 18 December 2000	L 326	7	22.12.2000
► <u>M105</u>	Council Regulation (EC, ECSC, Euratom) No 1986/2001 of 8 October 2001	L 271	1	12.10.2001
► <u>M106</u>	Council Regulation (EC, ECSC, Euratom) No 2581/2001 of 17 December 2001	L 345	1	29.12.2001
► <u>M107</u>	Council Regulation (EC, ECSC, Euratom) No 490/2002 of 18 March 2002	L 77	1	20.3.2002
► <u>M108</u>	Council Regulation (EC, Euratom) No 2265/2002 of 16 December 2002	L 347	1	20.12.2002
► <u>M109</u>	Council Regulation (EC, Euratom) No 2148/2003 of 5 December 2003	L 323	1	10.12.2003
► <u>M110</u>	Council Regulation (EC, Euratom) No 2181/2003 of 8 December 2003	L 327	1	16.12.2003
► <u>M111</u>	Council Regulation (EC, Euratom) No 2182/2003 of 8 December 2003	L 327	3	16.12.2003
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► <u>M113</u>	Council Regulation (EC, Euratom) No 23/2005 of 20 December 2004	L 6	1	8.1.2005
► <u>M114</u>	Council Regulation (EC, Euratom) No 31/2005 of 20 December 2004	L 8	1	12.1.2005
► <u>M115</u>	Council Regulation (EC, Euratom) No 1972/2005 of 29 November 2005	L 317	1	3.12.2005
► <u>M116</u>	Council Regulation (EC, Euratom) No 2104/2005 of 20 December 2005	L 337	7	22.12.2005
► <u>M117</u>	Council Regulation (EC, Euratom) No 1066/2006 of 27 June 2006	L 194	1	14.7.2006
► <u>M118</u>	Council Regulation (EC, Euratom) No 1895/2006 of 19 December 2006	L 397	6	30.12.2006
► <u>M119</u>	Council Regulation (EC, Euratom) No 337/2007 of 27 March 2007	L 90	1	30.3.2007
► <u>M120</u>	Council Regulation (EC, Euratom) No 1558/2007 of 17 December 2007	L 340	1	22.12.2007
► <u>M121</u>	Council Regulation (EC, Euratom) No 420/2008 of 14 May 2008	L 127	1	15.5.2008

► <u>M122</u>	Council Regulation (EC, Euratom) No 1323/2008 of 18 December 2008	L 345	10	23.12.2008
► <u>M123</u>	Council Regulation (EC, Euratom) No 1324/2008 of 18 December 2008	L 345	17	23.12.2008
► <u>M124</u>	Council Regulation (EC) No 160/2009 of 23 February 2009	L 55	1	27.2.2009
► <u>M125</u>	Council Regulation (EU, Euratom) No 1295/2009 of 22 December 2009	L 348	9	29.12.2009
► <u>M126</u>	Council Regulation (EU, Euratom) No 1296/2009 of 23 December 2009	L 348	10	29.12.2009
► <u>M127</u>	amended by Council Regulation (EU, Euratom) No 1190/2010 of 13 December 2010	L 333	1	17.12.2010
► <u>M128</u>	Regulation (EU, Euratom) No 1080/2010 of the European Parliament and of the Council of 24 November 2010	L 311	1	26.11.2010
► <u>M129</u>	Council Regulation (EU) No 1239/2010 of 20 December 2010	L 338	1	22.12.2010
► <u>M130</u>	Council Regulation (EU) No 1240/2010 of 20 December 2010	L 338	7	22.12.2010
► <u>M131</u>	Regulation (EU, Euratom) No 1023/2013 of the European Parliament and of the Council of 22 October 2013	L 287	15	29.10.2013

Corrected by:

- **C1** Consolidated text of corrigenda to instruments published in Special Editions 1952-72, p. 4 (31/62)
- **C2** Consolidated text of corrigenda to instruments published in Special Editions 1952-72, p. 100 (1473/72)
- **C3** Consolidated text of corrigenda to instruments published in Special Editions 1952-72, p. 106 (2647/72)
- **C4** Corrigendum, OJ L 52, 24.2.1977, p. 45 (3177/76)
- **C5** Corrigendum, OJ L 214, 4.8.1978, p. 24 (912/78)
- **C6** Corrigendum, OJ L 168, 6.7.1979, p. 43 (3085/78)
- **C7** Corrigendum, OJ L 130, 16.5.1981, p. 26 (187/81)
- **C8** Corrigendum, OJ L 130, 16.5.1981, p. 26 (397/81)
- **C9** Corrigendum, OJ L 370, 31.12.1983, p. 64 (3647/83)
- **C10** Corrigendum, OJ L 122, 18.5.1993, p. 47 (3947/92)
- **C11** Corrigendum, OJ L 77, 6.4.1995, p. 38 (3947/92)
- **C12** Corrigendum, OJ L 11, 17.1.1998, p. 45 (2591/97)
- **C13** Corrigendum, OJ L 51, 24.2.2005, p. 28 (723/2004)
- **C14** Corrigendum, OJ L 248, 22.9.2007, p. 26 (31/62)
- **C15** Corrigendum, OJ L 248, 22.9.2007, p. 27 (558/73)
- **C16** Corrigendum, OJ L 248, 22.9.2007, p. 26 (723/2004)
- **C17** Corrigendum, OJ L 248, 22.9.2007, p. 27 (1473/72)
- **C18** Corrigendum, OJ L 130, 17.5.2012, p. 24 (723/2004)

▼B**REGULATION No 31 (EEC), 11 (EAEC),****laying down the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Economic Community and the European Atomic Energy Community**

THE COUNCIL OF THE EUROPEAN ECONOMIC COMMUNITY,

THE COUNCIL OF THE EUROPEAN ATOMIC ENERGY COMMUNITY,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 179, 212 and 215 thereof;

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Articles 152, 186 and 188 thereof;

Having regard to the Protocol on the Privileges and Immunities of the European Economic Community, and in particular Articles 6 and 14 thereof;

Having regard to the Protocol on the Privileges and Immunities of the European Atomic Energy Community, and in particular Articles 6 and 14 thereof;

Having regard to the proposals submitted by the Commissions in accordance with Article 14 of the Protocols on the Privileges and Immunities of the European Economic Community and of the European Atomic Energy Community;

Having regard to the Opinion of the European Parliament;

Having regard to the Opinion of the Court of Justice of the European Communities;

Whereas it is for the Councils, acting unanimously, in co-operation with the Commissions and after consulting the other institutions concerned, to lay down the Staff Regulations of officials and the Conditions of Employment of other servants of the European Economic Community and the European Atomic Energy Community;

Whereas those Staff Regulations and Conditions of Employment should be such as to secure for the Communities the services of staff of the highest standard of independence, ability, efficiency and integrity, recruited on the broadest possible geographical basis from among nations of Member States of the Communities, and at the same time to enable such staff to discharge their duties in conditions which will ensure maximum efficiency;

HAS ADOPTED THIS REGULATION:

Sole Article

The Staff Regulations of officials and the Conditions of Employment of other servants of the European Economic Community and the European Atomic Energy Community are laid down in the Annex, which forms an integral part of this Regulation.

▼B

This Regulation shall enter into force on 1 January 1962.

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

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TITLE I

GENERAL PROVISIONS

▼ **M112***Article 1*

These Staff Regulations shall apply to officials of the ► **M128** Union ◀.

Article 1a

1. For the purposes of these Staff Regulations, ‘official of the ► **M128** Union ◀’ means any person who has been appointed, as provided for in these Staff Regulations, to an established post on the staff of one of the institutions of the ► **M128** Union ◀ by an instrument issued by the Appointing Authority of that institution.

2. This definition in paragraph 1 shall also apply to persons appointed by ► **M128** Union ◀ bodies to whom these Staff Regulations apply under the ► **M128** Union ◀ acts establishing them (hereinafter ‘agencies’). Any references to ‘institutions’ in these Staff Regulations shall apply to agencies, save as otherwise provided in these Staff Regulations.

Article 1b

Save as otherwise provided in these Staff Regulations,

▼ **M128**

(a) the European External Action Service (hereinafter referred to as the EEAS),

▼ **M112**

► **M128** (b) ◀ the European Economic and Social Committee,

► **M128** (c) ◀ the Committee of the Regions,

► **M128** (d) ◀ the European Ombudsman, and

► **M128** (e) ◀ the European Data Protection Supervisor

shall, for the purposes of these Staff Regulations, be treated as institutions of the ► **M128** Union ◀.

Article 1c

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

▼ **M93***Article ► **M112** 1d ◀*▼ **M112**

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

▼ M112

For the purposes of these Staff Regulations, non-marital partnerships shall be treated as marriage provided that all the conditions listed in Article 1(2)(c) of Annex VII are fulfilled.

▼ M193

2. With a view to ensuring ensure full equality in practice between men and women in working life ► **M112** , which shall be an essential element to be considered in the implementation of all aspects of these Staff Regulations ◀, the principle of equal treatment shall not prevent the institutions of the ► **M128** European Union ◀ from maintaining or adopting measures providing for specific advantages in order to make it easier for the under-represented sex to pursue a vocational activity or to prevent or compensate for disadvantages in professional careers.

3. The ► **M131** appointing authorities of the institutions ◀ shall determine, by agreement, after consulting the Staff Regulations Committee, measures and actions to promote equal opportunities for men and women in the areas covered by these Staff Regulations, and shall adopt the appropriate provisions notably to redress such *de facto* inequalities as hamper opportunities for women in these areas.

▼ M131

4. For the purposes of paragraph 1, a person has a disability if he has a long-term physical, mental, intellectual or sensory impairment which, in interaction with various barriers, may hinder his full and effective participation in society on an equal basis with others. The impairment shall be determined in accordance with the procedure set out in Article 33.

A person with a disability meets the conditions laid down in point (e) of Article 28 if he can perform the essential functions of the job when reasonable accommodation is made.

‘Reasonable accommodation’, in relation to the essential functions of the job, shall mean appropriate measures, where needed, to enable a person with a disability to have access to, participate in, or advance in employment, or to undergo training, unless such measures would impose a disproportionate burden on the employer.

The principle of equal treatment shall not prevent the appointing authorities of the institutions from maintaining or adopting measures providing for specific advantages in order to make it easier for persons with disabilities to pursue a vocational activity or in order to prevent or compensate for disadvantages in their professional careers.

▼ M112

5. Where persons covered by these Staff Regulations, who consider themselves wronged because the principle of equal treatment as set out above has not been applied to them, establish facts from which it may be presumed that there has been direct or indirect discrimination, the onus shall be on the institution to prove that there has been no breach of the principle of equal treatment. This provision shall not apply in disciplinary proceedings.

6. While respecting the principle of non-discrimination and the principle of proportionality, any limitation of their application must be justified on objective and reasonable grounds and must be aimed at legitimate objectives in the general interest in the framework of staff policy. Such objectives may in particular justify stipulating a mandatory retirement age and a minimum age for drawing a retirement pension.

▼ **M112***Article 1e*▼ **M131**

1. Officials in active employment shall have access to measures of a social nature, including specific measures to reconcile working life with family life, adopted by the institutions, and to services provided by the social welfare bodies referred to in Article 9. Former officials may have access to limited specific measures of a social nature.

▼ **M112**

2. Officials in active employment shall be accorded working conditions complying with appropriate health and safety standards at least equivalent to the minimum requirements applicable under measures adopted in these areas pursuant to the Treaties.

3. Measures of a social nature adopted in accordance with this Article shall be implemented by each institution in close cooperation with the Staff Committee, on the basis of multi-annual proposed actions. These proposed actions shall be transmitted each year to the budgetary authority in the framework of the budget procedure.

▼ **B***Article 2*

► **M112** 1. ◀ Each institution shall determine who within it shall exercise the powers conferred by these Staff Regulations on the appointing authority.

▼ **M112**

2. However, one or more institutions may entrust to any one of them or to an inter-institutional body the exercise of some or all of the powers conferred on the Appointing Authority other than decisions relating to appointments, promotions or transfers of officials.

▼ **B***Article 3*

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

Article 4

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

Vacant posts in an institution shall be notified to the staff of that institution once the appointing authority decides that the vacancy is to be filled.

▼ **M112**

If the vacancy cannot be filled by transfer, appointment to a post in accordance with Article 45a or promotion, it shall be notified to the staff of the other institutions, and/or an internal competition shall be organised.

▼ **M112***Article 5*▼ **M131**

1. The posts covered by the Staff Regulations shall be classified, according to the nature and importance of the duties to which they relate, in an administrators' function group (hereinafter 'AD'), an assistants' function group (hereinafter 'AST') and a secretaries and clerks' function group (hereinafter 'AST/SC').

2. Function group AD shall comprise twelve grades, corresponding to managerial, conceptual and analytical as well as to linguistic and scientific duties. Function group AST shall comprise eleven grades, corresponding to executive and technical duties. Function group AST/SC shall comprise six grades, corresponding to clerical and secretarial duties.

▼ **M112**

3. Appointment shall require at least:

(a) in function group AST ► **M131** and function group AST/SC ◄:

- (i) a level of post-secondary education attested by a diploma, or
- (ii) a level of secondary education attested by a diploma giving access to post-secondary education, and appropriate professional experience of at least three years, or
- (iii) where justified in the interests of the service, professional training or professional experience of an equivalent level.

(b) in function group AD for grades 5 and 6:

- (i) a level of education which corresponds to completed university studies of at least three years attested by a diploma, or
- (ii) where justified in the interest of the service, professional training of an equivalent level.

(c) in function group AD for grades 7 to 16:

- (i) a level of education which corresponds to completed university studies attested by a diploma when the normal period of university education is four years or more, or
- (ii) a level of education which corresponds to completed university studies attested by a diploma and appropriate professional experience of at least one year when the normal period of university education is at least three years, or
- (iii) where justified in the interests of the service, professional training of an equivalent level.

▼ **M131**

4. A table showing types of posts is given in Annex I, Section A. By reference to that table, the appointing authority of each institution may define in more detail the duties and powers attaching to each type of post after consulting the Staff Regulations Committee.

▼ **M112**

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

▼ **M131***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, that 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. Those rates shall be applied on a five-year average basis as from 1 January 2014.
3. The rates laid down in Annex I, Section B, shall form part of the report referred to in Article 113.
4. The implementation of the provisions concerning function group AST/SC and of the transitional provisions laid down in Article 31 of Annex XIII, taking into account the evolution of the need for staff carrying out secretarial and clerical tasks in all institutions and the evolution of permanent and temporary posts in function groups AST and AST/SC, shall form part of the report referred to in Article 113.

▼ **M112***Article 7*

1. The Appointing Authority shall, acting solely in the interest of the service and without regard to nationality, assign each official by appointment or transfer to a post in his function group which corresponds to his grade.

An official may apply for a transfer within his institution.

2. An official may be called upon to occupy temporarily a post in a grade in his function group which is higher than his substantive grade. From the beginning of the fourth month of such temporary posting, he shall receive a differential allowance equal to the difference between the remuneration carried by his substantive grade and step, and the remuneration he would receive in respect of the step at which he would be classified if he were appointed to the grade of his temporary posting.

The duration of a temporary posting shall not exceed one year, except where, directly or indirectly, the posting is to replace an official who is seconded to another post in the interests of the service, called up for military service or absent on protracted sick leave.

▼ **B***Article 8*

An official seconded to another institution of the ► **M128** European Union ◀ may, after a period of six months apply to be transferred to that institution.

If the parent institution of the official and the institution to which he has been seconded both consent, to the transfer, the official shall be deemed to have served his entire service career in the ► **M128** Union ◀ in the latter institution. He shall not receive by virtue of such transfer any of the financial benefits which an official is entitled to receive under these Staff Regulations on termination of service with one of the institutions of the ► **M128** Union ◀.

If the decision granting the application involves establishment in a grade higher than that occupied in the parent institution, this shall count as promotion; such decision may be taken only in accordance with the terms of Article 45.

▼B*Article 9***▼M131**

1. Without prejudice to paragraph 1a, 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.

1a. 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.

▼B

2. The composition and procedure of these bodies shall be determined by each institution in accordance with the provisions of Annex II.

▼M131

The agencies may derogate from the provisions of Article 1 of Annex II regarding membership of Staff Committees to take into account the composition of their personnel. The agencies may decide not to appoint alternate members in the Joint Committee or Committees provided for in Article 2 of Annex II.

▼M112

The staff of the institution shall be notified of the list of members of these bodies.

▼B

3. The Staff Committee shall represent the interests of the staff vis-à-vis their institution and maintain continuous contact between the institution and the staff. It shall contribute to the smooth running of the service by providing a channel for the expression of opinion by the staff.

It shall bring to the notice of the competent bodies of the institution any difficulty having general implications concerning the interpretation and application of these Staff Regulations. It may be consulted on any difficulty of this kind.

The Committee shall submit to the competent bodies of the institution suggestions concerning the organisation and operation of the service and proposals for the improvement of staff working conditions or general living conditions.

▼B

The Committee shall participate in the management and supervision of social welfare bodies set up by the institution in the interests of its staff. It may, with the consent of the institution, set up such welfare services.

4. In addition to the functions assigned to them by these Staff Regulations, the Joint Committee or Committees may be consulted by the appointing authority or by the Staff Committee on questions of a general nature which either of the latter thinks fit to submit.

▼M112

5. The opinion of the Reports Committee shall be sought:

- (a) on action following completion of probationary service; and
- (b) on the selection of staff to be affected by any reduction in the establishment.

It may be instructed by the Appointing Authority to ensure that the periodic reports on staff members are made in a uniform manner within the institution.

6. The opinion of the Joint Advisory Committee on professional incompetence shall be sought for the application of Article 51.

Article 10

A Staff Regulations Committee shall be set up consisting of representatives of the institutions of the ►**M128** Union ◀ and an equal number of representatives of their Staff Committees. The procedure for appointing members of the Staff Regulations Committee shall be decided by common accord of the ►**M131** appointing authorities of the institutions ◀. The agencies shall be jointly represented in accordance with rules to be fixed by agreement between them and the Commission.

The Committee shall be consulted by the Commission on all proposals to revise the Staff Regulations; it shall deliver its opinion within the time set by the Commission. In addition to the functions conferred upon the Committee by these Staff Regulations, it may put forward suggestions for revising the Staff Regulations. The Committee shall meet at the request of its Chairman, an institution or the staff committee of an institution.

Minutes of the meetings of the Committee shall be communicated to the appropriate bodies.

▼M23*Article 10a*

The institution shall prescribe the periods within which the Staff Committee, the Joint Committee or the Staff Regulations Committee must deliver opinions requested of them; these periods shall not be less than fifteen working days. If no opinion has been delivered within the period prescribed the institution shall take its decision.

▼M112*Article 10b*

The trade unions and staff associations referred to in Article 24b shall act in the general interest of the staff, without prejudice to the statutory powers of the staff committees.

▼ M112

The Commission proposals referred to in Article 10 may be the subject of consultations by representative trade unions and staff associations.

Article 10c

Each institution may conclude agreements concerning its staff with its representative trade unions and staff associations. Such agreements may not entail amendment of the Staff Regulations or any budgetary commitments, nor may they affect the working of the institution concerned. The representative trade unions and staff associations which are signatories shall operate in each institution subject to the statutory powers of the staff committee.

▼ B

TITLE II

RIGHTS AND OBLIGATIONS OF OFFICIALS

▼ M131*Article 11*

An official shall carry out his duties and conduct himself solely with the interests of the Union in mind. He shall neither seek nor take instructions from any government, authority, organisation or person outside his institution. He shall carry out the duties assigned to him objectively, impartially and in keeping with his duty of loyalty to the Union.

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

Before recruiting an official, the appointing authority shall examine whether the candidate has any personal interest such as to impair his independence or any other conflict of interest. To that end, the candidate, using a specific form, shall inform the appointing authority of any actual or potential conflict of interest. In such cases, the appointing authority shall take this into account in a duly reasoned opinion. If necessary, the appointing authority shall take the measures referred to in Article 11a(2).

This Article shall apply by analogy to officials returning from leave on personal grounds.

▼ M112*Article 11a*

1. An official shall not, in the performance of his duties and save as hereinafter provided, deal with a matter in which, directly or indirectly, he has any personal interest such as to impair his independence, and, in particular, family and financial interests.

2. Any official to whom it falls, in the performance of his duties, to deal with a matter referred to above shall immediately inform the Appointing Authority. The Appointing Authority shall take any appropriate measure, and may in particular relieve the official from responsibility in this matter.

▼ **M112**

3. An official may neither keep nor acquire, directly or indirectly, in undertakings which are subject to the authority of the institution to which he belongs or which have dealings with that institution, any interest of such kind or magnitude as might impair his independence in the performance of his duties.

Article 12

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

Article 12a

1. Officials shall refrain from any form of psychological or sexual harassment.

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

3. ‘Psychological harassment’ means any improper conduct that takes place over a period, is repetitive or systematic and involves physical behaviour, spoken or written language, gestures or other acts that are intentional and that may undermine the personality, dignity or physical or psychological integrity of any person.

4. ‘Sexual harassment’ means conduct relating to sex which is unwanted by the person to whom it is directed and which has the purpose or effect of offending that person or creating an intimidating, hostile, offensive or disturbing environment. Sexual harassment shall be treated as discrimination based on gender.

Article 12b

1. Subject to Article 15, an official wishing to engage in an outside activity, whether paid or unpaid, or to carry out any assignment outside the ► **M128** Union ◀, shall first obtain the permission of the Appointing Authority. Permission shall be refused only if the activity or assignment in question is such as to interfere with the performance of the official's duties or is incompatible with the interests of the institution.

2. An official shall notify the Appointing Authority of any changes in a permitted outside activity or assignment, which occur after the official has sought the permission of the Appointing Authority under paragraph 1. Permission may be withdrawn if the activity or assignment no longer meets the conditions referred to in the last sentence of paragraph 1.

▼ **B***Article 13*

If the spouse of an official is in gainful employment, the official shall inform the appointing authority of his institution. Should the nature of the employment prove to be incompatible with that of the official and if the official is unable to give an undertaking that it will cease within a specified period, the appointing authority shall, after consulting the Joint Committee, decide whether the official shall ► **M112** continue in his post or be transferred to another post. ◀

▼ M112*Article 15*

1. An official who intends to stand for public office shall notify the Appointing Authority. The Appointing Authority shall decide, in the light of the interests of the service, whether the official concerned:

- (a) should be required to apply for leave on personal grounds, or
- (b) should be granted annual leave, or
- (c) may be authorised to discharge his duties on a part-time basis, or
- (d) may continue to discharge his duties as before.

2. An official elected or appointed to public office shall immediately inform the Appointing Authority. The Appointing Authority shall, having regard to the interests of the service, the importance of the office, the duties it entails and the remuneration and reimbursement of expenses incurred in carrying out those duties, take one of the decisions referred to in paragraph 1. If the official is required to take leave on personal grounds or is authorised to discharge his duties on a part-time basis, the period of such leave or part-time working shall correspond to the official's term of office.

▼ M131*Article 16*

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

Officials intending to engage in an occupational activity, whether gainful or not, within two years of leaving the service shall inform their institution thereof using a specific form. If that activity is related to the work carried out by the official during the last three years of service and could lead to a conflict with the legitimate interests of the institution, the appointing authority may, having regard to the interests of the service, either forbid him from undertaking it or give its approval subject to any conditions it thinks fit. The appointing authority shall, after consulting the Joint Committee, notify its decision within 30 working days of being so informed. If no such notification has been made by the end of that period, this shall be deemed to constitute implicit acceptance.

In the case of former senior officials as defined in implementing measures, the appointing authority shall, in principle, prohibit them, during the 12 months after leaving the service, from engaging in lobbying or advocacy vis-à-vis staff of their former institution for their business, clients or employers on matters for which they were responsible during the last three years in the service.

In compliance with Regulation (EC) No 45/2001 of the European Parliament and of the Council ⁽¹⁾, each institution shall publish annually information on the implementation of the third paragraph, including a list of the cases assessed.

⁽¹⁾ Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (OJ L 8, 12.1.2001, p. 1).

▼ **M112***Article 17*

1. An official shall refrain from any unauthorised disclosure of information received in the line of duty, unless that information has already been made public or is accessible to the public.
2. An official shall continue to be bound by this obligation after leaving the service.

Article 17a

1. An official has the right to freedom of expression, with due respect to the principles of loyalty and impartiality.
2. Without prejudice to Articles 12 and 17, an official who intends to publish or cause to be published, whether alone or with others, any matter dealing with the work of the ► **M128** Union ◀ shall inform the Appointing Authority in advance.

Where the Appointing Authority is able to demonstrate that the matter is liable seriously to prejudice the legitimate interests of the ► **M128** Union ◀, the Appointing Authority shall inform the official of its decision in writing within 30 working days of receipt of the information. If no such decision is notified within the specified period, the Appointing Authority shall be deemed to have had no objections.

Article 18▼ **M131**

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 where such writings or work relate to its activities or, where such writings or work relate to activities of the European Atomic Energy Community, the 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.

▼ **M112**

2. Any invention made by an official in the course of or in connection with the performance of his duties shall be the undisputed property of the ► **M128** Union ◀. The institution may, at its own expense and on behalf of the ► **M128** Union ◀, apply for and obtain patents therefor in all countries. Any invention relating to the work of the ► **M128** Union ◀ made by an official during the year following the expiration of his term of duty shall, unless proved otherwise, be deemed to have been made in the course of or in connection with the performance of his duties. Where inventions are the subject of patents, the name of the inventor or inventors shall be stated.
3. The institution may in appropriate cases award a bonus, the amount of which shall be determined by the institution, to an official who is the author of a patented invention.

▼ **M131***Article 19*

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

▼ M131

The provisions of the first paragraph shall not apply to an official or former official giving evidence before the Court of Justice of the European Union or before the Disciplinary Board of an institution on a matter concerning a servant or former servant of the European Union.

▼ B*Article 20*

An official shall reside either in the place where he is employed or at no greater distance there from as is compatible with the proper performance of his duties. ► **M112** The official shall notify the Appointing Authority of his address and inform it immediately of any change of address. ◀

Article 21

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

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

▼ M112*Article 21a*

1. An official who receives orders which he considers to be irregular or likely to give rise to serious difficulties shall inform his immediate superior, who shall, if the information is given in writing, reply in writing. Subject to paragraph 2, if the immediate superior confirms the orders and the official believes that such confirmation does not constitute a reasonable response to the grounds of his concern, the official shall refer the question in writing to the hierarchical authority immediately above. If the latter confirms the orders in writing, the official shall carry them out unless they are manifestly illegal or constitute a breach of the relevant safety standards.

2. If the immediate superior considers that the orders must be executed promptly, the official shall carry them out unless they are manifestly illegal or constitute a breach of the relevant safety standards. At the request of the official, the immediate superior shall be obliged to give such orders in writing.

▼ M131

3. An official who informs his superiors of orders which he considered to be irregular or likely to give rise to serious difficulties shall not suffer any prejudice on that account.

▼ B*Article 22*

An official may be required to make good, in whole or in part, any damage suffered by the ► **M128** Union ◀ as a result of serious misconduct on his part in the course of or in connection with the performance of his duties.

▼B

A reasoned decision shall be given by the appointing authority in accordance with the procedure laid down in regard to disciplinary matters.

The Court of Justice of the ►**M128** European Union ◀ shall have unlimited jurisdiction in disputes arising under this provision.

▼M112*Article 22a*

1. Any official who, in the course of or in connection with the performance of his duties, becomes aware of facts which give rise to a presumption of the existence of possible illegal activity, including fraud or corruption, detrimental to the interests of the ►**M128** Union ◀, or of conduct relating to the discharge of professional duties which may constitute a serious failure to comply with the obligations of officials of the ►**M128** Union ◀, shall without delay inform either his immediate superior or his Director-General or, if he considers it useful, the Secretary-General, or the persons in equivalent positions, or the European Anti-Fraud Office (OLAF) direct.

Information mentioned in the first subparagraph shall be given in writing.

This paragraph shall also apply in the event of serious failure to comply with a similar obligation on the part of a Member of an institution or any other person in the service of or carrying out work for an institution.

2. Any official receiving the information referred to in paragraph 1 shall without delay transmit to OLAF any evidence of which he is aware from which the existence of the irregularities referred to in paragraph 1 may be presumed.

3. An official shall not suffer any prejudicial effects on the part of the institution as a result of having communicated the information referred to in paragraphs 1 and 2, provided that he acted reasonably and honestly.

4. Paragraphs 1 to 3 shall not apply to documents, deeds, reports, notes or information in any form whatsoever held for the purposes of, or created or disclosed to the official in the course of, proceedings in legal cases, whether pending or closed.

Article 22b

1. An official who further discloses information as defined in Article 22a to the President of the Commission or of the Court of Auditors or of the Council or of the European Parliament, or to the European Ombudsman, shall not suffer any prejudicial effects on the part of the institution to which he belongs provided that both of the following conditions are met:

- (a) the official honestly and reasonably believes that the information disclosed, and any allegation contained in it, are substantially true; and
- (b) the official has previously disclosed the same information to OLAF or to his own institution and has allowed OLAF or that institution the period of time set by the Office or the institution, given the complexity of the case, to take appropriate action. The official shall be duly informed of that period of time within 60 days.

▼ M112

2. The period referred to in paragraph 1 shall not apply where the official can demonstrate that it is unreasonable having regard to all the circumstances of the case.

3. Paragraphs 1 and 2 shall not apply to documents, deeds, reports, notes or information in any form whatsoever held for the purposes of, or created or disclosed to the official in the course of, proceedings in legal cases, whether pending or closed.

▼ M131*Article 22c*

In accordance with Articles 24 and 90, each institution shall put in place a procedure for the handling of complaints made by officials concerning the way in which they were treated after or in consequence of the fulfilment by them of their obligations under Article 22a or 22b. The institution concerned shall ensure that such complaints are handled confidentially and, where warranted by the circumstances, before the expiry of the deadlines set out in Article 90.

The appointing authority of each institution shall lay down internal rules on *inter alia*:

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

▼ B*Article 23*

The privileges and immunities enjoyed by officials are accorded solely in the interests of the ► **M128** Union ◀. Subject ► **M15** to the Protocol on ◀ Privileges and Immunities, officials shall not be exempt from fulfilling their private obligations or from complying with the laws and police regulations in force.

When privileges and immunities are in dispute, the official concerned shall immediately inform the appointing authority.

▼ M128

The laissez-passer provided for in the Protocol on Privileges and Immunities shall be issued to heads of unit, to officials in grade AD12 to AD16, to officials serving outside the territory of the European Union and to other officials for whom this is required in the interest of the service.

▼ B*Article 24*

► **M15** The ► **M128** Union ◀ shall assist any official ◀, in particular in proceedings against any person perpetrating threats, insulting or defamatory acts or utterances, or any attack to person or property to which he or a member of his family is subjected by reason of his position or duties.

▼ B

► **M15** It shall jointly and severally compensate ◀ the official for damage suffered in such cases, in so far as the official did not either intentionally or through grave negligence cause damage and has been unable to obtain compensation from the person who did cause it.

*Article ► **M112** 24a ◀***▼ M23**

► **M112** The ► **M128** Union ◀ ◀ shall facilitate such further training and instruction for officials as is compatible with the proper functioning of the service and is in accordance with its own interests.

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

*Article ► **M112** 24b ◀*

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

▼ B*Article 25***▼ M112**

Officials may submit requests concerning issues covered by these Staff Regulations to the Appointing Authority of their institution.

▼ B

Any decision relating to a specific individual which is taken under these Staff Regulations shall at once be communicated in writing to the official concerned. ► **C1** Any decision adversely affecting an official shall state the grounds on which it is based. ◀

▼ M112

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

▼ B*Article 26*

The personal file of an official shall contain:

- (a) all documents concerning his administrative status and all reports relating to his ability, efficiency and conduct;
- (b) any comments by the official on such documents.

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

▼ B

The communication of any document to an official shall be evidenced by his signing it or, failing that, shall be effected by registered letter ► **M112** to the last address communicated by the official ◀.

▼ M112

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

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

▼ B

There shall be only one personal file for each official.

An official shall have the right, even after leaving the service, to acquaint himself with all the documents in his file ► **M112** and to take copies of them ◀.

The personal file shall be confidential and may be consulted only in the offices of the administration ► **M112** or on a secure electronic medium ◀. It shall, however, be forwarded to the Court of Justice of the ► **M128** European Union ◀ if an action concerning the official is brought ► **M112** ————— ◀.

▼ M112*Article 26a*

Officials shall have the right to acquaint themselves with their medical files, in accordance with arrangements to be laid down by the ► **M131** appointing authorities of the institutions. ◀

▼ B

TITLE III

CAREER OF OFFICIALS

CHAPTER 1

Recruitment**▼ M131***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.

The principle of the equality of Union's citizens shall allow each institution to adopt appropriate measures following the observation of a significant imbalance between nationalities among officials which is not justified by objective criteria. Those appropriate measures must be justified and shall never result in recruitment criteria other than those based on merit. Before such appropriate measures are adopted, the appointing authority of the institution concerned shall adopt general provisions for giving effect to this paragraph in accordance with Article 110.

▼ M131

After a three-year period starting on 1 January 2014, the Commission shall report to the European Parliament and to the Council on the implementation of the second paragraph.

In order to facilitate recruitment on the broadest possible geographical basis, the institutions shall strive to support multilingual and multicultural education for the children of their staff.

▼ B*Article 28*

An official may be appointed only on condition that:

- (a) he is a national of one of the Member States of the ► **M128** Union ◀, unless an exception is authorized by the appointing authority, and enjoys his full rights as a citizen;
- (b) he has fulfilled any obligations imposed on him by the laws concerning military service;
- (c) he produces the appropriate character references as to his suitability for the performance of his duties;
- (d) he has, subject to Article 29 (2), passed a competition based on either qualifications or tests, or both qualifications and tests, as provided in Annex III;
- (e) he is physically fit to perform his duties; and
- (f) he produces evidence of a thorough knowledge of one of the languages of the ► **M128** Union ◀ and of a satisfactory knowledge of another language of the ► **M128** Union ◀ to the extent necessary for the performance of his duties.

▼ M112*Article 29***▼ M131**

1. Before filling a vacant post in an institution, the appointing authority shall first consider:

- (a) whether the post can be filled by:
 - (i) transfer, or
 - (ii) appointment in accordance with Article 45a, or
 - (iii) promotion
 within the institution;
- (b) whether requests for transfer have been received from officials of the same grade in other institutions, and/or
- (c) if it was not possible to fill the vacant post through the possibilities mentioned in points (a) and (b), whether to consider lists of suitable candidates within the meaning of Article 30, where appropriate, taking into account the relevant provisions concerning suitable candidates in Annex III and/or
- (d) whether to hold a competition internal to the institution, which shall be open only to officials and temporary staff as defined in Article 2 of the Conditions of Employment of Other Servants of the European Union;

▼ M131

or follow the procedure for competitions on the basis either of qualifications or of tests, or of both qualifications and tests. Annex III lays down the competition procedure.

The procedure may likewise be followed for the purpose of constituting a reserve for future recruitment.

While maintaining the principle that the vast majority of officials are to be recruited on the basis of open competitions, the appointing authority may decide, by way of derogation from point (d) and only in exceptional cases, to hold a competition internal to the institution which shall also be open to contract staff as defined in Articles 3a and 3b of the Conditions of Employment of Other Servants of the European Union. That latter category of staff shall be subject to restrictions with regard to that possibility as laid down in Article 82(7) of the Conditions of Employment of Other Servants of the European Union and with regard to the specific tasks it was entitled to perform as contract staff.

▼ M112

2. A procedure other than the competition procedure may be adopted by the Appointing Authority for the recruitment of senior officials (Directors-General or their equivalent in grade AD 16 or AD 15 and Directors or their equivalent in grade AD 15 or AD 14) and, in exceptional cases, also for recruitment to posts which require special qualifications.

3. The institutions may organise internal competitions for each function group on the basis of qualifications and tests for the institution concerned which shall be at grade AST 6-level or higher and at grade AD 9-level or higher.

These competitions will be open only to members of the temporary staff of that institution engaged in accordance with Article 2(c) of the Conditions of Employment of other Servants of the ► **M128** European Union ◀. The institutions shall require as minimum qualifications for these competitions at least ten years of service as a temporary servant and having been recruited as a temporary servant on the basis of a selection procedure which ensured the application of the same standards as for the selection of officials in conformity with Article 12(4) of the Conditions of Employment of other servants. By derogation from paragraph (1)(a) of this Article, the Appointing Authority of the institution that engaged the temporary servant shall, before filling a vacant post in that institution, consider transfers of officials within the institution in parallel with successful candidates from these internal competitions.

4. Once every five years the European Parliament shall organise an internal competition on the basis of qualifications and tests for each function group which shall be at grade AST 6-level or higher and at grade AD 9-level or higher, in accordance with the conditions set out in the second subparagraph of paragraph 3.

▼ M131*Article 30*

For each competition, a selection board shall be appointed by the appointing authority. This board shall draw up a list of suitable candidates.

The appointing authority shall decide which of these candidates to appoint to the vacant posts.

These candidates shall have access to adequate information on appropriate vacancies published by the institutions and agencies.

▼ **M112***Article 31*

1. Candidates selected shall be appointed to the grade of the function group set out in the notice of the competition they have passed.
2. ► **M131** Without prejudice to Article 29(2), officials shall be recruited only at grades SC 1 to SC 2, AST 1 to AST 4 or AD 5 to AD 8. ◀ The grade of the competition notice shall be determined by the institution in accordance with the following criteria:
 - (a) the objective of recruiting officials of the highest standard as defined in Article 27;
 - (b) the quality of the professional experience required.

To address specific needs of the institutions, labour market conditions prevailing in the ► **M128** Union ◀ may also be taken into account when recruiting officials.

3. Notwithstanding paragraph (2), the institution may, where appropriate, authorise the organisation of a competition at grade AD 9, AD 10, AD 11 or, on an exceptional basis, at grade AD 12. The total number of candidates appointed to vacant posts at these grades shall not exceed 20 % of the total number of appointments to the function group AD made per year in accordance with the second paragraph of Article 30.

▼ **B***Article 32*

An official shall be recruited at the first step in his grade.

▼ **M112**

The Appointing Authority may allow additional seniority up to a maximum of 24 months to take account of his professional experience. General implementing provisions shall be adopted to give effect to this Article.

▼ **M85**

Members of the temporary staff graded in accordance with the grading criteria adopted by the ► **M131** appointing authority of each institution ◀ shall retain the ► **C10** seniority in the step ◀ acquired in that capacity if they are appointed officials in the same grade immediately following the period of temporary service.

▼ **B***Article 33*

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

▼ **M39**

Where a negative medical opinion is given as a result of the medical examination provided for in the first paragraph, the candidate may, within 20 days of being notified of this opinion by the institution, request that his case be submitted for the opinion of a medical committee composed of three doctors chosen by the appointing authority from among the institutions' medical officers. The medical officer responsible for the initial negative opinion shall be heard by the medical committee. The candidate may refer the opinion of a doctor of his choice to the medical committee. Where the opinion of the medical committee confirms the conclusions of the medical examination provided for in the first paragraph, the candidate shall pay 50 % of the fees and of the incidental costs.

▼ M131*Article 34*

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

Where, during his probationary period, an official is prevented, by sickness, maternity leave under Article 58, or accident, from performing his duties for a continuous period of at least one month, the appointing authority may extend his probationary period by the corresponding length of time. The total length of the probationary period shall in no circumstances exceed 15 months.

2. A report on the probationer may be made at any time before the end of the probationary period if his work is proving obviously inadequate.

That report shall be communicated to the person concerned, who shall have the right to submit his comments in writing within eight working days. The report and the comments shall be transmitted immediately by the probationer's immediate superior to the appointing authority, which shall, within three weeks, obtain the opinion of the Joint Reports Committee on the action to be taken. The appointing authority may decide to dismiss the probationer before the end of the probationary period, giving him one month's notice, or to assign the official to another department for the remaining time of the probationary period.

3. One month at the latest before the expiry of the probationary period, a report shall be made on the ability of the probationer to perform the duties pertaining to his post and also on his efficiency and conduct in the service. That report shall be communicated to the probationer, who shall have the right to submit his comments in writing within eight working days.

Should it recommend dismissal or, in exceptional circumstances, extension of the probationary period in accordance with paragraph 1, the report and the comments shall be transmitted immediately by the probationer's immediate superior to the appointing authority, which shall, within three weeks, consult the Joint Reports Committee on the action to be taken.

A probationer whose work or conduct has not proved adequate for establishment in his post shall be dismissed.

4. Except where he is in a position forthwith to resume employment elsewhere, a dismissed probationer shall receive compensation equal to three months' basic salary if he has completed more than one year's service, two months' basic salary if he has completed at least six months' service and one month's basic salary if he has completed less than six months' service.

5. Paragraphs 2, 3 and 4 shall not apply to officials who resign before the end of their probationary period.

▼ B

CHAPTER 2
Administrative status

Article 35

Officials shall be assigned one of the following administrative statuses:

- (a) Active employment;
- (b) Secondment;
- (c) Leave on personal grounds;
- (d) Non-active status;
- (e) Leave for military service;

▼ M112

- (f) Parental leave or family leave;

▼ M131

- (g) Leave in the interests of the service.

▼ B

Section 1
ACTIVE EMPLOYMENT

Article 36

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

Section 2
SECONDMENT

Article 37

▼ M23

An official on secondment ► **M56** is an established official who ◀, by decision of the appointing authority

- (a) has been directed in the interests of the service:

— to serve temporarily in a post outside his institution; or

▼ M112

— to assist temporarily a person holding an office provided for in the Treaties or the elected President of one of the institutions or organs of the ► **M128** Union ◀, or one of the political groups in the European Parliament or the Committee of the Regions, or a group in the European Economic and Social Committee;

▼ M85

- to serve temporarily in a post which is included in the list of posts financed from the research and investment appropriations and which the budgetary authorities have classified as temporary;

▼ M56

(b) has at his own request:

- been placed at the disposal of another of the institutions of the ► **M128** European Union ◀; or
- been placed at the disposal of an organization devoted to furthering the ► **M128** Union's ◀ interests and included on a list to be drawn up by agreement between the ► **M131** appointing authorities of the institutions ◀ of the ► **M128** Union ◀ after consulting the Staff Regulations Committee.

▼ B

An official on secondment shall continue to enjoy all his rights under the conditions provided in Articles 38 and 39 and shall remain subject to all his obligations as an official of his parent institution. ► **M23** Subject to the provisions of the third paragraph of Article 77 concerning pension, however, the provisions which apply to the official during the secondment referred to in the second indent of (a) in the first paragraph shall be those applicable to an official of the same grade as that assigned to him in the post to which he is seconded. ◀

▼ M112

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

▼ B*Article 38*

Secondment in the interests of the service shall be governed by the following rules:

- (a) the decision on secondment shall be taken by the appointing authority after hearing the official concerned;
- (b) the duration of secondment shall be determined by the appointing authority;
- (c) at the end of every six months, the official concerned may request that his secondment be terminated;

▼ M23

- (d) an official on secondment pursuant to the first indent of Article 37 (a) shall be entitled to a salary differential where the total remuneration carried by the post to which he is seconded is less than that carried by his grade and step in his parent institution; he shall likewise be entitled to reimbursement of all additional expenses entailed by his secondment;
- (e) an official on secondment pursuant to the first indent of Article 37 (a) shall continue to pay pension contributions based on the salary for active employment carried by his grade and step in his parent institution;

▼ B

- (f) an official on secondment shall retain his post, his right to advancement to a higher step and his eligibility for promotion;
- (g) when his secondment ends an official shall at once be reinstated in the post formerly occupied by him.

Article 39

Secondment at an official's own request shall be governed by the following rules:

- (a) the decision on secondment shall be taken by the appointing authority who shall determine its duration;
- (b) within six months of taking up his new duties an official may request that his secondment be terminated; he shall then be reinstated at once in the post formerly occupied by him;
- (c) at the end of this period of six months, another person may be appointed to his post;

▼ M23

- (d) during the period of secondment, pension contributions and any pension rights shall be calculated by reference to the salary for active employment carried by his grade and step in his parent institution.

▼ M56

However, an official on secondment under the second indent of Article 37 (1) (b) who acquires pension rights in the body to which he is seconded shall cease to be affiliated to the pension scheme in his original institution for the duration of this secondment.

An official who becomes an invalid while on secondment within the meaning of Article 37 (1) (b), second indent, and the dependents of an official who dies during the same period, shall be entitled under these Staff Regulations to ► **M112** the invalidity allowance or survivor's pension ◀ less any amounts paid to them on the same grounds and for the same period by the body to whom the official was seconded.

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

▼ M112

- (e) during the period of secondment, the official shall retain his right to advancement to a higher step;

▼ M23

- **M112** (f) ◀ when his secondment ends an official must be reinstated in the first post corresponding to his grade which falls vacant in his ► **M112** 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 ► **M112** function group ◀, subject to the same proviso; if he declines a second time, he may be required to resign after the Joint Committee has been consulted. Until effectively reinstated he shall continue to be on secondment but unpaid.

▼ B

Section 3

LEAVE ON PERSONAL GROUNDS*Article 40*

1. An ►**M56** established ◀ official may, in exceptional circumstances and at his own request, be granted unpaid leave on personal grounds.

▼ M131

1a. Article 12b shall continue to apply during the period of leave on personal grounds. The permission under Article 12b shall not be granted to an official for the purpose of his engaging in an occupational activity, whether gainful or not, which involves lobbying or advocacy vis-à-vis his institution and which could lead to the existence or possibility of a conflict with the legitimate interests of the institution.

▼ M112

2. Without prejudice to the provisions of Article 15, the duration of such leave shall not exceed one year. Leave may be extended for further periods.

Extensions may be for periods not exceeding one year. The total length of leave on personal grounds may not exceed ►**M131** 12 years ◀ in the course of the official's entire career.

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

(i) to bring up a child considered as a dependant of the official within the meaning of Article 2(2) of Annex VII and who suffers from a serious mental or physical handicap recognised by the medical officer of the institution and who requires constant care or supervision; or

▼ M131

(ii) to follow his spouse, the latter also being an official or other servant of the Union required in the course of his duties to establish his habitual residence at such a distance from the place of employment of the applicant official that the establishment of their conjugal home in such a place would inconvenience the applicant official in the performance of his duties; or

(iii) to assist his spouse, a relative in the ascending line, a relative in the descending line, a brother or a sister in the case of medically certified serious illness or disability,

▼ M112

the leave may be extended without limits, provided that, at the time of each extension, the conditions which warranted the grant of the leave continue to be fulfilled.

▼ B

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

▼ **M39**

► **M112** However, an official who is not engaged in a gainful activity may, not later than one month following that in which the leave on personal grounds begins, apply to continue to be covered in accordance with those articles, provided that he bears half the cost of the contributions required to cover the risks referred to in Articles 72(1) and 73(1) for the first year of the leave on personal grounds and the full cost during the remainder of such leave. Cover in accordance with Article 73 shall be available only if cover has been obtained in accordance with Article 72. The contributions shall be calculated by reference to the official's last basic salary. ◀ Moreover, the official who proves that he cannot acquire pension rights for another pension scheme may apply to continue to acquire further pension rights for a maximum of one year, provided that he bears the cost of the contribution equal to three times the rate laid down ► **M56** in Article 83 (2); the contributions shall be calculated by reference to the basic salary for the official's grade and step ◀.

▼ **B**

4. Leave on personal grounds shall be governed by the following rules:

- (a) it shall be granted at the request of the official concerned by the appointing authority;
- (b) application for extension shall be made two months before the leave expires;
- (c) another person may be appointed to the post occupied by the official;

▼ **M23**

(d) on the expiry of his leave an official must be reinstated in the first post corresponding to his grade which falls vacant in his ► **M112** 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 ► **M112** function group ◀, subject to the same proviso; if he declines a second time, he may be required to resign after the Joint Committee has been consulted. Until effectively reinstated ► **M112** or placed on secondment ◀ he shall remain on unpaid leave on personal grounds.

▼ **B**

Section 4

NON-ACTIVE STATUS

Article 41

1. An official with non-active status is one who has become supernumerary by reason of reduction in the number of posts in his institution.

2. Reductions in the number of posts in a particular grade shall be decided by the appropriate budgetary authority under the budgetary procedure.

The appointing authority shall, after consulting the Joint Committee, decide what types of posts are to be affected by such measures.

▼ B

The appointing authority shall draw up a list of the officials to be affected by such measures, after consulting the Joint Committee, taking into account the officials' ability, efficiency, conduct in the service, family circumstances and seniority. Any official occupying one of the posts referred to in the preceding subparagraph who expresses the wish to be assigned non-active status shall automatically be entered on this list.

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

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

For a period of two years from the date of being assigned non-active status an official shall have priority for reinstatement in any post in his ► **M112** function group ◀ corresponding to his grade which may fall vacant or be created, provided that he has the necessary qualifications.

An official placed on non-active status shall receive an allowance calculated in accordance with Annex IV.

▼ M23

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

▼ M62

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

▼ M112

No correction coefficient shall be applicable to the allowance.

However, the allowance and the total remuneration last received, as referred to in the fourth subparagraph of this Article, shall be subject to the ► **C16** weighting referred to in point (a) of Article 3(5) of Annex XI, ◀ at the rate fixed for the Member State where the recipient proves he has his residence, provided that Member State was the recipient's last place of employment. In such cases, if the currency of the Member State is not the euro, this allowance is calculated on the basis of the exchange rates provided for in Article 63 of these Staff Regulations.

▼ B

4. At the end of the period of entitlement to the allowance the official shall be required to resign. He shall, where appropriate, receive a retirement pension as provided in the pension scheme.

5. An official who before expiry of the two-year period specified in paragraph 3 has been offered a post corresponding to his grade and has declined it without good reason may, after the Joint Committee has been consulted, be deprived of the benefit of the foregoing provisions and be required to resign.

▼ B

Section 5

LEAVE FOR MILITARY SERVICE*Article 42*

An official who is called up for military service or for reserve training or is recalled to serve in the armed forces shall be assigned the special status 'leave for military service'.

An official who is called up for military service shall cease to receive his remuneration but shall retain his right to advancement to a higher step and promotion under these Staff Regulations. He shall also continue to enjoy retirement pension rights in respect of his period of service in the armed forces if, after completing it, he pays up his pension contributions.

An official who is called up for reserve training or recalled to serve in the armed forces shall, during the period of training or recall, continue to receive his remuneration subject to deduction of an amount equal to his service pay.

▼ M112

Section 6

PARENTAL OR FAMILY LEAVE**▼ M131***Article 42a*

An official shall be entitled to up to six months of parental leave without basic salary for every child, to be taken during the first twelve years after the birth or adoption of the child. The duration of the leave may be doubled for single parents recognised under general implementing provisions adopted by the appointing authority of each institution and for parents of dependent children with a disability or a severe illness recognised by the institution's medical officer. The minimum leave taken at any one time shall not be less than one month.

During parental leave, the official's membership of the social security scheme shall continue; the acquisition of pension rights, dependent child allowance and education allowance shall be maintained. The official shall retain his post, and continue to be entitled to advancement to a higher step or promotion in grade. The leave may be taken as full-time or half-time leave. Where parental leave is taken in the form of half-time leave, the maximum period provided for in the first paragraph shall be doubled. During parental leave, an official shall be entitled to an allowance of EUR 911,73 per month, or 50 % of such sum if on half-time leave, but may not engage in any other gainful employment. The full contribution to the social security scheme provided for in Articles 72 and 73 shall be borne by the institution and calculated on the basis of the basic salary of the official. However, in the case of half-time leave this provision shall apply only to the difference between the full basic salary and the proportionally reduced basic salary. For the part of the basic salary actually received, the official's contribution shall be calculated by using the same percentages as if he were in full-time employment.

▼ M131

The allowance shall be EUR 1 215,63 per month, or 50 % of such sum if the official is on half-time leave, for the single parents and parents of dependent children with a disability or a severe illness recognised by the medical officer referred to in the first paragraph and during the first three months of parental leave where such leave is taken by the father during maternity leave or by either parent immediately after maternity leave or during or immediately after adoption leave.

Parental leave may be extended for a further six months with an allowance limited to 50 % of the amount referred to in the second paragraph. For single parents as referred to in the first paragraph, parental leave may be extended for a further twelve months with an allowance limited to 50 % of the amount referred to in the third paragraph.

The amounts mentioned in this Article shall be updated in line with remuneration.

▼ M112*Article 42b*

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

The second paragraph of Article 42a shall apply.

▼ M131

Section 7

LEAVE IN THE INTERESTS OF THE SERVICE*Article 42c*

At the earliest five years before the official's pensionable age, an official with at least ten years of service may be placed by decision of the appointing authority on leave in the interests of the service for organisational needs linked to the acquisition of new competences within the institutions.

The total number of officials placed on leave in the interests of the service each year shall not be higher than 5 % of the officials in all institutions who retired the previous year. The total number thus calculated shall be allocated to each institution according to their respective numbers of officials at 31 December of the preceding year. The result of such allocation shall be rounded up to the nearest whole number in each institution.

Such leave shall not constitute a disciplinary measure.

The duration of the leave shall correspond in principle to the period until the official reaches pensionable age. However, in exceptional situations, the appointing authority may decide to put an end to the leave and reinstate the official.

▼ M131

When the official placed on leave in the interests of the service reaches pensionable age, he shall automatically be retired.

Leave in the interests of the service shall be governed by the following rules:

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

An official thus placed on leave shall receive an allowance calculated in accordance with Annex IV.

At the official's request, the allowance shall be subject to contributions to the pension scheme, calculated on the basis of that allowance. 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 within the meaning of Article 2 of Annex VIII.

The allowance shall not be subject to a correction coefficient.

▼ B

CHAPTER 3

Reports, advancement to a higher step and promotion**▼ M131***Article 43*

The ability, efficiency and conduct in the service of each official shall be the subject of an annual report as provided for by the appointing authority of each institution in accordance with Article 110. That report shall state whether or not the performance level of the official has been satisfactory. The appointing authority of each institution shall lay down provisions conferring the right to lodge an appeal within the reporting procedure, which has to be exercised before the lodging of a complaint as referred to in Article 90(2).

As of grade AST 5, the report may also contain an opinion as to whether the official, on the basis of his performance, has the potential to carry out an administrator's function.

The report shall be communicated to the official. He shall be entitled to make any comments thereon which he considers relevant.

Article 44

An official who has been at one step in his grade for two years shall automatically advance to the next step in that grade, unless his performance has been evaluated as unsatisfactory pursuant to the last annual report referred to in Article 43. An official shall advance to the next step in his grade after no later than four years, unless the procedure laid down in Article 51(1) is applied.

▼ M131

If an official is appointed head of unit, director or director-general in the same grade, and provided that his performance has been satisfactory within the meaning of Article 43 during the first nine months following his appointment, he shall retroactively benefit from advancement by one step in that grade at the time the appointment comes into effect. This advancement shall lead to an increase in his basic monthly salary corresponding to the percentage between the first and the second step in each grade. If the increase is less or if the official at that time is already in the last step of his grade, he shall receive an increase in basic salary ensuring the increase between the first and second step until his next promotion comes into effect.

▼ M112*Article 45***▼ M131**

1. Promotion shall be by decision of the appointing authority in the light of Article 6(2). Unless the procedure laid down in Articles 4 and 29(1) is applied, officials may only be promoted if they occupy a post which corresponds to one of the types of posts set out in Annex I, Section A, for the next higher grade. Promotion shall be effected by appointment of the official to the next higher grade in the function group to which he belongs. Promotion shall be exclusively by selection from among officials who have completed a minimum of two years in their grade after consideration of the comparative merits of the officials eligible for promotion. When considering comparative merits, the appointing authority shall in particular take account of the reports on the officials, the use of languages in the execution of their duties other than the language for which they have produced evidence of thorough knowledge in accordance with point (f) of Article 28 and the level of responsibilities exercised by them.

▼ M112

2. Officials shall be required to demonstrate before their first promotion after recruitment the ability to work in a third language among those referred to in ► **M131** Article 55(1) of the Treaty on European Union ◀. The ► **M131** appointing authorities of the institutions ◀ shall adopt common rules by agreement between them for implementing this paragraph. These rules shall require access to training for officials in a third language and lay down the detailed arrangements for the assessment of officials' ability to work in a third language, in accordance with Article 7(2)(d) of Annex III.

Article 45a

1. By way of derogation from Article 5 (3) (b) and (c), an official in function group AST may, from grade 5, be appointed to a post in function group AD, on condition that:

- (a) he has been selected in accordance with the procedure laid down in paragraph 2 of this Article to take part in a compulsory training programme as set out in point (b) of this paragraph,
- (b) he has completed a training programme defined by the Appointing Authority comprising a set of compulsory training modules, and

▼M112

(c) he is on the list drawn up by the Appointing Authority of candidates who have passed an oral and written examination demonstrating that he has successfully taken part in the training programme mentioned under point (b) of this paragraph. The contents of this examination shall be determined in accordance with Article 7(2)(c) of Annex III.

2. The Appointing Authority shall draw up a draft list of AST officials selected to take part in the aforesaid training programme on the basis of ►**M131** the annual reports ◀ referred to in Article 43 and their level of education and training and taking account of the needs of the services. This draft shall be submitted to a joint committee for its opinion.

This committee may hear officials who have applied to take part in the aforesaid training programme, and representatives of the Appointing Authority. It shall, by a majority vote, deliver a reasoned opinion on the draft list proposed by the Appointing Authority. The Appointing Authority shall adopt the list of officials who are entitled to take part in the aforesaid training programme.

3. Appointment to a post in function group AD shall not affect the grade and step occupied by the official at the moment of appointment.

4. The number of appointments to posts in function group AD as laid down in paragraphs (1) to (3) of this Article shall not exceed 20 % of the total number of appointments made per year in accordance with the second paragraph of Article 30.

5. The ►**M131** appointing authority of each institution ◀ shall adopt general provisions for giving effect to this Article in accordance with Article 110.

Article 46

An official appointed to a higher grade in accordance with Article 45 shall be placed in the initial step in that grade. However, officials in grades AD 9 to AD 13 carrying out the duties of head of unit who are appointed to a higher grade in accordance with Article 45 shall be placed in the second step of the new grade. The same arrangement shall apply to any official:

- (a) who upon promotion is appointed director or director-general, or
- (b) who is director or director-general and to whom the last sentence of the second paragraph of Article 44 applies.

▼B

CHAPTER 4

Termination of service*Article 47*

Services shall be terminated by:

- (a) resignation;
- (b) compulsory resignation;

▼ B

- (c) retirement in the interests of the service;
- (d) dismissal for incompetence;
- (e) removal from post;
- (f) retirement; or
- (g) death.

Section 1

RESIGNATION*Article 48*

An official wishing to resign shall state unequivocally in writing his intention to leave the service of the institution definitively.

The appointing authority shall give its decision confirming the definitive resignation within one month of receiving the letter of resignation. ► **M23** The appointing authority may, however, refuse to accept the resignation if disciplinary proceedings against the official are in progress at the date of receipt of the letter of resignation or if such proceedings are started within the following thirty days. ◀

▼ M112

Resignation shall take effect on the date specified by the Appointing Authority; that date shall not be more than three months after the date proposed by the official in his letter of resignation in the case of officials in function group AD, and not more than one month in the case of officials in ► **M131** function groups AST and AST/SC. ◀

▼ B

Section 2

COMPULSORY RESIGNATION*Article 49*

An official may be required to resign only where he ceases to fulfil the conditions laid down in Article 28 (a), or ► **M23** in the cases provided for in Articles ► **M112** ————— ◀ 39, 40 and 41 (4) and (5) and in the second paragraph of Article 14 of Annex VIII. ◀

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

Section 3

RETIREMENT IN THE INTERESTS OF THE SERVICE*Article 50*

► **M112** A senior official as defined in Article 29(2) ◀ may be retired in the interests of the service by decision of the appointing authority.

▼ B

Such retirement shall not constitute a disciplinary measure.

An official thus retired who is not assigned to another post ► **M112** ————— ◀ corresponding to his grade shall receive an allowance calculated in accordance with Annex IV.

▼ M23

Income received by the official from any new employment during this period shall be deducted from the allowance provided for in the preceding paragraph if that income and the allowance together exceed the total remuneration last received by the official calculated by reference to the table of salaries applicable on the first day of the month for which the allowance is to be paid.

▼ M112

The person concerned shall be required to provide on request written proof and to notify his or her institution of any factor that may affect entitlement to the benefit.

The allowance shall not be subject to a correction coefficient.

Article 45, third, fourth and fifth paragraphs, of Annex VIII shall apply by analogy.

▼ B

When the official's entitlement to the allowance ceases, he shall be entitled, provided he has attained the age of ► **M131** fifty-eight ◀ years, to receive payment of pension under Article 9 of Annex VIII.

Section 4

▼ M112**PROCEDURES FOR DEALING WITH INCOMPETENCE****▼ M131***Article 51*

1. The appointing authority of each institution shall define procedures to identify, deal with and remedy cases of incompetence in a timely and appropriate fashion.

When adopting internal provisions, the appointing authority of each institution shall respect the following requirements:

- (a) an official who, on the basis of three consecutive unsatisfactory annual reports as referred to in Article 43, still shows no progress in his professional competence shall be downgraded by one grade. If the following two annual reports still show unsatisfactory performance, the official shall be dismissed;
- (b) any proposal to downgrade or dismiss an official shall set out the reasons on which it is based and shall be communicated to the official concerned. The proposal from the appointing authority shall be referred to the Joint Advisory Committee provided for in Article 9(6).

▼ M131

2. The official shall have the right to obtain his complete personal file and to take copies of all documents relating to the procedure. He shall have at least 15 days, but no more than 30 days, from the date of receipt of the proposal to prepare a defence. He may be assisted by a person of his choice. The official may submit written comments. He shall be heard by the Joint Advisory Committee. The official may also call witnesses.

3. The institution shall be represented before the Joint Advisory Committee by an official designated for that purpose by the appointing authority. That official shall have the same rights as the official concerned.

4. In the light of the proposal under point (b) of paragraph 1 and any written and oral statements from the official concerned or from witnesses, the Joint Advisory Committee shall deliver by a majority a reasoned opinion stating the measure which it considers appropriate in the light of the facts established at its request. It shall forward that opinion to the appointing authority and to the official concerned within two months of the date on which the matter is referred to it. The chairman shall not vote on decisions of the Joint Advisory Committee, except in procedural matters and where votes are tied.

5. An official dismissed for incompetence shall, for the period defined in paragraph 6, be entitled to a monthly dismissal allowance equal to the basic monthly salary of an official in the first step of grade AST 1. The official shall also be entitled during the same period to the family allowances provided for in Article 67. The household allowance shall be calculated on the basis of the basic monthly salary of an official in grade AST 1 in accordance with Article 1 of Annex VII.

The allowance shall not be paid if the official resigns after the start of the procedure referred to in paragraphs 1 and 2 or if he is entitled to the immediate payment of a full pension. If he is entitled to unemployment benefit under a national unemployment scheme, the amount of that benefit shall be deducted from the above allowance.

6. The period during which the payments referred to in paragraph 5 are to be made shall be:

- (a) three months where the official has completed less than five years' service at the date on which the dismissal decision is taken;
- (b) six months where the official has completed at least five years' service but less than 10;
- (c) nine months where the official has completed at least 10 years' service but less than 20;
- (d) 12 months where the official has completed at least 20 years' service.

7. Officials who are downgraded on grounds of incompetence may after a period of six years ask for all references to that measure to be deleted from their personal files.

▼ M131

8. Officials shall be entitled to reimbursement of reasonable expenses incurred on their initiative in the course of the proceedings, including fees payable to a defending adviser not belonging to the institution, where the proceedings provided for in this Article end without any decision being taken to dismiss or downgrade.

▼ B

Section 5

RETIREMENT**▼ M131***Article 52*

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

- (a) either automatically on the last day of the month in which he reaches the age of 66, or
- (b) at his own request on the last day of the month in respect of which the request was submitted where he has reached pensionable age or where he is between 58 and pensionable age and satisfies the requirements for immediate payment of a pension in accordance with Article 9 of Annex 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 interests of the service, carry on working until the age of 67, or exceptionally, until the age of 70, in which case he shall be retired automatically on the last day of the month in which he reaches that age.

Where the appointing authority decides to authorise an official to remain in service beyond the age of 66, that authorisation shall be granted for a maximum duration of one year. It may be renewed at the official's request.

▼ B*Article 53*

An official to whom the Invalidation Committee finds that the provisions of Article 78 apply ► **M62** shall automatically be retired on the last day of the month in which the appointing authority recognizes his permanent incapacity to perform his duties ◀.

Section 6

HONORARY RANK*Article 54*

On termination of service an official may be given an honorary rank in either his ► **M112** grade or the next higher grade ◀, by decision of the appointing authority.

No pecuniary benefits shall attach to such honorary rank.

▼ **B**

TITLE IV

WORKING CONDITIONS OF OFFICIALS

CHAPTER 1

Hours of work

Article 55

► **M131** 1. ◀ Officials in active employment shall at all times be at the disposal of their institution.

► **M131** 2. ◀ ► **M131** The normal working week shall range from 40 to 42 hours, the hours of the working day to be determined by the appointing authority. ◀ Within the same limits the appointing authority may, after consulting the Staff Committee, determine the hours to be worked by certain groups of officials engaged on particular duties.

► **M131** 3. ◀ ► **M22** An official ► **M31** ————— ◀ may, moreover, be required because of exigencies of the service or safety rules to remain on standby duty at his place of work or at home outside normal working hours. ► **M131** The appointing authority of each institution shall lay down detailed rules for the application of this paragraph after consulting the Staff Committee. ◀ ◀

▼ **M131**

4. The appointing authority of each institution may introduce flexible working-time arrangements. Under those arrangements, entire working days shall not be granted for officials in grade AD/AST 9 or higher. Those arrangements shall not be applicable to officials to whom the provisions of the second paragraph of Article 44 apply. Those officials shall manage their working time in agreement with their superiors.

▼ **M112***Article 55a*

1. An official may request authorisation to work part time.

The Appointing Authority may grant such authorisation if this is compatible with the interests of the service.

▼ **M131**

2. The official shall be entitled to authorisation in the following cases:

- (a) to care for a dependent child under 9 years of age,
- (b) to care for a dependent child aged between 9 and 12, if the reduction in working time is no more than 20 % of normal working time,
- (c) to care for a dependent child until he reaches the age of 14 when the official is a single parent,
- (d) in cases of serious hardship, to care for a dependent child until he reaches the age of 14 if the reduction in working time is no more than 5 % of normal working time. In that case, the first two paragraphs of Article 3 of Annex IVa shall not apply. Where both parents are employed in the service of the Union, only one shall be entitled to such reduction,

▼ M131

- (e) to care for a seriously ill or disabled spouse, relative in the ascending line, relative in the descending line, brother or sister,
- (f) to take part in further training, or
- (g) as of the age of 58 during the last three years before he reaches pensionable age.

Where part-time is requested in order to take part in further training, or during the last three years before reaching pensionable age, but not before the age of 58, the appointing authority may refuse authorisation or postpone its date of effect only in exceptional circumstances and for overriding service-related reasons.

Where such entitlement to authorisation is exercised to care for a seriously ill or disabled spouse, relative in the ascending line, relative in the descending line, brother or sister, or to take part in further training, the total of all such periods shall not exceed five years over the official's career.

▼ M112

3. The Appointing Authority shall reply to the official's request within 60 days.
4. The rules governing part-time work and the procedure for granting authorisation are laid down in Annex IVa.

Article 55b

An official may request authorisation to work half-time in the form of job-sharing in a post identified by the Appointing Authority as appropriate for that purpose. The authorisation to work half-time by job-sharing shall not be limited in time. It may, however, be withdrawn by the Appointing Authority in the interests of the service giving the official six months' notice. Likewise, the Appointing Authority may, on application of the official concerned and giving at least six months' notice, withdraw the authorisation. In this case, the official may be transferred to a different post.

Article 59a and, except for the third sentence of paragraph 2, Article 3 of Annex IVa shall apply.

The Appointing Authority may lay down detailed rules for the application of this Article.

▼ B*Article 56*

An official may not be required to work overtime except in cases of urgency or exceptional pressure of work; night work, and all work on Sundays or public holidays, may be authorised only in accordance with the procedure laid down by the appointing authority. ► **M23** The total overtime which an official may be asked to work shall not exceed 150 hours in any six months. ◀

Overtime worked by officials in ► **M112** function group AD, and in function group AST 5 to 11. ◀ shall carry no right to compensation or remuneration.

▼ M131

As provided in Annex VI, overtime worked by officials in grades SC 1 to SC 6 and grades AST 1 to AST 4 shall entitle them either to compensatory leave or to remuneration where requirements of the service do not allow compensatory leave during two months following that in which the overtime was worked.

▼ M22*Article 56a*

An official ► **M30** ————— ◀ who is expected to work regularly at night, on Saturdays, Sundays or public holidays shall, be entitled to special allowances when doing shiftwork which is required by the institution because of the exigencies of the service or safety rules and which is regarded by it as a regular and permanent feature.

▼ M131

After consulting the Staff Regulations Committee, the Commission shall determine, by means of delegated acts in accordance with Articles 111 and 112, the categories of officials entitled to such allowances, the conditions for granting the allowances and the rates thereof.

▼ M22

The normal working hours of an official on shiftwork must not exceed the annual total of normal working hours.

Article 56b

An official ► **M31** ————— ◀ shall be entitled to special allowances when required in accordance with a decision taken by the appointing authority because of the exigencies of the service or safety rules to remain on standby duty at his place of work or at home outside normal working hours.

▼ M131

After consulting the Staff Regulations Committee, the Commission shall determine, by means of delegated acts in accordance with Articles 111 and 112, the categories of officials entitled to such allowances, the conditions for granting the allowances and the rates thereof.

▼ M112*Article 56c*

Special allowances may be granted to certain officials to compensate for particularly arduous working conditions.

▼ M131

After consulting the Staff Regulations Committee, the Commission shall determine, by means of delegated acts in accordance with Articles 111 and 112, the categories of officials entitled to the special allowances, the conditions for granting such allowances and the rates thereof.

▼ B

CHAPTER 2

Leave

Article 57

Officials shall be entitled to annual leave of not less than twenty-four working days nor more than thirty working days per calendar year, in accordance with rules, to be laid down by common accord of the ► **M131** appointing authorities of the institutions ◀ of the ► **M128** Union ◀, after consulting the Staff Regulations Committee.

Apart from this annual leave an official, on application may, exceptionally be granted special leave. The rules relating to granting such leave are laid down in Annex V.

▼ M131*Article 58*

Pregnant women shall, in addition to the leave provided for in Article 57, be entitled on production of a medical certificate to 20 weeks of leave. The leave shall start not earlier than six weeks before the expected date of confinement shown in the certificate and end not earlier than 14 weeks after the date of confinement. In the case of multiple or premature birth or the birth of a child with a disability or serious illness, the duration shall be 24 weeks. Premature birth for the purposes of this provision is a birth taking place before the end of the 34th week of pregnancy.

▼ M112*Article 59*

1. An official who provides evidence of being unable to carry out his duties by reason of illness or accident shall be entitled to sick leave.

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

The official may at any time be required to undergo a medical examination arranged by the institution. If the examination cannot take place for reasons attributable to the official, his absence shall be considered as unauthorised as from the date that the examination is due to take place.

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

If the official considers the conclusions of the medical examination arranged by the Appointing Authority to be unjustified on medical grounds, he or a doctor acting on his behalf may within two days submit to the institution a request that the matter be referred to an independent doctor for an opinion.

▼ M112

The institution shall immediately transmit the request to another doctor agreed upon by the official's doctor and the institution's medical officer. Failing such agreement within five days of the request, the institution shall select a person from a list of independent doctors to be established for this purpose each year by common consent of the Appointing Authority and the Staff Committee. The official may within two working days object to the institution's choice, whereupon the institution shall choose another person from the list, which choice shall be final.

The independent doctor's opinion given after consultation of the official's doctor and the institution's medical officer shall be binding. Where the independent doctor's opinion confirms the conclusion of the examination arranged by the institution, the absence shall be treated as unjustified from the date of that examination. Where the independent doctor's opinion does not confirm the conclusion of that examination, the absence shall be treated for all purposes as having been justified.

2. If, over a period of 12 months, an official is absent for up to three days because of sickness for a total of more than 12 days, he shall produce a medical certificate for any further absence because of sickness. His absence shall be considered to be unjustified as from the thirteenth day of absence on account of sickness without a medical certificate.

3. Without prejudice to the application of the rules on disciplinary proceedings, where appropriate, any absence considered to be unjustified under paragraphs 1 and 2 shall be deducted from the annual leave of the official concerned. In the event that the official has no outstanding leave entitlement, he shall lose the benefit of his remuneration for the corresponding period.

4. The Appointing Authority may refer to the Invalidity Committee the case of any official whose sick leave totals more than 12 months in any period of three years.

5. An official may be required to take leave after examination by the institution's medical officer if his state of health so requires or if a member of his household is suffering from a contagious disease.

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

6. Officials shall undergo a medical check-up every year either by the institution's medical officer or by a medical practitioner chosen by them.

In the latter case, the practitioner's fees shall be payable by the institution up to a maximum amount fixed for a period of no more than three years by the Appointing Authority after consulting the Staff Regulations Committee.

Article 59a

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

▼ B*Article 60*

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

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

CHAPTER 3

Public holidays**▼ M131***Article 61*

Lists of public holidays shall be drawn up by agreement between the appointing authorities of the institutions of the Union after consulting the Staff Regulations Committee.

▼ B

TITLE V

EMOLUMENTS AND SOCIAL SECURITY FOR OFFICIALS

CHAPTER 1

Remuneration and expenses

Section 1

REMUNERATION*Article 62*

In accordance with Annex VII and save as otherwise expressly provided, an official who is duly appointed shall be entitled to the remuneration carried by his grade and step.

An official may not waive his entitlement to remuneration.

Remuneration shall comprise basic salary, family allowances and other allowances.

▼ M131*Article 63*

Officials' remuneration shall be expressed in euros. It shall be paid in the currency of the country in which the official performs his duties or in euros.

Remuneration paid in a currency other than euros shall be calculated on the basis of the exchange rates used for the implementation of the general budget of the European Union on 1 July of that year.

Every year the exchange rates shall be updated retroactively at the time of the annual update of remuneration provided for in Article 65.

▼ **M131***Article 64*

An official's remuneration expressed in euros shall, after the compulsory deductions set out in these Staff Regulations or in any implementing regulations have been made, be weighted at a rate above, below or equal to 100 %, depending on living conditions in the various places of employment.

The correction coefficients shall be created or withdrawn as well as annually updated in accordance with Annex XI. With respect to the update, all values shall be understood as reference values. The Commission shall publish the updated values within two weeks after the update in the C series of the *Official Journal of the European Union* for information purposes.

No correction coefficient shall be applicable in Belgium and Luxembourg, having regard to the special referential role of those places of employment as principal and original seats of most of the institutions.

Article 65

1. The remuneration of the officials and other servants of the European Union shall be updated every year, taking into account the economic and social policy of the Union. Particular account shall be taken of any salary increases in the civil service of the Member States and of recruitment needs. The update of the remuneration shall be implemented in accordance with Annex XI. That update shall take place before the end of each year in the light of a report by the Commission based on statistical data prepared by the Statistical Office of the European Union in agreement with the national statistical offices of the Member States; the statistical data shall reflect the situation as at 1 July in each of the Member States. That report shall contain data pertaining to the budgetary impact of remuneration and pensions of Union officials. It shall be transmitted to the European Parliament and to the Council.

The amounts referred to in the second and third paragraphs of Article 42a, Articles 66 and 69, Articles 1(1), 2(1), 3(1) and (2), 4(1), 7(2), 8(2), 10(1) of Annex VII and Article 8(2) of Annex XIII, and in the former Article 4a of Annex VII to be updated in accordance with Article 18(1) of Annex XIII, the amounts referred to in Article 24(3), the second subparagraph of Article 28a(3), Articles 28a(7), 93, 94, the second subparagraph of Article 96(3) and Articles 96(7), 133, 134 and 136 of the Conditions of Employment of Other Servants, the amounts referred to in the first subparagraph of Article 1(1) of Council Regulation (ECSC, EEC, Euratom) No 300/76 ⁽¹⁾ and the coefficient for the amounts referred to in Article 4 of Council Regulation (EEC, Euratom, ECSC) No 260/68 ⁽²⁾ shall be updated annually in accordance with Annex XI. The Commission shall publish the updated amounts within two weeks after the update in the C series of the *Official Journal of the European Union* for information purposes.

⁽¹⁾ Council Regulation (ECSC, EEC, Euratom) No 300/76 of 9 February 1976 determining the categories of officials entitled to allowances for shift work, and the rates and conditions thereof (OJ L 38, 13.2.1976, p. 1).

⁽²⁾ Council Regulation (EEC, Euratom, ECSC) No 260/68 of 29 February 1968 laying down the procedure and the conditions for applying the tax for the benefit of the European Communities (OJ L 56, 4.3.1968, p. 8.)

▼ M131

2. In the event of a substantial change in the cost of living, the amounts referred to in paragraph 1 and the weightings referred to in Article 64 shall be updated in accordance with Annex XI. The Commission shall publish the updated amounts and weightings within two weeks after the update in the C series of the *Official Journal of the European Union* for information purposes.

3. The amounts referred to in paragraph 1 and the weightings referred to in Article 64 shall be understood as amounts and weightings the actual value of which at a given point in time is subject to update without intervention of another legal act.

4. Without prejudice to Article 3(5) and (6) of Annex XI, no update provided for under paragraphs 1 and 2 shall be made in the years 2013 and 2014.

▼ M78*Article 65a*

The rules for implementing Articles 64 and 65 are set out in Annex XI.

▼ M3*Article 66***▼ M131**

Basic monthly salaries are for each grade and step in function groups AD and AST as provided in the following table:

▼ M129

1.7.2010 GRADE	STEP				
	1	2	3	4	5
16	16 919,04	17 630,00	18 370,84		
15	14 953,61	15 581,98	16 236,75	16 688,49	16 919,04
14	13 216,49	13 771,87	14 350,58	14 749,83	14 953,61
13	11 681,17	12 172,03	12 683,51	13 036,39	13 216,49
12	10 324,20	10 758,04	11 210,11	11 521,99	11 681,17
11	9 124,87	9 508,31	9 907,86	10 183,52	10 324,20
10	8 064,86	8 403,76	8 756,90	9 000,53	9 124,87
9	7 127,99	7 427,52	7 739,63	7 954,96	8 064,86
8	6 299,95	6 564,69	6 840,54	7 030,86	7 127,99
7	5 568,11	5 802,09	6 045,90	6 214,10	6 299,95
6	4 921,28	5 128,07	5 343,56	5 492,23	5 568,11

▼ M129

1.7.2010	STEP				
GRADE	1	2	3	4	5
5	4 349,59	4 532,36	4 722,82	4 854,21	4 921,28
4	3 844,31	4 005,85	4 174,18	4 290,31	4 349,59
3	3 397,73	3 540,50	3 689,28	3 791,92	3 844,31
2	3 003,02	3 129,21	3 260,71	3 351,42	3 397,73
1	2 654,17	2 765,70	2 881,92	2 962,10	3 003,02

▼ M131

Basic monthly salaries are for each grade and step in function group AST/SC as provided in the following table:

Grade	Step				
	1	2	3	4	5
SC 6	4 349,59	4 532,36	4 722,82	4 854,21	4 921,28
SC 5	3 844,31	4 005,85	4 174,78	4 290,31	4 349,59
SC 4	3 397,73	3 540,50	3 689,28	3 791,92	3 844,31
SC 3	3 003,02	3 129,21	3 260,71	3 351,42	3 397,73
SC 2	2 654,17	2 765,70	2 881,92	2 962,10	3 003,02
SC 1	2 345,84	2 444,41	2 547,14	2 617,99	2 654,17

Article 66a

1. By way of derogation from Article 3(1) of Regulation (EEC, Euratom, ECSC) No 260/68 and in order to take account, without prejudice to Article 65(3), of the application of the method for updating the remuneration and pensions of officials, 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 2014 to 31 December 2023.

2. The rate of this solidarity levy, which shall apply to the base defined in paragraph 3, shall be 6%. The rate shall however be 7% for officials in grade AD 15, step 2, and above.

3. (a) The base for the solidarity levy shall be the basic salary used to calculate remuneration, minus:

- (i) social security and pension contributions and the tax, before solidarity levy, payable by an official in the same grade and step without dependants within the meaning of Article 2 of Annex VII, and

▼ M131

(ii) an amount equal to the basic salary of an official in grade AST 1, step 1.

(b) The components used to determine the base for the solidarity levy shall be expressed in euro and weighted at 100.

4. The solidarity levy shall be deducted monthly at source; the proceeds shall be entered as revenue in the general budget of the European Union.

▼ B*Article 67***▼ M16**

1. Family allowances shall comprise:

▼ M56

(a) household allowance;

(b) dependent child allowances;

▼ M16

(c) education allowance.

▼ M23

2. Officials in receipt of family allowances specified in this Article shall declare allowances of like nature paid from other sources; such latter allowances shall be deducted from those paid under Articles 1, 2 and 3 of Annex VII.

▼ M131

3. The dependent child allowance may be doubled, by special reasoned decision of the appointing authority based on medical documents establishing that the child concerned has a disability or a long-term illness which involves the official in heavy expenditure.

▼ M56

4. ► M95 Where, by virtue of Articles 1, 2 and 3 of Annex VII, such family allowances are paid to a person other than the official, these allowances shall be paid in the currency of the country in which that person is resident, calculated where applicable on the basis of the exchange rates referred to in the second subparagraph of Article 63. They shall be subject to the weighting for the country in question if it is inside the ► M128 Union ◀ or to a weighting equal to 100 if the country of residence is outside the ► M128 Union ◀. ◀

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

▼ B*Article 68***▼ M23**

The family allowances specified in Article 67 (1) shall continue to be payable where the official is entitled to allowance under Article 41 or under Article 34 or 42 of the former Staff Regulations of the European Coal and Steel Community.

The person concerned shall declare allowances of like nature which he receives from other sources for the same child; such allowances shall be deducted from those paid under Articles 1, 2 and 3 of Annex VII.

▼ M112*Article 68a*

An official who is authorised to work part time shall be entitled to remuneration calculated as provided for in Annex IVa.

▼ B*Article 69***▼ M16**

The expatriation allowance shall be equal to 16 % of the total of the basic salary, ► **M25** household allowance ◀ and dependent child allowance to which the official is entitled. The expatriation allowance shall be not less than ► **M129** EUR 505,39 ◀ per month.

▼ M112*Article 70*

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

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

▼ B

Section 2

EXPENSES*Article 71*

An official shall be entitled, as provided in Annex VII, to reimbursement of expenses incurred by him on taking up appointment, transfer, or leaving the service, and also to expenses incurred by him in the course of or in connection with the performance of his duties.

▼ B

CHAPTER 2

Social security benefits

Article 72▼ M56

1. An official, his spouse, where such spouse is not eligible for benefits of the same nature and of the same level by virtue of any other legal provision or regulations, his children and other dependants within the meaning of Article 2 of Annex VII are insured against sickness up to 80 % of the expenditure incurred subject to rules drawn up by agreement between the ► M131 appointing authorities of the institutions ◀ of the ► M128 Union ◀ after consulting the Staff Regulations Committee. This rate shall be increased to 85 % for the following services: consultations and visits, surgical operations, hospitalization, pharmaceutical products, radiology, analyses, laboratory tests and prostheses on medical prescription with the exception of dental prostheses. It shall be increased to 100 % in cases of tuberculosis, poliomyelitis, cancer, mental illness and other illnesses recognized by the appointing authority as of comparable seriousness, and for early detection screening and in cases of confinement. However, reimbursement at 100 % shall not apply in the case of occupational disease or accident having given rise to the application of Article 73.

▼ M112

The unmarried partner of an official shall be treated as the spouse under the sickness insurance scheme, where the first three conditions in Article 1(2)(c) of Annex VII are met.

The ► M131 appointing authorities of the institutions ◀ may, under the rules referred to in the first subparagraph, confer on one of their number the power to lay down the rules governing the reimbursement of expenses in accordance with the procedure laid down in Article 110.

▼ M56

One-third of the contribution required to meet such insurance cover shall be charged to the official but so that the amount charged to him shall not exceed 2 % of his basic salary.

▼ M23

1a. An official whose service terminates and who provides evidence that ► M112 he is not in gainful employment ◀ may, not later than one month following that in which his service terminates apply to continue, for a maximum of six months after termination of service, to be insured against sickness as provided in paragraph 1. The contribution referred to in the previous paragraph shall be calculated by reference to the last basic salary received by the official, half the contribution being borne by him.

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

▼ M56

1b. Where the ex-spouse of an official, a child who ceases to be an official's dependant or a person who ceases to be treated as a dependent child within the meaning of Article 2 of Annex VII to the Staff Regulations can provide evidence that ► **M112** he or she is not in gainful employment ◀, he or she may continue for a maximum of one year to be insured against sickness as provided for in paragraph 1, in his or her capacity as insured persons covered under that official's insurance; this cover shall not give rise to the levy of a contribution. This one-year period shall commence on the date of the decree absolute of divorce or of the loss of status of dependent child or of person treated as a dependent child.

▼ M112

2. An official who has remained in the service of the ► **M128** Union ◀ ► **M131** until pensionable age ◀ or who is in receipt of an invalidity allowance shall be entitled to the benefits provided for in paragraph 1 after he has left the service. The amount of contribution shall be calculated by reference to the amount of pension or allowance.

Those benefits shall also apply to the person entitled to survivor's pension following the death of an official who was in active employment or who remained in the service of the ► **M128** Union ◀ ► **M131** until pensionable age ◀, or the death of a person entitled to an invalidity allowance. The amount of contribution shall be calculated by reference to the amount of the survivor's pension.

2a. The following shall likewise be entitled to the benefits provided for in paragraph 1, on condition that they are not in gainful employment:

- (i) former officials entitled to retirement pensions who leave the service of the ► **M128** Union ◀ ► **M131** before reaching pensionable age ◀,
- (ii) persons entitled to a survivor's pension as a result of the death of a former official who left the service of the ► **M128** Union ◀ ► **M131** before reaching pensionable age. ◀

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

However, persons entitled to an orphan's pension shall not receive the benefit provided for in paragraph 1 unless they apply for it. The contribution shall be calculated by reference to the orphan's pension.

2b. In the case of persons entitled to a retirement pension or a survivor's pension, the contribution referred to in paragraphs 2 and 2a may not be less than that calculated by reference to the basic salary corresponding to the first step in ► **M131** grade AST 1. ◀

2c. Officials dismissed in accordance with Article 51 and not entitled to a retirement pension shall likewise be entitled to the benefits provided for in paragraph 1, on condition that they are not gainfully employed and that they bear half the contribution calculated by reference to their last basic salary.

▼ B

3. Where the total expenditure not reimbursed for any period of twelve months exceeds half the official's basic monthly salary or pension special reimbursement shall be allowed by the appointing authority, account being taken of the family circumstances of the person concerned, in manner provided in the rules referred to in paragraph 1.

▼ M23

4. ► **M56** Persons entitled to the foregoing benefits shall declare the amount of any reimbursements paid or which they can claim under any other sickness insurance scheme provided for by law or regulation for themselves or for persons covered by their insurance. ◀

▼ **M23**

Where the total which they would receive by way of reimbursement exceeds the sum of the reimbursements provided for in paragraph 1, the difference shall be deducted from the amount to be reimbursed pursuant to paragraph 1, with the exception of reimbursements obtained under a private supplementary sickness insurance scheme covering that part of the expenditure which is not reimbursable by the sickness insurance scheme of the ► **M128** Union ◀.

▼ **B***Article 73*

1. An official is, from the date of his entry into the service, insured against the risk of occupational disease or accidents in the manner provided for in rules drawn up by common agreement of the ► **M131** appointing authorities of the institutions ◀ of the ► **M128** Union ◀ after consulting the Staff Regulations Committee. He shall contribute to the cost of insuring against non-occupational risks up to 0·1 % of his basic salary.

Such rules shall specify which risks are not covered.

2. The benefits payable shall be as follows:

(a) In the event of death:

Payment to the persons listed below of a lump sum equal to five times the deceased's annual basic salary calculated by reference to the amounts of salary received during the twelve months before the accident:

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

(b) In the event of total permanent invalidity:

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

(c) In the event of partial permanent invalidity:

Payment to the official of a proportion of the sum provided for in subparagraph (b), calculated by reference to the scale laid down in the rules referred to in paragraph 1.

As provided in these rules an annuity may be substituted for the payments provided for above.

The benefits listed above may be paid in addition to the benefits provided for in Chapter 3.

▼ B

3. The following shall also be covered in the manner provided for in the rules referred to in paragraph 1: medical, pharmaceutical, hospital, surgical, prosthesis, radiography, massage, orthopaedic, clinical and transport expenses and any other similar expenditure incurred as a result of the accident or occupational disease.

Reimbursement shall, however, only be made where the amount paid to the officials under Article 72 does not fully cover the expenditure incurred.

▼ M62**▼ B***Article 74***▼ M39**

1. On the birth of a child to an official, the person who has actual care of the child shall receive a grant of ► M97 EUR 198,31 ◀.

The same grant shall be paid to an official who adopts a child who is less than five years of age and is a dependant within the meaning of Article 2 (2) of Annex VII.

▼ B

2. This grant shall also be payable in the event of a termination of pregnancy after not less than seven months.

▼ M39

3. The recipient of a grant on the birth of a child shall declare any grants of the same nature received from other sources for the same child; such grants shall be deducted from the grant provided for above. Where both parents are officials of the ► M128 Union ◀, the grant shall be paid once only.

▼ M56*Article 75*

In the event of the death of an official, an official's spouse or dependent child, or any other dependent person within the meaning of Article 2 of Annex VII who lived as part of the official's household, the institution shall reimburse the costs involved in transporting the body from the official's place of employment to his place of origin.

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

▼ B*Article 76*

Gifts, loans or advances may be made to officials, former officials or where an official has died, to those entitled under him who are in a particularly difficult position as a result of serious or protracted illness or by reason of ► M112 a disability or ◀ family circumstances.

▼ M112*Article 76a*

A surviving spouse who has a serious or protracted illness or who is disabled may receive financial aid increasing the pension from the ► M131 appointing authorities of the institutions ◀ for the duration of the illness or disability on the basis of an examination of the social and medical circumstances of the person concerned. Rules implementing this Article shall be fixed by common accord between the institutions, after consulting the Staff Regulations Committee.

▼ B

CHAPTER 3

▼ M112**Pensions and invalidity allowance**▼ M131*Article 77*

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

The maximum retirement pension shall be 70 % of the final basic salary carried by the last grade in which the official was classified for at least one year. 1,80 % of that final basic salary shall be payable to an official for each year of service reckoned in accordance with Article 3 of Annex VIII.

However, in the case of officials who have been assisting a person holding an office provided for in the Treaty on European Union or the Treaty on the Functioning of the European Union, the elected President of one of the institutions or organs of the Union or the elected Chairman of one of the political groups in the European Parliament, the entitlement to pensions corresponding to the years of pensionable service acquired while working in that capacity shall be calculated by reference to the final basic salary received during that time if the basic salary received exceeds that taken as reference for the purposes of the second paragraph of this Article.

The amount of the retirement pension must not be less than 4 % of the minimum subsistence figure per year of service.

The pensionable age shall be 66 years.

The pensionable age shall be assessed every five years starting on 1 January 2014 on the basis of a report by the Commission to the European Parliament and to the Council. The report shall examine, in particular, the evolution of pensionable age for staff in the civil services of the Member States and the evolution of life expectancy of officials of the institutions.

Where appropriate, the Commission shall make a proposal amending the pensionable age in line with the conclusions of that report, paying particular attention to developments in the Member States.

▼ M131*Article 78*

An official shall be entitled, in the manner provided for in Articles 13 to 16 of Annex VIII, to an invalidity allowance in the case of total permanent invalidity preventing him from performing the duties corresponding to a post in his function group.

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

The invalidity allowance shall be equal to 70 % of the official's last basic salary. However, it may not be less than the minimum subsistence figure.

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

Where the invalidity arises from an accident in the course of or in connection with the performance of an official's duties, from an occupational disease, from a public-spirited act or from risking his life to save another human being, the invalidity allowance may not be less than 120 % of the minimum subsistence figure. In such cases, moreover, contributions to the pension scheme shall be paid in full from the budget of the institution or body referred to in Article 1b.

▼ B*Article 79*

The ► M112 surviving spouse ◀ of an official or of a former official shall be entitled in the manner provided in chapter 4 of Annex VIII to a survivor's pension equal to ► M5 60 % ◀ of the retirement or disability pension which was paid to ► M112 the deceased ◀, or which, irrespective of length of service ► M62 or of age ◀, would have been payable to him if he had qualified for it at the time of his death.

The amount of the survivor's pension payable to the ► M112 surviving spouse ◀ of an official who has died while in one of the administrative statuses specified in Article 35, ► M62 ————— ◀, shall be neither less than the minimum subsistence rate nor less than ► M23 35 % ◀ of the last basic salary received by the official.

▼ M62

This amount shall not be less than 42 % of the final basic salary received by the official where death is due to one of the circumstances set out in ► M112 the fifth paragraph of Article 78 ◀.

▼ M112

▼ **B***Article 80*▼ **M112**

Where an official or person entitled to a retirement pension or invalidity allowance dies leaving no spouse entitled to a survivor's pension, the children dependent on the deceased within the meaning of Article 2 of Annex VII at the time of his death shall be entitled to orphans' pension in accordance with Article 21 of Annex VIII.

▼ **B**

The same pension entitlement shall apply to children who fulfill the above conditions in the event of the death or remarriage of the ► **M62** spouse in receipt of ◀ a survivor's pension.

▼ **M23**

Where an official or person entitled to ► **M112** a retirement pension or invalidity allowance ◀ dies but the conditions set out in the first paragraph are not satisfied, the dependent children within the meaning of Article 2 of Annex VII shall be entitled to orphan's pension in accordance with Article 21 of Annex VIII; the pension shall, however, be equal to half the pension calculated in accordance with that Article.

▼ **M112**

For persons treated as dependent children within the meaning of Article 2(4) of Annex VII, the orphan's pension may not exceed an amount equal to twice the dependent child allowance.

Where a child has been adopted, the death of the natural parent who has been replaced by the adoptive parent shall not give rise to payment of an orphan's pension.

▼ **M131**

Entitlement as provided for in the first, second and third paragraphs shall apply in the event of the death of a former official entitled to an allowance under Article 50 of the Staff Regulations, Article 5 of Council Regulation (EEC, Euratom, ECSC) No 259/68 ⁽¹⁾, Article 3 of Council Regulation (Euratom, ECSC, EEC) No 2530/72 ⁽²⁾ or Article 3 of Council Regulation (ECSC, EEC Euratom) No 1543/73 ⁽³⁾ and in the event of the death of a former official who left the service before reaching pensionable age and requested that his retirement pension be deferred until the first day of the calendar month following that in which he reached pensionable age.

▼ **M112**

Persons in receipt of an orphan's pension may not receive more than one such pension from the ► **M128** Union ◀. Where a surviving child has entitlement to more than one ► **M128** Union ◀ pension, he shall receive the pension providing the higher or highest amount.

⁽¹⁾ Council Regulation (EEC, Euratom, ECSC) No 259/68 of 29 February 1968 laying down the Staff Regulations and the Conditions of Employment of Other Servants of the European Communities and instituting special measures temporarily applicable to officials of the Commission (OJ L 56, 4.3.1968, p. 1).

⁽²⁾ Council Regulation (Euratom, ECSC, EEC) No 2530/72 of 4 December 1972 introducing special and temporary measures applicable to the recruitment of officials of the European Communities in consequences of the accession of new Member States, and for the termination of service of officials of those Communities (OJ L 272, 5.12.1972, p. 1).

⁽³⁾ Council Regulation (ECSC, EEC Euratom) No 1543/73 of 4 June 1973 introducing special measures temporarily applicable to officials of the European Communities paid from research and investment funds (OJ L 155, 11.6.1973, p. 1).

▼ B*Article 81***▼ M112**

A person entitled to a retirement pension or to an invalidity allowance, or to a survivor's pension shall be entitled, under the conditions laid down in Annex VII, to the family allowances specified in Article 67; the household allowance shall be calculated by reference to the pension or the allowance of the recipient. These allowances shall be paid to recipients of a survivor's pension only in respect of the children dependent on the deceased official or former official at the time of death.

▼ M23

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

▼ M62*Article 81a*

1. Notwithstanding any other provisions, notably those concerning the minimum amounts payable to persons entitled to a survivor's pension, the total amount payable by way of survivor's pension plus family allowances less tax and other compulsory deductions to the widow and other entitled persons may not exceed the following:

- (a) in the event of the death of an official having one of the administrative statuses set out in Article 35, the amount of the remuneration which the official would have received in the same grade and step if he had still been in the service, plus any family allowances received by him in that case and less tax and other compulsory deductions;
- (b) for the period following the date on which the official referred to in (a) above would have reached the ► **M131** age of 66 ◀, the amount of the retirement pension to which he would have been entitled thereafter, had he been alive, based on the same grade and step at the time of death, plus any family allowances which he would have received, less tax and other compulsory deductions;
- (c) in the event of the death of a former official entitled to a retirement pension or to an ► **M112** invalidity allowance ◀, the amount of the pension to which he would have been entitled, had he been alive, subject to the allowances and deductions referred to in (b);

▼ M131

- (d) in the event of the death of a former official who left the service before reaching pensionable age and requested that his retirement pension be deferred until the first day of the calendar month following that in which he reached pensionable age, the amount of the retirement pension to which he would have been entitled at pensionable age had he been alive, subject to the allowances and deductions referred to in point (b);

▼ M62

- (e) in the event of the death of an official or a former official entitled, on the day of his death, to an ► **M131** allowance under Article 41, 42c or 50 ◀ of these Staff Regulations, Article 5 of Regulation (EEC, Euratom, ECSC) No 259/68, Article 3 of Regulation (Euratom, ECSC, EEC) No 2530/72, Article 3 of Regulation (ECSC, EEC, Euratom) No 1543/73, Article 2 of Regulation (ECSC, EEC, Euratom) No 2150/82 or Article 3 of Regulation (ECSC, EEC, Euratom) No 1679/85, the amount of the allowance to which he would have been entitled, had he been alive, subject to the allowances and deductions set out in (b);
- (f) for the period following the date on which the former official referred to in (e) would have ceased to be entitled to the allowance, the amount of the retirement pension to which he would have been entitled on that date, had he been alive and satisfied the relevant age requirements for the grant of pension rights, subject to the allowances and deductions set out in (b).

2. For the purposes of paragraph 1, weightings shall be disregarded, which could affect the various amounts in question.

3. The maximum amount as defined in subparagraphs (a) to (f) above shall be apportioned among the persons entitled to a survivor's pension in proportion to their respective entitlements, paragraph 1 being disregarded for this purpose.

The second, ► **M112** and third ◀ subparagraphs of Article 82 (1) shall apply to the amounts thus apportioned.

▼ M112*Article 82*

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

No correction coefficient shall be applicable to pensions.

Pensions expressed in euro shall be paid in one of the currencies referred to in Article 45 of Annex VIII to the Staff Regulations.

▼ M131

2. Where remuneration is updated in accordance with Article 65(1), the same update shall be applied to pensions.

▼ M112

3. The provisions of paragraphs 1 and 2 shall apply by analogy to recipients of an invalidity allowance.

▼ B*Article 83*

1. Benefits paid under this pension scheme shall be charged to the budget of the ► **M128** Union ◀. Member States shall jointly guarantee payment of such benefits in accordance with the scale laid down for financing such expenditure.

▼ M131

▼B

2. Officials shall contribute one third of the cost of this pension scheme. The contribution shall be ►**M130** 11,6 % ◀ of the official's basic salary, the weightings provided for in Article 64 not being taken into account. It shall be deducted monthly from the salary of officials. ►**M112** The contribution shall be adjusted in accordance with the rules laid down in Annex XII. ◀

3. The procedure for calculation of the pensions of officials who have spent part of their service with the European Coal and Steel Community or who belong to the institutions or organs common to the ►**M128** Union ◀, and the apportionment of the cost of such award between the European Coal and Steel Community pension fund and the budgets of the European Economic Community and the European Atomic Energy Community shall be settled by a Regulation made by agreement between the Councils and the Committee of Presidents of the European Coal and Steel Community, after consulting the Staff Regulations Committee.

▼M112*Article 83a*

1. The scheme shall be kept in balance in accordance with the detailed rules set out in Annex XII.

▼M131

2. 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. From 1 January 2016 agencies which are partly 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.

3. The balance of the pension scheme shall be ensured by the pensionable age and the rate of contribution to the scheme. On the occasion of the five-yearly actuarial assessment in accordance with Annex XII, the rate of contribution to the pension scheme shall be updated in order to ensure the balance of the scheme.

4. Each year the Commission shall update the actuarial assessment referred to in paragraph 3, 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 rate shall be updated, in accordance with the arrangements laid down in Annex XII.

5. For the purposes of paragraphs 3 and 4 of this Article, the reference figure set out in Article 83(2) shall be updated. The Commission shall publish the resulting updated rate of contribution within two weeks after the update in the C series of the *Official Journal of the European Union* for information purposes.

▼B*Article 84*

Detailed rules governing the foregoing pension scheme are contained in Annex VIII.

▼ B

CHAPTER 4

Recovery of overpayments

Article 85▼ M23

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

▼ M112

The request for recovery must be made no later than five years from the date on which the sum was paid. Where the Appointing Authority is able to establish that the recipient deliberately misled the administration with a view to obtaining the sum concerned, the request for recovery shall not be invalidated even if this period has elapsed.

▼ M62

CHAPTER 5

Subrogation in favour of the ► M128 Union ◀*Article 85a*

1. Where the death, accidental injury or sickness of a person covered by these Staff Regulations is caused by a third party, the ► M128 Union ◀ shall, in respect of the obligations incumbent upon them under the Staff Regulations consequent upon the event causing such death, injury or sickness, stand subrogated to the rights, including rights of action, of the victim or of those entitled under him against the third party.

2. The subrogation provided for by paragraph 1 shall extend *inter alia* to the following:

- continued payment of remuneration in accordance with Article 59 to the official during the period when he is temporarily unfit to work,
- payments effected in accordance with Article 70 following the death of an official or of a former official entitled to a pension,
- benefits paid under Articles 72 and 73 and their implementing rules, relating to insurance against sickness and accident,
- payment of the costs involved in transporting the body, as referred to in Article 75,
- supplementary family allowances paid in accordance with Article 67 (3) and with Article 2 (3) and (5) of Annex VII in respect of a dependent child suffering from serious illness, infirmity or handicap,
- ► M112 invalidity allowances ◀ paid in the event of accident or sickness resulting in permanent invalidity preventing the official from performing his duties,
- survivor's pensions paid in the event of the death of an official or of a former official or the death of the spouse of an official or of a former official entitled to a pension, where the spouse is not an official nor a member of the temporary staff,

▼ M62

— orphan's pensions paid regardless of age to the child of an official or former official where that child is prevented by serious illness, infirmity or handicap from earning a livelihood after the death of the person on whom he was dependent.

3. However, the ► **M128** Union ◀ shall not be subrogated to rights of compensation in respect of purely personal damage such as non-material injury, damages for pain and suffering or compensation for disfigurement and loss of amenity over and above the allowance granted for those headings under Article 73.

4. The provisions of paragraphs 1, 2 and 3 may not be a bar to direct action by the ► **M128** Union ◀.

▼ B

TITLE VI

DISCIPLINARY MEASURES

Article 86

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

▼ M112

2. Where the Appointing Authority or OLAF becomes aware of evidence of failure within the meaning of paragraph 1, they may launch administrative investigations to verify whether such failure has occurred.

3. Disciplinary rules, procedures and measures and the rules and procedures covering administrative investigations are laid down in Annex IX.

▼ B

TITLE VII

APPEALS

*Article 90***▼ M23**

1. Any person to whom these Staff Regulations apply may submit to the appointing authority, a request that it take a decision relating to him. The authority shall notify the person concerned of its reasoned decision within four months from the date on which the request was made. If at the end of that period no reply to the request has been received, this shall be deemed to constitute an implied decision rejecting it, against which a complaint may be lodged in accordance with the following paragraph.

► **C17** 2. Any person to whom these Staff Regulations apply may submit to the appointing authority a complaint against an act affecting him adversely, ◀ either where the said authority has taken a decision or where it has failed to adopt a measure prescribed by the Staff Regulations. The complaint must be lodged within three months. The period shall start to run:

— on the date of publication of the act if it is a measure of a general nature;

▼ M23

- on the date of notification of the decision to the person concerned, but in no case later than the date on which the latter received such notification, if the measure affects a specified person ► **C17** ; if, however, an act affecting a specified person is such as to affect adversely another person, the period shall start to run in respect of that other person on the date on which he receives notification thereof but in no case later than the date of publication; ◀
- on the date of expiry of the period prescribed for reply where the complaint concerns an implied decision rejecting a request as provided in paragraph 1.

The authority shall notify the person concerned of its reasoned decision within four months from the date on which the complaint was lodged. If at the end of that period no reply to the complaint has been received, this shall be deemed to constitute an implied decision rejecting it, against which an appeal may be lodged under Article 91.

▼ M112*Article 90a*

Any person to whom these Staff Regulations apply may submit to the Director of OLAF a request within the meaning of Article 90(1), asking the Director to take a decision relating to him in connection with investigations by OLAF. Such person may also submit to the Director of OLAF a complaint within the meaning of Article 90(2) against an act adversely affecting him in connection with investigations by OLAF.

Article 90b

Any person to whom these Staff Regulations apply may submit to the European Data Protection Supervisor a request or a complaint within the meaning of Article 90(1) and (2), within his sphere of competence.

Article 90c

Requests and complaints relating to the areas to which Article 2(2) has been applied shall be lodged with the Appointing Authority entrusted with the exercise of powers.

▼ B*Article 91***▼ M23****▼ C17**

1. The Court of Justice of the ► **M128** European Union ◀ shall have jurisdiction in any dispute between the ► **M128** Union ◀ and any person to whom these Staff Regulations apply regarding the legality of an act affecting such person adversely within the meaning of Article 90(2). In disputes of a financial character the Court of Justice shall have unlimited jurisdiction.

▼ M23

2. An appeal to the Court of Justice of the ► **M128** European Union ◀ shall lie only if:

- the appointing authority has previously had a complaint submitted to it pursuant to Article 90 (2) within the period prescribed therein, and
- the complaint has been rejected by express decision or by implied decision.

▼ M23

3. Appeals under paragraph 2 shall be filed within three months. The period shall begin:

- on the date of notification of the decision taken in response to the complaint;
- on the date of expiry of the period prescribed for the reply where the appeal is against an implied decision rejecting a complaint submitted pursuant to Article 90 (2); nevertheless, where a complaint is rejected by express decision after being rejected by implied decision but before the period for lodging an appeal has expired, the period for lodging the appeal shall start to run afresh.

4. By way of derogation from paragraph 2, the person concerned may, after submitting a complaint to the appointing authority pursuant to Article 90 (2), immediately file an appeal with the Court of Justice, provided that such appeal is accompanied by an application either for a stay of execution of the contested act or for the adoption of interim measures. The proceedings in the principal action before the Court of Justice shall then be suspended until such time as an express or implied decision rejecting the complaint is taken.

5. Appeals under this Article shall be investigated and heard as provided in the Rules of Procedure of the Court of Justice of the ► **M128** European Union ◀.

▼ M112*Article 91a*

Any appeals relating to the areas in which Article 2(2) has been applied shall be made against the institution to which the Appointing Authority entrusted with the exercise of powers is answerable.

▼ M131

▼ M128

TITLE VIIIa

SPECIAL PROVISIONS APPLICABLE TO THE EEAS*Article 95*

1. The powers conferred by these Staff Regulations on the Appointing Authority shall be exercised by the High Representative of the Union for Foreign Affairs and Security Policy (hereinafter referred to as the High Representative) in respect of staff of the EEAS. The High Representative may determine who within the EEAS shall exercise those powers. Article 2(2) shall apply.

2. In respect of Heads of Delegation, the powers concerning appointments shall be exercised, using a thorough selection procedure based on merit and having regard to gender and geographical balance, on the basis of a list of candidates on which the Commission has agreed within the framework of the powers that the Treaties confer on it. This shall apply *mutatis mutandis* to transfers in the interest of the service made in exceptional circumstances and for a defined temporary period to a post of Head of Delegation.

▼ M128

3. In respect of Heads of Delegation, in cases where they have to carry out tasks for the Commission as part of their duties, the Appointing Authority shall initiate administrative inquiries and disciplinary proceedings as referred to in Articles 22 and 86 and Annex IX if the Commission so requests.

For the purposes of the application of Article 43 the Commission shall be consulted.

Article 96

Notwithstanding Article 11, a Commission official working in a Union delegation shall take instructions from the Head of Delegation in accordance with the latter's role as provided for in Article 5 of Council Decision 2010/427/EU of 26 July 2010 establishing the organisation and functioning of the European External Action Service ⁽¹⁾.

An EEAS official who has to carry out tasks for the Commission as part of his duties shall take instructions from the Commission with regard to those tasks, in accordance with Article 221(2) of the Treaty on the Functioning of the European Union.

The detailed arrangements for implementing this Article shall be agreed between the Commission and the EEAS.

Article 97

Until 30 June 2014, with regard to those officials who have been transferred to the EEAS pursuant to Decision 2010/427/EU, by way of derogation from Articles 4 and 29 of these Staff Regulations and under the conditions set out in Article 7(1) thereof, the Appointing Authorities of the institutions concerned may in exceptional cases, acting by common agreement and solely in the interest of the service, after having heard the official concerned, transfer such an EEAS official from the EEAS to a vacant post of the same grade in the General Secretariat of the Council or in the Commission without notifying the staff of the vacant post.

Article 98

1. For the purposes of Article 29(1)(a), when filling a vacant post in the EEAS, the Appointing Authority shall consider the applications of officials of the General Secretariat of the Council, the Commission and the EEAS, of temporary staff to whom Article 2(e) of the Conditions of Employment of Other Servants applies and of staff from national diplomatic services of the Member States without giving priority to any of those categories. Until 30 June 2013, by way of derogation from Article 29, for recruitment from outside the institution, the EEAS shall recruit exclusively officials from the General Secretariat of the Council and from the Commission as well as staff from the diplomatic services of Member States.

⁽¹⁾ OJ L 201, 3.8.2010, p. 30.

▼M128

However, in exceptional cases and after having exhausted the possibilities to recruit in accordance with these provisions, the Appointing Authority may decide to recruit from outside the sources listed in the first sentence of the first subparagraph technical support staff at AD level necessary for the good functioning of the EEAS, such as specialists in the areas of crisis management, security and IT.

As from 1 July 2013, the Appointing Authority shall also consider the applications of officials from institutions other than those referred to in the first subparagraph without giving priority to any of those categories.

2. For the purposes of Article 29(1)(a) and without prejudice to Article 97, the Appointing Authority of institutions other than the EEAS shall, when filling a vacant post, consider applications from internal candidates and officials of the EEAS who were officials of the institution concerned until they became officials of the EEAS without giving priority to any of those categories.

Article 99

1. Until the High Representative decides to establish a Disciplinary Board for the EEAS, the Disciplinary Board of the Commission shall also serve as the Disciplinary Board for the EEAS. The High Representative's decision shall be taken no later than 31 December 2011.

Pending the establishment of the Disciplinary Board for the EEAS, the two additional members referred to in Article 5(2) of Annex IX shall be appointed from amongst EEAS officials. The Appointing Authority and the Staff Committee referred to in Articles 5(5) and 6(4) of Annex IX shall be those of the EEAS.

2. Until a Staff Committee is set up within the EEAS in accordance with the first indent of Article 9(1)(a), which shall be no later than 31 December 2011, by way of derogation from the provision contained in that indent, the Staff Committee of the Commission shall also represent officials and other servants of the EEAS.

TITLE VIIIb

▼M67**SPECIAL AND EXCEPTIONAL PROVISIONS APPLICABLE TO OFFICIALS SERVING IN A THIRD COUNTRY***Article 101a*

Without prejudice to the other provisions of the Staff Regulation, Annex X lays down the special and exceptional provisions applicable to officials serving in a third country.

▼ B

TITLE IX
TRANSITIONAL AND FINAL PROVISIONS

CHAPTER 1

Transitional provisions

▼ M112

▼ M23

▼ M62

▼ M112

Article 107a

Transitional provisions are set out in Annex XIII.

▼ M23

▼ B

CHAPTER 2

Final provisions

▼ M131

Article 110

1. The general provisions implementing these Staff Regulations shall be adopted by the appointing authority of each institution after consulting the 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. To that end, the Commission shall inform the agencies of any such implementing rule without delay after adoption.

Such implementing rules shall enter into force at the agencies nine months after their entry into force at the Commission or nine months after the date on which the Commission informed the agencies of the adoption of the respective implementing rule, whichever is later. Notwithstanding the foregoing, an agency may also decide that such implementing rules are to enter into force at an earlier date.

By way of derogation, an agency may, before the expiry of the nine-month period referred to in the second subparagraph of this paragraph 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 to the non-application of certain of those 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.

▼ M131

The nine-month period referred to in the second subparagraph of this paragraph 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 subjects other than the implementing rules adopted by the Commission.

For the purposes of the adoption of implementing rules, the agencies shall be represented by the management board or the equivalent body referred to in the Union act establishing them.

3. For the purposes 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 those 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 appointing authorities of 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 those 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 appointing authority of each institution to give effect to these Staff Regulations, and those rules adopted by the agencies to the extent that they derogate from the rules adopted by the Commission, in accordance with the procedure provided in paragraph 2, including any amendments thereto. Institutions and agencies shall have direct access to that register and the full right to amend their own rules. Member States shall have direct access to it. Moreover, every three years, the Commission shall present a report to the European Parliament and the Council on the rules adopted by the appointing authority of each institution to give effect to these Staff Regulations.

Article 111

The Commission shall be empowered to adopt delegated acts in accordance with Article 112 concerning certain aspects of working conditions, certain aspects of the implementation of the rules on remuneration and the social security scheme.

Article 112

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

2. The power to adopt delegated acts referred to in Articles 56a, 56b and 56c of the Staff Regulations, Article 13(3) of Annex VII and Article 9 of Annex XI thereto and Articles 28a(11) and 96(11) of the Conditions of Employment of Other Servants shall be conferred on the Commission for an indeterminate period of time from 1 January 2014.

▼M131

3. The delegation of power referred to in Articles 56a, 56b, 56c of the Staff Regulations, Article 13(3) of Annex VII and Article 9 of Annex XI thereto and Articles 28a(11) and 96(11) of the Conditions of Employment of Other Servants may be revoked at any time by the European Parliament or by the Council. A decision to revoke 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 of the Staff Regulations, Article 13(3) of Annex VII or Article 9 of Annex XI thereto or Articles 28a(11) or 96(11) 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 of the Council.

Article 113

The Commission shall, by 31 December 2020, submit a report to the European Parliament and to the Council assessing the functioning of these Staff Regulations.