



HIGH COUNCIL DECISION N. 6/2014

of 5 December 2014

laying down the Service Rules of Administrative Staff

and namely amending the Staff Regulations applicable to Permanent Staff Members and Conditions of Employment of Other Servants of the European University Institute (EUI)

THE HIGH COUNCIL,

Having regard to the Convention setting up a European University Institute, in particular Article 6(5)(c),

Having regard to the Protocol on the Privileges and Immunities of the European University Institute, and in particular Article 12 thereof,

Having regard to the proposal by the President of the European University Institute to revise the Staff Regulations, submitted following consultation with the Staff Regulations Committee,

Taking into account Regulation (EU, Euratom) No 1023/2013 of the European Parliament and of the Council of 22 October 2013 amending the Staff Regulations of Officials of the European Union and the Conditions of Employment of Other Servants of the European Union,

Whereas:

- (1) The EUI has been traditionally applying *mutatis mutandis* the Staff Regulations of the officials and others servants of the European Union by transposing them into its own regulatory framework after adapting them to its nature, administrative structure and budgetary specificities.
- (2) The same principle of parallelism has been also applied for the purposes of this amendment by following as far as possible the changes introduced during the last reform of the EU's Staff Regulations.
- (3) The President's proposal for amendment of these Service Rules of Administrative Staff has been discussed with the staff representatives in accordance with the appropriate procedures and takes into account the outcome of those discussions. Before the adoption, this proposal has been subject to consultation with the Staff Regulations Committee of the Institute.
- (4) The EUI's Staff Regulations and Conditions of Employment should be such as to secure a framework for attracting, recruiting and maintaining highly qualified and multilingual staff, drawn on the broadest possible geographical basis from among citizens of the European Union Member States, and with due regard to gender balance, who are

independent and who adhere to the highest professional standards, and to enable such staff to carry out their duties as effectively and efficiently as possible.

- (5) Such a high-quality administration will support the EUI in the overall carrying out of its teaching and research mission as well as will equip it to successfully face the future challenges-internal and external-.
- (6) The EUI shares the same interest as the EU institutions and acknowledges the necessity to follow by analogy the changes introduced in the EU Staff Regulations regarding the method for updating salaries and pensions, the application of a solidarity levy and the updates of pension contributions.
- (7) Demographic changes and the changing age structure of the population concerned require that the pension age be increased, subject however to transitional measures for permanent staff members and other servants of the EUI already in service. The pension age should also be made more flexible by making it easier for staff to continue to work voluntarily until the age of 67 and by making it possible, in exceptional circumstances and under specific conditions, to work until the age of 70.
- (8) The EUI acknowledges the need to follow the latest amendments of the EU Staff Regulations with a view to establishing a clear link between responsibilities and grade and in order to ensure a greater emphasis on the level of responsibilities when comparing merits in the context of promotion.
- (9) In that respect, it is appropriate that promotion to a higher grade should be made conditional on personal dedication, improvement of skills and competences, and the performance of duties the importance of which justifies the staff member's appointment to that higher grade.
- (10) By analogy to the EU Staff Regulations, the career stream in the AD and AST function groups should be restructured in such a way that the top grades will be reserved for a limited number of staff members exercising the highest level of responsibilities. Therefore administrators can only progress as far as grade AD 11 unless they are appointed to a specific post above that grade, and grades AD 12, 13 and 14 should be reserved for those staff whose roles entail significant responsibilities. Similarly, staff members in grade AST 9 can be promoted to grade AST 10 only in accordance with the procedure laid down in Article 4 and Article 29(1) of the Staff Regulations.
- (11) With a view to adjusting career structures in the current domains of AST staff even further to different levels of responsibility and as an indispensable contribution to limiting administrative expenses, a new function group 'AST/SC' for secretarial and clerical staff should be introduced. Salaries and promotion rates should establish a suitable correlation between the level of responsibility and the level of remuneration. In this way it will be possible to preserve a stable and comprehensive EUI administration.
- (12) Working hours applied in the EUI institutions should be aligned with those in force in the EU institutions which have taken into account the working hours applied in the civil services of the European Union Member States. Flexible working-time arrangements are an essential element of a modern and efficient public administration allowing for family-friendly working conditions and enabling a suitable gender balance within the EUI.
- (13) The rules on travelling time and annual payment of travel expenses between the place of employment and the place of origin should be modernised, rationalised and linked with expatriate status in order to make their application simpler and more transparent. In particular, the annual travelling time should be replaced by home leave and limited to a maximum of two and a half days.
- (14) Likewise, the rules on the reimbursement of removal costs should be simplified in order to facilitate their application both for the administration and the staff members concerned. To that end, cost ceilings which take account of the staff member's or agent's family situation and of the average cost of removal and associated insurance should be introduced.
- (15) It is appropriate to provide a more flexible framework for the employment of contract staff. The EUI similar to the EU institutions should therefore be enabled to engage contract staff for a maximum period of six years in order to perform tasks under the

supervision of permanent or temporary staff. In addition, while the vast majority of staff members will continue to be recruited on the basis of open competitions, the EUI should continue to be authorised to organise internal competitions which may exceptionally and subject to specific conditions be open to contract staff.

- (16) Transitional arrangements should be laid down to enable the new rules and measures to be applied gradually, whilst respecting the acquired rights and legitimate expectations of the staff employed before the entry into force of these amendments to the Staff Regulations.

HAS DECIDED AS FOLLOWS:

Article 1

The Service Rules of Administrative Staff and namely the Staff Regulations applicable to Permanent Staff Members and Conditions of Employment of Other Servants of the European University Institute are hereby amended as set out in Annex A, as regards the Staff Regulations applicable to Permanent Staff Members, Annex B, as regards the Conditions of Employment of other Servants and Annex C as regards the Common Provisions applicable to Teaching and Administrative Staff.

The three Annexes form an integral part of this Decision which repeals and replaces High Council Decision N. 9/2004 as subsequently amended.

Article 2

This decision shall enter into force on 1 January 2015.

Done at Florence, 5 December 2014

For the High Council

The President

(signed)

Andreas GOFAS

**I – STAFF REGULATIONS APPLICABLE TO PERMANENT STAFF MEMBERS
OF THE EUROPEAN UNIVERSITY INSTITUTE**

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**STAFF REGULATIONS APPLICABLE TO PERMANENT STAFF MEMBERS OF THE
EUROPEAN UNIVERSITY INSTITUTE**

**TITLE I
GENERAL PROVISIONS**

Article 1

These Staff Regulations shall apply to permanent staff members of the Institute (hereinafter “staff members”).

Article 1a

1. For the purposes of these Staff Regulations, "permanent staff member" means any person who has been appointed, as provided for in these Staff Regulations, to an established post by an instrument issued by the Appointing Authority of the Institute.

2. *(p.m. del.)*

*Article 1b
(p.m. del.)*

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.

Article 1d

1. In the application of these Staff Regulations, any discrimination based on grounds 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.

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.

2. With a view to ensuring full equality in practice between men and women in working life, 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 Institute 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 Appointing Authority of the Institute 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.

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 Authority of the Institute 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.

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 Institute 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.

Article 1e

1. Staff members 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 Institute and to services provided by the social welfare bodies referred to in Article 9. Former staff members may have access to limited specific measures of a social nature.

2. Staff members 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 European Treaties

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

Article 2

1. The President shall exercise the powers conferred by these Staff Regulations on the Appointing Authority.

2. (*p.m. del.*)

Article 3

The instrument appointing a staff member shall state the date on which the appointment takes effect; this date shall not be prior to the date on which the staff member 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 shall be notified to the staff once the Appointing Authority decides that the vacancy is to be filled.

If the vacancy cannot be filled by transfer, appointment to a post in accordance with Article 45a or promotion, the Appointing Authority shall consider whether to hold an internal competition.

Article 5

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 ten 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.

3. Appointment shall require at least:

(a) in function group AST 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 14:

- (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.

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

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

Article 6

1. The establishment plan appended to the Institute's budget 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 the Institute, the number of vacant positions at every grade of the establishment plan on 1 January of each year corresponds to the number of staff members 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, subject to financial feasibility. Those rates shall be applied on a five-year average basis as from 1 January 2015.

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 the Institute 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. The report shall be submitted by the President to the High Council, accompanied, if appropriate, by a proposal by the President on suitable corrective measures.

Article 7

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

A staff member may apply for a transfer within the Institute.

“Transfer” is defined as the reassignment of a staff member to another administrative or academic unit in the Institute, taking into account the requirements of the unit and the competences of the staff member.

2. A staff member 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 a staff member who is seconded to another post in the interests of the service, called up for military service or absent on protracted sick leave.

*Article 8
(p.m. del.)*

Article 9

1. There shall be set up:

- a Staff Committee;
- one or more Joint Committees, as appropriate for the number of staff members at the places of employment;
- one or more Disciplinary Boards, as appropriate for the number of Staff members at the places of employment;
- a Joint Advisory Committee on professional incompetence, hereinafter "Committee on professional incompetence";
- a Reports Committee, if required;
- an Invalidity Committee;

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

1a. *(p.m. del.)*

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

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

3. The Staff Committee shall represent the interests of the staff vis-à-vis the Institute and maintain continuous contact between the Institute 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 Institute 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 Institute suggestions concerning the organisation and operation of the service and proposals for the improvement of staff working conditions or general living conditions.

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

4. In addition to the functions assigned to it 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.

5. The opinion of the Reports Committee shall be sought on action following completion of probationary service.

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 may be set up, consisting of equal numbers of representatives of the Institute and of the Staff Committee.

The Committee shall be consulted by the President on all proposals to revise the Staff Regulations; it shall deliver its opinion within the time set by the President. 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 Chair, of the President or of the Staff Committee.

Minutes of the meetings of the Committee shall be communicated to the President and the Staff Committee.

If a Staff Regulations Committee has not been set up, the Joint Committee shall exercise the powers mentioned in the second paragraph.

Article 10a

The President 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 President shall take his decision.

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 Committee.

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

Article 10c

The President may conclude agreements concerning the staff with the 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 Institute. The representative trade unions and staff associations which are signatories shall operate subject to the statutory powers of the Staff Committee.

TITLE II

RIGHTS AND OBLIGATIONS OF STAFF MEMBERS

Article 11

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

A staff member shall not without the permission of the Appointing Authority accept from any government or from any other source outside the Institute 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 a staff member, 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 staff members returning from leave on personal grounds.

Article 11a

1. A staff member 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 staff member 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 staff member from responsibility in this matter.
3. A staff member may neither keep nor acquire, directly or indirectly, in undertakings which are subject to the authority of the Institute to which he belongs or which have dealings with the Institute, any interest of such kind or magnitude as might impair his independence in the performance of his duties.

Article 12

A staff member shall refrain from any action or behaviour which might reflect adversely upon his position.

Article 12a

1. Staff members shall refrain from any form of psychological or sexual harassment.
2. A staff member who has been the victim of psychological or sexual harassment shall not suffer any prejudicial effects on the part of the Institute. A staff member who has given evidence on psychological or sexual harassment shall not suffer any prejudicial effects on the part of the Institute, provided the staff member 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, a staff member wishing to engage in an outside activity, whether paid or unpaid, or to carry out any assignment outside the Institute, 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 staff member's duties or is incompatible with the interests of the Institute.
2. A staff member shall notify the Appointing Authority of any changes in a permitted outside activity or assignment, which occur after the staff member 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.

Article 13

If the spouse of a staff member is in gainful employment, the staff member shall inform the Appointing Authority. Should the nature of the employment prove to be incompatible with that of the staff member and if the staff member 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 staff member shall continue in his post or be transferred to another post.

Article 15

1. A staff member 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 staff member 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. A staff member 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 staff member 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 staff member's term of office.

Article 16

A staff member 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.

Staff members intending to engage in an occupational activity, whether gainful or not, within two years of leaving the service shall inform the Appointing Authority thereof using a specific form or any other appropriate means. If that activity is related to the work carried out by the staff member during the last three years of service and could lead to a conflict with the legitimate interests of the Institute, 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 staff members 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 Institute for their business, clients or employers on matters for which they were responsible during the last three years in the service.

Article 17

1. A staff member 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. A staff member shall continue to be bound by this obligation after leaving the service.

Article 17a

1. A staff member 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, a staff member who intends to publish or cause to be published, whether alone or with others, any matter dealing with the work of the Institute 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 Institute, the Appointing Authority shall inform the staff member 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

1. All rights in any writings or other work done by any staff member in the performance of his duties shall be the property of the Institute where such writings or work relate to its activities. The Institute shall have the right to acquire compulsorily the copyright in such works.

2. *(p.m. del.)*

3. *(p.m. del.)*

Article 19

A staff member 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 Institute so require and such refusal would not entail criminal consequences as far as the staff member is concerned. A staff member shall continue to be bound by this obligation after leaving the service.

The provisions of the first paragraph shall not apply to a staff member or former staff member giving evidence before the judicial body for settling disputes between the Institute and its staff or before the Disciplinary Board on a matter concerning a servant or former servant of the Institute.

Article 20

A staff member 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. The staff member shall notify the Appointing Authority of his address and inform it immediately of any change of address.

Article 21

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

A staff member 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.

Article 21a

1. A staff member 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 staff member believes that such confirmation does not constitute a reasonable response to the grounds of his concern, the staff member shall refer the question in writing to the hierarchical authority immediately above. If the latter confirms the orders in writing, the staff member 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 staff member shall carry them out unless they are manifestly illegal or constitute a breach of the relevant safety standards. At the request of the staff member, the immediate superior shall be obliged to give such orders in writing.

3. A staff member 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.

Article 22

A staff member may be required to make good, in whole or in part, any damage suffered by the Institute as a result of serious misconduct on his part in the course of or in connection with the performance of his duties.

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

The judicial body for settling disputes between the Institute and its staff shall have unlimited jurisdiction in disputes arising under this provision.

Article 22a

1. Any staff member who, in the course of or in connection with the performance of his duties, becomes aware of facts which gives rise to a presumption of the existence of possible illegal activity, including fraud or corruption, detrimental to the interests of the Institute, or of conduct relating to the discharge of professional duties which may constitute a serious failure to comply with the obligations of Institute staff members, shall without delay inform either his immediate superior or, if he considers it useful, the Appointing Authority.

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 any other person in the service of or carrying out work for the Institute.

2. The immediate superior receiving the information referred to in paragraph 1 shall without delay transmit to the Appointing Authority of the Institute any evidence of which he is aware from which the existence of the irregularities referred to in paragraph 1 may be presumed.

3. A staff member shall not suffer any prejudicial effects on the part of the Institute as a result of having communicated the information referred to in paragraph 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 staff member in the course of, proceedings in legal cases, whether pending or closed.

Article 22b

1. A staff member who further discloses information as defined in Article 22a to the President of the High Council shall not suffer any prejudicial effects on the part of the Institute provided that both of the following conditions are met:

(a) the staff member honestly and reasonably believes that the information disclosed, and any allegation contained in it, are substantially true; and

(b) the staff member has previously disclosed the same information to the Appointing Authority of the Institute and has allowed the Institute the period of time set by it, given the complexity of the case, to take appropriate action. The staff member shall be duly informed of that period of time within 60 days.

2. The period referred to in paragraph 1 shall not apply where the staff member 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 staff member in the course of, proceedings in legal cases, whether pending or closed.

Article 22c

In accordance with Articles 24 and 90 (Article 1(2) of the Common Provisions for teaching and administrative staff.), the Institute shall put in place a procedure for the handling of complaints made by staff members 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 Institute 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 (Article 1(2) of the Common Provisions for teaching and administrative staff).

The Appointing Authority shall lay down internal rules on inter alia:

- the provision to staff members 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 staff members and of their privacy, and
- the procedure for the handling of complaints referred to in the first paragraph of this Article.

Article 23

The privileges and immunities enjoyed by staff members are accorded solely in the interests of the Institute. Subject to the Protocol on Privileges and Immunities, staff members 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 staff member concerned shall immediately inform the Appointing Authority.

Article 24

The Institute shall assist any staff member, in particular in proceedings against any person perpetrating threats, insulting or defamatory acts or utterances, or any attack on person or property to which he or a member of his family is subjected by reason of his position or duties.

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

Article 24a

The Institute shall facilitate such further training and instruction for staff members 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 24b

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

Article 25

Staff members may submit requests concerning issues covered by these Staff Regulations to the Appointing Authority of the Institute.

Any decision relating to a specific individual which is taken under these Staff Regulations shall at once be communicated in writing to the staff member concerned. Any decision adversely affecting a staff member shall state the grounds on which it is based.

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

Article 26

The personal file of a staff member shall contain:

- (a) all documents concerning his administrative status and all reports relating to his ability, efficiency and conduct;
- (b) any comments by the staff member 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 Institute against a staff member unless they were communicated to him before they were filed.

The communication of any document to a staff member shall be evidenced by his signing it or, failing that shall be effected by registered letter to the last address communicated by the staff member.

A staff member'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 staff member which are necessary for the application of these Staff Regulations.

There shall be only one personal file for each staff member.

A staff member shall have the right, even after leaving the service, to acquaint himself with all the documents in his file and to take copies of them.

The personal file shall be confidential and may be consulted only in the offices of the administration or on a secure electronic medium. It shall, however, be forwarded to the judicial body for settling disputes between the Institute and its staff if an action concerning the staff member is brought.

Article 26a

Staff members shall have the right to acquaint themselves with their medical files, in accordance with arrangements to be laid down by Appointing Authority of the Institute.

TITLE III

CAREER OF STAFF MEMBERS

CHAPTER 1

Recruitment

Article 27

Recruitment shall be directed to securing for the Institute the services of staff members of the highest standard of ability, efficiency and integrity, recruited on the broadest possible geographical basis from among nationals of Member States of the European Union. No posts shall be reserved for nationals of any specific Member State.

The principle of the equality of Union's citizens shall allow the Institute to adopt appropriate measures following the observation of a significant imbalance between nationalities among staff members which are 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 Institute concerned shall adopt general provisions for giving effect to this paragraph in accordance with Article 110.

After a three year period starting on 1 January 2015, the Institute shall report to the High Council on the implementation of the second paragraph.

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

Article 28

A staff member may be appointed only on condition that:

- (a) he is a national of one of the Member States of the European Union, unless an exception is authorised 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, either, passed a competition based on qualifications or tests, or both qualifications and tests, as provided for in Annex III, or has been selected using the European Personnel Selection Office (EPSO) as provided for in Article 29 (1);
- (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 European Union and of a satisfactory knowledge of at least another language of the European Union to the extent necessary for the performance of his duties.

Article 29

1. Before filling a vacant post, 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

(b) *(p.m. del.)*

(c) if it was not possible to fill the vacant post through the possibility mentioned in point (a), 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 an internal competition which shall be open only to permanent staff members and to temporary staff as defined in Article 2 of the Conditions of Employment of Other Servants of the European University Institute who have completed the probationary period;

or either

(i) 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.

(ii) use the European Personnel Selection Office (EPSO) to identify a suitable candidate for a vacant post. The rules for the implementation of this sub-paragraph shall be defined by a decision of the President of the Institute.

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 permanent staff members 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 an internal competition 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 Institute who have been recruited after 31 December 2014 and have completed three years of service, provided they have been recruited on the basis of a selection procedure which ensures the application of the same standards as for the selection of permanent staff. That category of contract staff as defined in Articles 3a and 3b above 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 Institute and with regard to the specific tasks it was entitled to perform as contract staff.

For contract staff recruited before 31 December 2014 and who have completed three years of service, participation to internal competitions will not be only in exceptional cases provided they have been recruited on the basis of a selection procedure which ensures the application of the same standards as for the selection of permanent staff.

2. *(p.m. del.)*

3. *(p.m. del.)*

4. *(p.m. del.)*

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 Institute.

Article 31

1. Candidates selected shall be appointed to the grade of the function group as set out in the notice of the competition they have passed.

2. Staff members 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 Institute in accordance with the following criteria:

(a) the objective of recruiting staff members of the highest standard as defined in Article 27;

(b) the quality of the professional experience required.

To address specific needs of the Institute, labour market conditions prevailing in the Union may also be taken into account when recruiting staff members.

3. Notwithstanding paragraph (2), the Appointing Authority 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. Appointments to vacant posts at these grades shall be limited only to posts of an EUI Director.

Article 32

A staff member shall be recruited at the first step in his grade.

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

Members of the temporary staff graded in accordance with the grading criteria adopted by the Appointing Authority shall retain the seniority in the step acquired in that capacity if they are appointed staff members in the same grade immediately following the period of temporary service.

Article 33

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

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 Institute, request that his case be submitted for the opinion of a medical committee composed of three doctors chosen by the Appointing Authority. 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.

Article 34

1. Staff members shall serve a nine-month probationary period before they can be established. The decision to establish a staff member 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, a staff member 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 staff member to another service or academic unit 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 staff members who resign before the end of their probationary period.

CHAPTER 2
Administrative status

Article 35

Staff members shall be assigned one of the following administrative statuses:

- (a) Active employment;
- (b) Secondment;
- (c) Leave on personal grounds;
- (d) (*p.m. del.*)
- (e) Leave for military service;
- (f) Parental leave or family leave

SECTION 1

Active Employment

Article 36

A staff member having active status is one who is performing the duties pertaining to the post to which he has been appointed or temporarily assigned under the conditions contained in Title IV.

SECTION 2

Secondment

Article 37

A staff member on secondment is an established staff member who, by decision of the Appointing Authority,

(a) has been directed in the interests of the service to serve temporarily in a post outside the Institute;

(b) has at his own request:

– been placed at the disposal of one of the institutions of the European Union; or

– been placed at the disposal of an organisation devoted to furthering the European Union's interests and included on a list to be drawn up by agreement between the Appointing Authority after consulting the Staff Regulations Committee; or

– been placed at the disposal of a university or higher education institution, or a research institution.

A staff member 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 a staff member of the Institute.

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

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 staff member concerned;
- (b) the duration of secondment shall be determined by the Appointing Authority;
- (c) at the end of every six months, the staff member concerned may request that this secondment be terminated;
- (d) a staff member 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 at the Institute; he shall likewise be entitled to reimbursement of all additional expenses entailed by his secondment;
- (e) a staff member on secondment pursuant to Article 37(a) shall continue to pay pension contributions based on the salary for active employment carried by his grade and step at the Institute;
- (f) a staff member on secondment shall retain his post, his right to advancement to a higher step and his eligibility for promotion;
- (g) when his secondment ends a staff member shall at once be reinstated in the post formerly occupied by him.

Article 39

Secondment at a staff member'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 a staff member 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;
- (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 at the Institute.

However, a staff member on secondment under Article 37(b) who acquires pension rights in the body to which he is seconded shall cease to be affiliated to the pension scheme at the Institute for the duration of this secondment.

A staff member who becomes an invalid while on secondment within the meaning of Article 37(b) and the dependants of a staff member who dies during the same period, shall be entitled under these Staff Regulations to the invalidity allowance or the survivor's pension less any amounts paid to them on the same grounds and for the same period by the body to whom the staff member was seconded.

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

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

(f) when his secondment ends a staff member must be reinstated in the first post corresponding to his grade which falls vacant in his function group provided that he satisfies the requirements for that post. If he declines the post offered to him he shall retain his right to reinstatement when the next vacancy corresponding to his grade occurs in his function group, subject to the same provision; 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.

SECTION 3

Leave on personal grounds

Article 40

1. An established staff member may, in exceptional circumstances and at his own request, be granted unpaid leave on personal grounds.

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 a staff member for the purpose of his engaging in an occupational activity, whether gainful or not, which could lead to the existence or possibility of a conflict with the legitimate interests of the Institute.

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 12 years in the course of the staff member's entire career.

If, however, a staff member applies for such leave in order to be able:

(i) to bring up a child considered as a dependant of the staff member 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 Institute and who requires constant care or supervision, or

(ii) (*p.m. del.*)

(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, 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.

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

However, a staff member 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 staff member's last basic salary. Moreover, the staff member 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 in Article 83(2); the contributions shall be calculated by reference to the basic salary for the staff member's grade and step.

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

(a) it shall be granted at the request of the staff member 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 staff member;

(d) on the expiry of his leave a staff member must be reinstated in the first post corresponding to his grade which falls vacant in his function group, provided that he satisfies the requirements for that post. If he declines the post offered to him, he shall retain his right to reinstatement when the next vacancy corresponding to his grade occurs in his function group, subject to the same provision; if he declines a second time, he may be required to resign after the Joint Committee has been consulted. Until effectively reinstated or placed on secondment he shall remain on unpaid leave on personal grounds.

SECTION 4

Non-active status

*Article 41
(p.m. del.)*

SECTION 5

Leave for military service

Article 42

A staff member 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 of "leave for military service".

A staff member 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 retain his right to enjoy retirement pension in respect of his period of service in the armed forces if, after completing his military service, he pays up his pension contributions.

A staff member 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.

SECTION 6

Parental or family leave

Article 42a

A staff member 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 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 staff member's membership of the social security scheme shall continue; the acquisition of pension rights, dependent child allowance and education allowance shall be maintained. The staff member 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, the staff member shall be entitled to an allowance of EUR 919,02 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 Institute and calculated on the basis of the basic salary of the staff member. 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 staff member's contribution shall be calculated by using the same percentages as if he were in full-time employment.

The allowance shall be EUR 1225,36 per month, or 50 % of such sum if the staff member 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.

Article 42b

In the case of medically certified serious illness or disability of a staff member's spouse, relative in the ascending line, relative in the descending line, brother or sister, the staff member 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 staff member's entire career.

The second paragraph of Article 42a shall apply.

SECTION 7

Leave in the interests of the service

(p.m. del.)

CHAPTER 3

Reports, advancement to a higher step and promotion

Article 43

The ability, efficiency and conduct in the service of each staff member shall be the subject of an annual report as provided by the Appointing Authority in accordance with Article 110. That report shall state whether or not the performance level of the staff member has been satisfactory. The Appointing Authority shall lay down provisions conferring the right to lodge an appeal within the reporting procedure, which has to be exercised before lodging a complaint as referred to in Article 90 (Article 1(2) of the Common Provisions for teaching and administrative staff).

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

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

Article 44

A staff member 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. A staff member 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.

Permanent staff members and by analogy temporary staff formally assigned a hierarchical responsibility in the same grade may, by decision of the President of the Institute (valid for up to three years and renewable), be granted an advancement in step in that grade.

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 staff member 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.

Article 45

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, staff members 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 staff member to the next higher grade in the function group to which he belongs. Promotion shall be exclusively by selection from among staff members who have completed a minimum of two years in their grade after consideration of the comparative merits of the staff members eligible for promotion. When considering comparative merits, the Appointing Authority shall in particular take account of the reports on the staff members, 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.

2. Staff members shall be required to demonstrate before their first promotion after recruitment the ability to work in a third language of the European Union. The Appointing Authority shall adopt general provisions for implementing this paragraph pursuant to Article 110. These rules shall require access to training for staff members in a third language and lay down the detailed arrangements for the assessment of staff members' ability to work in a third language.

Article 45a

1. By way of derogation from Article 5 (3) (b) and (c), a staff member in function group AST may, from grade 5, be appointed to a post in function group AD, on condition that he has demonstrated to an assessment committee to meet the qualifications needed for function group AD.

The Appointing Authority shall adopt general implementing provisions for giving effect to this Article in accordance with Article 110. In defining the relevant modalities special attention should be paid to the prerequisite of successfully attending a compulsory training programme developed taking into consideration the specificities of the European University Institute.

2. *(p.m. del.)*

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

4. *(p.m. del.)*

5. *(p.m. del.)*

Article 46

A staff member appointed to a higher grade in accordance with Article 45 shall be placed in the initial step in that grade. However, staff members in grades AD 9 to AD 13 carrying out the duties of Director who are appointed to a higher grade in accordance with Article 45 may be placed in the second step of the new grade.

The same arrangement may be applied to permanent staff members and by analogy to temporary staff with a formally recognised hierarchical responsibility.

CHAPTER 4

Termination of service

Article 47

Service shall be terminated by:

- (a) resignation;
- (b) compulsory resignation;
- (c) *(p.m. del.)*
- (d) dismissal for incompetence;
- (e) removal from post;
- (f) retirement; or
- (g) death.

SECTION 1

Resignation

Article 48

A staff member wishing to resign shall state unequivocally in writing his intention to leave the service of the Institute definitively.

The Appointing Authority shall give its decision confirming the definitive resignation within one month of receiving the letter of resignation. The Appointing Authority may, however, refuse to accept the resignation if disciplinary proceedings against the staff member are in progress at the date of receipt of the letter of resignation or if such proceedings are started within the following thirty days.

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 staff member in his letter of resignation in the case of staff members in function group AD, and not more than one month in the case of staff members in function groups AST and AST/SC.

SECTION 2

Compulsory resignation

Article 49

A staff member may be required to resign only where he ceases to fulfil the conditions laid down in Article 28 (a), or in the cases provided for in Articles 39, 40 and in the second paragraph of Article 14 of Annex VIII.

Reasoned decisions requiring staff members to resign shall be taken by the Appointing Authority after consulting the Joint Committee and hearing the staff member concerned.

SECTION 3

Retirement in the interests of the service

Article 50 (p.m. del.)

SECTION 4

Procedures for dealing with incompetence

Article 51

1. The Appointing Authority 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 the Institute shall respect the following requirements:

(a) a staff member 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 staff member shall be dismissed;

(b) any proposal to downgrade or dismiss a staff member shall set out the reasons on which it is based and shall be communicated to the staff member concerned. The proposal from the Appointing Authority shall be referred to the Joint Advisory Committee provided for in Article 9(6).

2. The staff member 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 fifteen days, but no more than thirty days, from the date of receipt of the proposal to prepare a defence. He may be assisted by a person of his choice. The staff member may submit written comments. He shall be heard by the Joint Advisory Committee. The staff member may also call witnesses.

3. The Institute shall be represented before the Joint Advisory Committee by a staff member designated for that purpose by the Appointing Authority. That staff member shall have the same rights as the staff member concerned.

4. In the light of the proposal under point (b) of paragraph 1 and any written and oral statements from the staff member 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 staff member 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. A staff member 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 a staff member in the first step of grade AST 1. The staff member 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 a staff member in grade AST1 in accordance with Article 1 of Annex VII.

The allowance shall not be paid if the staff member 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 staff member has completed less than five years' service at the date on which the dismissal decision is taken;

(b) six months where the staff member has completed at least five years' service but less than ten;

(c) nine months where the staff member has completed at least ten years' service but less than twenty;

(d) 12 months where the staff member has completed over twenty years' service.

7. Staff members 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.

8. Staff members 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 Institute, where the proceedings provided for in this Article end without any decision being taken to dismiss or downgrade.

SECTION 5

Retirement

Article 52

A staff member 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, a staff member 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 a staff member 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 staff member's request.

Article 53

A staff member to whom the Invalidity Committee finds that the provisions of Article 78 apply shall automatically be retired on the last day of the month in which the Appointing Authority recognises his permanent incapacity to perform his duties.

SECTION 6

Honorary rank

Article 54 *(p.m. del.)*

TITLE IV

WORKING CONDITIONS OF PERMANENT STAFF

CHAPTER 1

Hours of work

Article 55

1. Staff members in active employment shall at all times be at the disposal of the Institute.
2. 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 staff members engaged on particular duties.
3. A staff member may, moreover, be required, 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. The Appointing Authority shall lay down detailed rules for the application of this paragraph after consulting the Staff Committee.
4. The Appointing Authority may introduce flexible working-time arrangements.

Under those arrangements, entire working days shall not be granted for staff members in grade AD/AST 9 or higher.

Those arrangements shall not be applicable to staff members to whom the provisions of the second and third paragraph of Article 44 apply. Those staff members shall manage their working time in agreement with their superiors.

Article 55a

1. A staff member may request authorisation to work part time.

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

2. The staff member 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 staff member 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 Institute, only one shall be entitled to such reduction,

(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 staff member's career.

3. The Appointing Authority shall reply to the staff member'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

A staff member 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 staff member six months' notice. Likewise, the Appointing Authority may, on application of the staff member concerned and giving at least six months' notice, withdraw the authorisation. In this case, the staff member 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.

Article 56

A staff member 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. The total overtime which a staff member may be asked to work shall not exceed 150 hours in any six months.

Overtime worked by staff members in function group AD, and in function group AST 5 to 11, shall carry no right to compensation or remuneration.

As provided for in Annex VI, overtime worked by staff members 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 the requirements of the service do not allow compensatory leave during two months following that in which the overtime was worked.

Article 56a (*p.m. del.*)

Article 56b

A staff member 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.

The High Council, acting on a proposal from the President submitted after consulting the Staff Regulations Committee, shall determine the categories of staff members entitled to such allowances, the conditions for granting the allowances and also the rates thereof.

Article 56c
(p.m. del.)

CHAPTER 2

Leave

Article 57

Staff members 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 the Appointing Authority after consulting the Staff Regulations Committee.

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

Article 58

Pregnant women shall, in addition to the leave provided for in Article 57, be entitled on production of a medical certificate to twenty 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 of 24 weeks. Premature birth for the purposes of this provision is a birth taking place before the end of the 34th week of pregnancy.

Article 59

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

The staff member concerned shall notify the Institute 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 staff member's absence shall be considered as unauthorised.

The staff member may at any time be required to undergo a medical examination arranged by the Institute. If the examination cannot take place for reasons attributable to the staff member, 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 staff member is able to carry out his duties, his absence shall, subject to the following sub-paragraph, be regarded as unjustified from the date of the examination.

If the staff member 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 Institute a request that the matter be referred to an independent doctor for an opinion.

The Institute shall immediately transmit the request to another doctor agreed upon by the staff member's doctor and the medical officer of the Institute. Failing such agreement within five days of the request, the Institute 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 staff member may within two working days object to the choice of the Institute, whereupon this shall choose another person from the list, which choice shall be final.

The independent doctor's opinion given after consultation of the staff member's doctor and the medical officer of the Institute shall be binding. Where the independent doctor's opinion confirms the conclusion of the examination arranged by the Institute, 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, a staff member 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 staff member concerned. In the event that the staff member 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 staff member whose sick leave totals more than 12 months in any period of three years.

5. A staff member may be required to take leave after examination by the medical officer of the Institute 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. Staff members shall undergo a medical check-up every year either by one of the medical officers of the Institute or by a medical practitioner chosen by them.

In the latter case, the practitioner's fees shall be payable by the Institute up to a maximum 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 a staff member who is authorised to work part time shall, for as long as he is so authorised, be reduced proportionally.

Article 60

Except in case of sickness or accident, a staff member 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 staff member concerned. If he has used up his annual leave, he shall forfeit his remuneration for an equivalent period.

If a staff member wishes to spend leave elsewhere than at the place where he is employed he shall obtain prior permission from the Appointing Authority.

CHAPTER 3

Public holidays

Article 61

A list of public holidays shall be drawn up by the Appointing Authority, after consulting the Staff Regulations Committee and taking into account the public holidays in Italy.

TITLE V

EMOLUMENTS AND SOCIAL SECURITY FOR PERMANENT STAFF MEMBERS

CHAPTER 1

Remuneration and expenses

SECTION 1

Remuneration

Article 62

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

A staff member may not waive his entitlement to remuneration.

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

Article 63

A staff member's remuneration shall be expressed in euros.

Article 64

A staff member'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, be low or equal to 100 %, depending on living conditions in the place of employment.

The correction coefficients (the coefficient related to Italy termed "headquarters weighting" and the other coefficients) shall be adopted and annually updated in accordance with Annex XI.

The correction coefficient related to Italy (headquarters weighting) as at 1 January 2015 shall be 104,4%.

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 EU the institutions.

Article 65

1. The remuneration of the staff members and the other servants of the Institute shall be updated every year, in accordance with Annex XI.

2. Acting by a qualified majority, on a proposal from the President of the Institute, the High Council shall take the decision related to the annual update of remuneration and pensions as set

out in Annex XI article 2(2). Particular account shall be taken of variations in the cost of living, any increases in salaries in the public service and the recruitment needs of the Institute.

Article 65a

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

Article 66

Basic monthly salaries are determined for each grade and step in function groups AD, AST and SC as provided in the following tables (Euro):

[...]

(The relevant tables are omitted from this version given their nature as dynamic documents subject to annual updates but are available upon request at this email address: financial.personnel.service@eui.eu).

Article 66a

1. By way of derogation from Title II of the Common Provisions applicable to teaching and administrative staff, without prejudice to Article 65 of the application of the method for updating the remuneration and pensions of staff members, a temporary measure regarding remuneration paid by the Institute to administrative and teaching staff in active employment, to be known as the "solidarity levy", shall be applied from 1 January 2015 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 staff members 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 a staff member in the same grade and step without dependants within the meaning of Article 2 of Annex VII and

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

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

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

Article 67

1. Family allowances shall comprise:

(a) household allowance;

(b) dependent child allowance;

(c) education allowance.

2. Staff members 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.

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 staff member in heavy expenditure.

4. Where, by virtue of Articles 1, 2 and 3 of Annex VII, such family allowances are paid to a person other than the staff member, 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 45 of Annex VIII. They shall be subject to the weighting for the country in question if it is inside the European Union, or to a weighting equal to 100 if the country of residence is outside the European Union.

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

Article 68
(p.m. del.)

Article 68a

A staff member who is authorised to work part time shall be entitled to remuneration calculated as provided for in Annex IVa.

Article 69

The expatriation allowance shall be equal to 16% of the total of the basic salary, household allowance and dependent child allowance to which the staff member is entitled. The expatriation allowance shall be not less than EUR 509,43 per month.

Article 70

In the event of a staff member'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.

SECTION 2

Expenses

Article 71

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

CHAPTER 2

Social security benefits

Article 72

1. A staff member, 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, on the basis of the regulations drawn up by agreement among the European Union Institutions in accordance with Article 72(1) of the Staff Regulations of Officials of the European Union, applicable by analogy. 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 recognised 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.

The unmarried partner of a staff member 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.

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

1a. A staff member whose service terminates and who provides evidence that 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 for in paragraph 1. The contribution referred to in the previous paragraph shall be calculated by reference to the last basic salary received by the staff member, half the contribution being borne by him.

By decision of the Appointing Authority taken after consulting the medical officer of the Institute, the period of one month for making application and the six months' limit specified in the preceding subparagraph 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 Institute 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 Institute.

1b. Where the ex-spouse of a staff member, a child who ceases to be a staff member'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 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 staff member'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.

2. A staff member who has remained in the service of the Institute 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 a staff member who was in active employment or who remained in the service of the Institute

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 staff members entitled to retirement pensions who leave the service of the Institute before reaching pensionable age,

(ii) persons entitled to a survivor's pension as a result of the death of a former staff member who left the service of the Institute before reaching pensionable age.

The contribution referred to in paragraph 1 shall be calculated by reference to the former staff member'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 grade AST 1.

2c. Staff members 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.

3. Where the total expenditure not reimbursed for any period of 12 months exceeds half the staff member'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 the manner provided for in the rules referred to in paragraph 1.

4. 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.

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 Institute.

Article 73

1. A staff member from the date of his entering the service, is insured against the risk of occupational disease and of accident on similar terms to those laid down by the regulation drawn up by common agreement among the Appointing Authorities of the Institutions of the European Union provided for in Article 73(1) of the Staff Regulations of Officials of the European Union. 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 annual basic salary of the deceased calculated by reference to the monthly amounts of salary received during the 12 months before the accident:

– to the deceased staff member's spouse and children in accordance with the law of succession governing the staff member'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 descendants in accordance with the law of succession governing the staff member'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 staff member's estate;

– where there are no persons of any of the three categories above, to the Institute.

(b) In the event of total permanent invalidity:

Payment to the staff member of a lump sum equal to eight times his annual basic salary calculated on the basis of the monthly amounts of salary received during the 12 months before the accident.

(c) In the event of partial permanent invalidity:

Payment to the staff member 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 for 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.

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 staff member under Article 72 does not fully cover the expenditure incurred.

Article 74

1. On the birth of a child to a staff member, the person who has actual care of the child shall receive a grant of EUR 198,31.

The same grant shall be paid to a staff member 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.

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

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 employed by the Institute, the grant shall be paid once only.

Article 75

In the event of the death of a staff member, a staff member'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 staff member's household, the Institute shall reimburse the costs involved in transporting the body from the staff member's place of employment to his place of origin.

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

Article 76

Gifts, loans or advances may be made to staff members, former staff members or where a staff member has died, to those entitled under him who are in a particularly difficult position as a result inter alia of serious or protracted illness or by reason of a disability or family circumstances.

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 Institute 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 the Appointing Authority, after consulting the Staff Regulations Committee. They shall follow mutatis mutandis the implementing rules fixed among the European Union Institutions.

CHAPTER 3

Pensions and invalidity allowance

Article 77

A staff member who has completed at least 10 years' 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.

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

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 Institute shall follow *mutatis mutandis* any change in the pensionable age adopted by the European Union Institutions.

Article 78

A staff member shall be entitled, in the manner provided for in Articles 13 to 15 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 staff member when he became an invalid.

The invalidity allowance shall be equal to 70% of the staff member'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 a staff member'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 Institute.

Article 79

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

The amount of the survivor's pension payable to the surviving spouse of a staff member who has died while in one of the administrative statuses specified in Article 35 shall be neither less than the minimum subsistence figure nor less than 35% of the last basic salary received by the staff member.

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

Article 80

Where a staff member or person entitled to a retirement 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.

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

Where a staff member or person entitled to 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 orphans' 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.

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.

Entitlement as provided for in the first, second and third paragraphs shall apply in the event of the death of a former staff member who left the service before reaching the 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.

Persons in receipt of an orphan's pension may not receive more than one such pension under the Institute's pension scheme. Where a surviving child has entitlement to more than one such pension, he shall receive the pension providing the higher or highest amount.

Article 81

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 staff member or former staff member at the time of death.

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).

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 an amount corresponding to tax as calculated by the rules in Title II of the Common Provisions and other compulsory deductions to the surviving spouse and other entitled persons may not exceed the following:

(a) in the event of the death of a staff member having one of the administrative statuses set out in Article 35, the amount of the remuneration which the staff member 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 an amount corresponding to tax as calculated by the rules in Title II of the Common Provisions and other compulsory deductions;

(b) for the period following the date on which the staff member referred to in (a) above would have reached the 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 staff member entitled to a retirement pension or to an 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);

(d) in the event of the death of a former staff member 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);

(e) *(p.m. del.)*

(f) *(p.m. del.)*

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 1(a) to d) 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 and third subparagraphs of Article 82(1) shall apply to the amounts thus apportioned.

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.

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

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

Article 83

1. Benefits paid under this pension scheme shall be charged to the budget of the Institute. Contracting States shall jointly guarantee payment of such benefits in accordance with the scale laid down for financing such expenditure.

2. Staff members shall contribute one third of the cost of financing this pension scheme. The contribution shall be 10,3%, the weighting provided for in Article 64 not being taken into account. It shall be deducted monthly from the salaries of staff members. The contribution shall be adjusted in accordance with the rules laid down in Annex XII, or, where appropriate, in connection with application of Article 83a(4).

3. *(p.m. del.)*

4. By way of derogation from paragraph 2, staff members who have acquired 38 years of pension rights or who at age 65 have reached the maximum pension entitlement shall no longer contribute to the pension scheme.

Staff members who at age 65 have not yet reached the maximum pension entitlement shall benefit from the above provisions only from the month in which they reach the maximum pension entitlement.

Article 83a

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

2. *(p.m. del.)*

3. The balance of the pension scheme shall be ensured by the pensionable age and the rate of contribution to the scheme. The rate of contribution to the pension scheme shall be updated in accordance with the following paragraph.

4. The rate of contribution as set out in Article 83(2) shall be updated in accordance with the updates applied to EU Institutions (as set out in article 83(a)4 of the Staff Regulations of Officials of the European Union), except for the date of effect which shall be set by analogy to Annex 11 article 2 of the Institute's staff regulations.

Article 84

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

CHAPTER 4

Recovery of overpayments

Article 85

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.

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.

CHAPTER 5

Subrogation in favour of the institute

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 Institute 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 staff member during the period when he is temporarily unfit to work,

– payments effected in accordance with Article 70 following the death of a staff member or of a former staff member 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,

– invalidity allowances paid in the event of accident or sickness resulting in permanent invalidity preventing the staff member from performing his duties,

– survivor's pensions paid in the event of the death of a staff member or of a former staff member or the death of the spouse of a staff member or of a former staff member entitled to a pension, where the spouse is not a permanent staff member nor a member of the temporary staff,

– orphan's pension paid regardless of age to the child of a staff member or former staff member 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 Institute 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 Institute.

TITLE VI

DISCIPLINARY MEASURES

Article 86

1. Any failure by a staff member or former staff member to comply with his obligations under these Staff Regulations, whether intentionally or through negligence on his part shall make him liable to disciplinary action.
2. Where the Appointing Authority becomes aware of evidence of failure within the meaning of paragraph 1, he 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.

TITLE VII

APPEALS

Article 90

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.

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 Appointing 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.

The rules and further modalities governing requests and complaints a permanent staff member may make to the Appointing Authority are defined in Article 1 of the Common Provisions for teaching and administrative staff of the Institute.

Article 91

The Court of Justice of the European Union shall have jurisdiction in any dispute between the Institute 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).

The rules governing appeals by permanent staff members are defined in Article 2 of the Common Provisions for Teaching and Administrative Staff of the Institute.

Article 91a (p.m. del.)

TITLE VIIIa and b

(pm. del)

Articles from 95 to 101a

TITLE IX
TRANSITIONAL AND FINAL PROVISIONS

CHAPTER 1

Transitional provisions

Articles from 102 to 107

(p.m. rep.)

Article 107a

Transitional provisions are set out in Annex XIII.

CHAPTER 2

Final provisions

Article 110

1. The general provisions implementing these Staff Regulations shall be adopted by the Appointing Authority after consulting the Staff Committee and the Staff Regulations Committee. They shall be communicated to the High Council, and shall enter into force if no contrary observation has been made by it.

2. *(p.m. del.)*

3. *(p.m. del.)*

4. Rules giving effect to these Staff Regulations, including the general implementing provisions referred to in paragraph 1, shall be brought to the attention of the staff.

5. *(p.m. del.)*

6. *(p.m. del.)*

Articles 111 and 112
(p.m. del.)

Article 113

The Institute shall by 31 December 2021 submit a report to the High Council assessing the functioning of these Staff Regulations, upon its request.

ANNEX I

A. Types of posts in each function group, as provided for in Article 5(4) of the Staff Regulations

1. Function group AD

President	AD14, step 5
Secretary General	AD13, all steps – AD 14, step 3
Director	AD8 – AD13
Administrator (including Linguists) or Adviser	AD5 – AD11

2. Function group AST

Senior assistant Carrying out administrative, technical or training activities requiring a high degree of autonomy and carrying significant responsibilities in terms of staff management and budget implementation	AST10 – AST11
Assistant Carrying out administrative, technical or training activities requiring a degree of autonomy, in particular with regard to the implementation of rules and regulations or general instructions and carrying responsibilities in terms of staff management	AST1 – AST9

3. Function group AST/SC

Secretary/Clerk Carrying out clerical and secretarial tasks, office management and other equivalent tasks requiring a certain degree of autonomy	SC1 – SC6
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B. Multiplication rates for guiding average career equivalence

1. Multiplication rates for guiding average career equivalence in function groups AST and AD subject to financial feasibility (i.e. within the limit of the initial appropriations allocated to staff costs for posts on the administrative staff establishment plan):

Grade	Assistants	Administrators
13	-	15%
12	-	15%
11	-	25%
10	20%	25%
9	8%	25%
8	25%	33%
7	25%	36%
6	25%	36%
5	25%	36%
4	33%	-
3	33%	-
2	33%	-
1	33%	-

2. Multiplication rates for guiding average career equivalence in function group AST/SC:

Grade	Secretaries / Clerks
SC 6	-
SC 5	12%
SC 4	15%
SC 3	17%
SC 2	20%
SC 1	25%

ANNEX II

COMPOSITION AND PROCEDURE OF THE BODIES PROVIDED FOR IN ARTICLE 9 OF THE STAFF REGULATIONS

SECTION 1

Staff committee

Article 1

The Staff Committee shall comprise the members thereof, together with their alternates if any, whose term of office shall be three years. The Appointing Authority of the Institute may, however, decide to fix a shorter term of office, which may not be less than one year. Every staff member shall be entitled to vote and stand for election.

The conditions for election to the Staff Committee shall be laid down by the general meeting of staff members. However, the Appointing Authority of the Institute may decide that the conditions for election are to be determined in accordance with the preference of the staff of the Institute as expressed in a referendum. Election shall be by secret ballot.

Membership of the Staff Committee shall be such as to ensure the representation of the three function groups provided for in Article 5 of the Staff Regulations and also of the servants referred to in the first paragraph of Article 7 of the Conditions of Employment of other servants of the Institute.

Elections to the Staff Committee shall be valid only if two thirds of the staff members entitled to vote take part. However, if this proportion is not attained, the second vote shall be valid if the majority of those entitled take part.

The duties undertaken by members of the Staff Committee and by staff members appointed by the Committee to organs set up under the Staff Regulations or by the Institute shall be deemed to be part of their normal service in the Institute. The fact of performing such duties shall in no way be prejudicial to the person concerned.

SECTION 2

Joint committee

Article 2

The Joint Committee or Committees shall consist of:

- a chairman appointed each year by the Appointing Authority,
- members and alternates appointed at the same time in equal numbers by the Appointing Authority and by the Staff Committee.

An alternate shall vote only in the absence of a member.

Article 3

The Joint Committee shall meet when convened by the Appointing Authority or at the request of the Staff Committee.

The proceedings of the Committee shall be valid only if all full members or, in their absence, their alternates are present.

The chairman of the Committee shall not vote save on questions of procedure.

The opinion of the Committee shall be communicated in writing to the Appointing Authority and to the Staff Committee within five days of its adoption.

Any member of the Committee may require that his views be recorded in the opinion.

Article 3a
(p.m. del.)

SECTION 3
Invalidity committee

Article 7

The Invalidity Committee shall consist of three doctors:

- one appointed by the Institute;
- one appointed by the staff member concerned; and
- one appointed by agreement between the first two doctors.

Should the staff member concerned fail to appoint a doctor, the Chairman of the Appeals Board being the judicial body for settling disputes between the Institute and its staff shall appoint one.

In the event of failure to agree on the appointment of a third doctor within two months of the appointment of the second doctor, the third shall be appointed by the Chairman of the Appeals Board being the judicial body for settling disputes between the Institute and its staff at the request of one of the parties concerned.

Article 8

Expenses incurred in connection with the proceedings of the Invalidity Committee shall be borne by the Institute.

Where the doctor appointed by the staff member concerned is resident elsewhere than at the place where the staff member is employed, the staff member shall bear the cost of the additional fees entailed, with the exception of first-class travel expenses, which shall be refunded by the Institute.

Article 9

The staff member may submit to the Invalidity Committee any reports or certificates from his regular doctor or from any medical practitioners whom he may have consulted.

The Invalidity Committee's conclusions shall be communicated to the Appointing Authority and to the staff member concerned.

The proceedings of the Committee shall be secret.

SECTION 4

Reports committee

Article 10

Members of the Report Committee shall be appointed when necessary by the Appointing Authority and the Staff Committee, each appointing the same number from among staff members of the Institute in function group AD and function group AST. The Committee shall elect its chairman. Members of the Joint Committee shall not be members of the Reports Committee.

Where the Report Committee is called upon to make a recommendation concerning a staff member whose immediate superior is a member of the Committee, that member shall not take part in the consideration of his case.

Article 11

The proceedings of the Reports Committee shall be secret.

SECTION 5

Joint Advisory Committee for professional incompetence

Article 12

The Joint Advisory Committee for professional incompetence shall comprise a chairman and at least two members, who shall be permanent staff members of grade AD 8 at least. The chairman and the members shall be appointed for a period of three years. Half of the members shall be designated by the Staff Committee and half by the Appointing Authority. The chairman shall be appointed by the Appointing Authority from a list of candidates drawn up in consultation with the Staff Committee.

When the case concerns a permanent or temporary staff member in grade AD 8 or lower, the Joint Advisory Committee shall include two further members from the same function group and at least of the same grade as the staff member in question, designated in the same way as the permanent staff members.

The Appointing Authority and the Staff Committee shall agree on an *ad hoc* procedure to designate the further members referred to in the second paragraph who shall sit for cases involving a member of the contract staff.

ANNEX III
COMPETITIONS

Article 1

1. Notice of competitions shall be drawn up by the Appointing Authority after consulting the Joint Committee.

The notice shall state:

- (a) the nature of the competition (internal competition, open competition);
- (b) the kind of competition (whether on the basis of either qualifications or tests, or of both qualifications and tests);
- (c) the type of duties and tasks involved in the post to be filled and the function group and grade offered;
- (d) in accordance with Article 5(3) of the Staff Regulations, the diplomas and other evidence of formal qualifications or the degree of experience required for the posts to be filled;
- (e) where the competition is on the basis of tests, what kind they will be and how they will be marked;
- (f) where applicable, the knowledge of languages required in view of the special nature of the posts to be filled;
- (g) where appropriate, the age limit and any extension of the age limit in the case of servants of the Institute who have completed not less than one year's service;
- (h) the closing date for applications;
- (i) any exceptions pursuant to Article 28(a) of the Staff Regulations.

2. Notice of open competition shall be published not less than one month before the closing date for applications and, where applicable, not less than two months before the date of the tests.

3. All competitions shall be advertised in the Institute, the same time-limits being observed.

Article 2

Candidates shall complete a form prescribed by the Appointing Authority.

They may be required to furnish additional documents or information.

Article 3

The Selection Board shall consist of a Chairman and one or more persons designated by the Appointing Authority, and a person designated by the Staff Committee.

The Selection Board may, for certain tests, be assisted by one or more examiners serving in an advisory capacity.

Members of the Selection Board shall be chosen from permanent and temporary staff members whose function group and grade is at least equal to that of the post to be filled.

If a selection board consists of more than four members, it shall comprise, as far as possible, at least two members of each gender.

Article 4

The Appointing Authority shall draw up a list of candidates who satisfy the conditions laid down in Article 28(a), (b) and (c) of the Staff Regulations and shall send it, together with the candidates' files, to the chairman of the Selection Board.

Article 5

After examining these files, the Selection Board shall draw up a list of candidates who meet the requirements set out in the notice of competition.

Where the competition is on the basis of tests, all candidates on the list shall be admitted to the tests.

Where the competition is on the basis of qualifications, the Selection Board shall, after determining how candidates' qualifications are to be assessed, consider the qualifications of the candidates appearing on the list provided for in the first paragraph.

Where the competition is on the basis of both tests and qualifications, the Selection Board shall state which of the candidates on the list shall be admitted to the tests.

On completion of its proceedings, the Selection Board shall draw up the list of suitable candidates provided for in Article 30 of the Staff Regulations; the list shall wherever possible contain at least twice as many names as the number of posts to be filled.

The Selection Board shall forward this list to the Appointing Authority, together with a reasoned report by the Selection Board including any comments its members may wish to make.

Article 6

The proceedings of the Selection Board shall be secret. All Selection Board members shall be bound by the obligation of confidentiality.

Article 7
(p.m.del.)

ANNEX IV
ALLOWANCE UNDER ARTICLES 41 AND 50 OF THE STAFF REGULATIONS
(p.m. del.)

ANNEX IVa
PART-TIME WORK

Article 1

The request for authorisation to work part time shall be submitted by the staff member through the staff member's immediate superior at least two months before the requested date, except in duly justified urgent cases.

Authorisation may be granted for a minimum of one month and a maximum of three years, without prejudice to the cases referred to in Article 15 and point (g) of Article 55a(2) of the Staff Regulations.

The authorisation may be renewed on the same terms. Application for renewal shall be made by the staff member concerned at least two months before expiry of the period for which the authorisation was granted. Part-time work may not be less than half the normal working time.

A period of part-time work shall start on the first day of a month, except in duly justified cases.

Article 2

The Appointing Authority may, at the request of the staff member concerned, withdraw the authorisation before expiry of the period for which it is granted. The date of withdrawal may not be more than two months after the date proposed by the staff member or four months after that date if the part-time work was authorised for more than one year.

The Appointing Authority may, in exceptional cases and in the interests of the service, withdraw the authorisation before the expiry of a period for which it is granted, giving the staff member two months' notice.

Article 3

A staff member shall be entitled, during the period for which part-time work is authorised, to a percentage of his remuneration corresponding to the percentage of the normal time worked. However, the percentage shall not be applied to the dependent child allowance, the basic amount of the household allowance or the education allowance.

Contributions to the sickness insurance scheme shall be calculated by reference to the basic salary payable to a staff member working full time. Contributions to the pension scheme shall be calculated by reference to the basic salary received by a staff member working part time. The staff member may also request that contributions to the pension scheme be calculated by reference to the basic salary payable to a staff member working full time, in accordance with Article 83 of the Staff Regulations. Acquired pension rights, for the purposes of Articles 2, 3 and 5 of Annex VIII, shall be calculated in proportion to the percentage of contributions paid.

During the period of part-time work, the staff member may not work overtime or engage in any gainful activity, other than an activity in accordance with Article 15 of the Staff Regulations.

Article 4

Notwithstanding the first sentence of the first paragraph of Article 3, staff members authorised, in accordance with point (g) of Article 55a(2) of the Staff Regulations, to work half time shall receive a reduced basic salary equal to the higher of the two amounts obtained by applying the following percentages to the full-time basic salary:

- a) either 60 %,
- b) or the percentage corresponding to years of service within the meaning of Articles 2, 3, 4, 5, 9 and 9a of Annex VIII at the beginning of the period of half-time work, plus 10 %.

Staff members who make an application under this Article shall be required, when they cease to work half-time, either to retire or to repay the amount exceeding 50 % of the basic salary received during the period of half-time work.

Article 5

The Appointing Authority may lay down detailed rules for the application of these provisions.

ANNEX V

LEAVE

SECTION 1

Annual leave

Article 1

In the year in which a staff member enters or leaves the service, he shall be entitled to two working days' leave per complete month of service, to two working days for an incomplete month consisting of more than 15 days and to one working day for an incomplete month of 15 days or less.

Article 2

Annual leave may be taken all at once or in several periods as desired by the staff member and according to the requirements of the service. It must, however, include at least one period of two consecutive weeks. A staff member entering the service shall be granted annual leave only after completing three months' duty; leave may be approved earlier than this in exceptional cases for reasons duly substantiated.

Article 3

If, during annual leave, a staff member contracts an illness which would have prevented him from attending for duty if he had not been on leave, his annual leave shall be extended by the duration of his incapacity, subject to production of a medical certificate.

Article 4

Where a staff member, for reasons other than the requirements of the service, has not used up all his annual leave before the end of the current calendar year, the amount of leave which may be carried over to the following year shall not exceed 12 days.

Where a staff member at the time of leaving the service has not used up all his annual leave, he shall be paid compensation equal to one thirtieth of his monthly remuneration at the time of leaving the service for each day's leave due to him.

A sum calculated in the manner provided for in the preceding paragraph shall be deducted from payment due to a staff member who at the time of leaving the service has drawn annual leave in excess of his entitlement up to that date.

Article 5

Where a staff member is recalled to duty for service reasons while on annual leave or has had his leave cancelled, any costs incurred by him shall be reimbursed, subject to production of appropriate evidence, and travelling time shall be granted afresh.

SECTION 2

Special leave

Article 6

In addition to annual leave, a staff member may, on application, be granted special leave. In particular, in the following cases special leave shall be granted as shown:

- marriage of the staff member: four days;
- change of residence of the staff member: up to two days;
- serious illness of spouse: up to three days;
- death of spouse: four days;
- serious illness of a relative in the ascending line: up to two days;
- death of a relative in the ascending line: two days;
- marriage of a child: two days;
- birth of a child: 10 days, to be taken during the fourteen weeks following birth;
- birth of a disabled or seriously ill child: 20 days, to be taken during the 14 weeks following the birth;
- death of the wife during maternity leave: a number of days corresponding to the remaining maternity leave; if the deceased wife is not a staff member of the Institute, the remaining maternity leave is determined by applying the provisions of Article 58 of the Staff Regulations, by analogy;
- serious illness of a child: up to two days;
- very serious illness of a child, as certified by a doctor, or hospitalisation of a child aged 12 or under: up to five days;
- death of a child: four days,
- adoption of a child: 20 weeks, rising to 24 weeks in the case of the adoption of a disabled child:

Every adopted child shall confer entitlement to only one period of special leave, which may be shared between the adoptive parents if both are employed by the Institute. It shall be granted only if the staff member's spouse engages in a gainful activity at least half-time. If the spouse works outside the Institute and benefits from comparable leave, a corresponding number of days shall be deducted from the staff member's entitlement.

The Appointing Authority may, in cases of necessity, grant additional special leave where the national legislation of the country in which the adoption procedure takes place and which is not the country of employment of the adopting staff member requires a stay of one or both adoptive parents.

Special leave of 10 days shall be granted if the staff member does not benefit from the full special leave of 20 or 24 weeks by reason of the first sentence of this indent; that additional special leave shall be granted only once for each adopted child.

The Appointing Authority may also grant special leave in the case of further training and instruction, within the limits laid down in the further training and instruction programme drawn up by the Institute pursuant to Article 24a of the Staff Regulations.

Special leave may furthermore be granted to staff members on an exceptional basis in the case of exceptional work which goes beyond a staff member's normal obligations. Such special leave shall be granted at the latest three months after the Appointing Authority has taken a decision on the exceptional character of the work of the staff member.

For the purposes of this article, the unmarried partner of a staff member shall be treated as the spouse

where the first three conditions in point (c) of Article 1(2) of Annex VII are met.

Where special leave is granted pursuant to this section, any travelling time shall be fixed by special decision taking into account particular needs.

SECTION 3

Travelling time

Article 7

Staff members who are entitled to the expatriation or foreign residence allowance shall be entitled to two and a half days of supplementary leave every year, for the purpose of visiting their home country.

The first paragraph shall apply to staff members whose place of employment is within the territories of the Member States of the European Union. If the place of employment is outside those territories, the duration of the home leave shall be fixed by special decision taking into account particular needs.

ANNEX VI

COMPENSATORY LEAVE AND REMUNERATION FOR OVERTIME

Article 1

Within the limits laid down in Article 56 of the Staff Regulations, overtime worked by a staff member in SC 1 to SC 6 or grade AST 1 to AST 4 shall entitle him to compensatory leave or to remuneration as follows:

(a) for each hour of overtime, he shall be entitled to one hour and a half off as compensatory leave; if the hour of overtime is worked between 22.00 and 7.00 or on a Sunday or on a public holiday, the entitlement to compensatory leave shall be two hours; in the granting of compensatory leave, account shall be taken of the requirements of the service and the preference of the staff member concerned;

(b) where the requirements of the service do not permit compensatory leave to be taken during two months following that during which the overtime was worked, the Appointing Authority shall authorise remuneration for uncompensated hours of overtime at the rate of 0.56 % of the monthly basic salary for each hour of overtime on the basis set out in point (a);

(c) to qualify for compensatory leave or remuneration for one hour's overtime, the extra time worked must have been more than 30 minutes.

Article 2

If a staff member is travelling on mission, the time taken to reach the place of assignment shall not be treated as overtime for the purposes of this Annex. As regards hours worked at the place of assignment in excess of the normal number of working hours, compensatory leave or remuneration, as the case may be, may be allowed by decision of the Appointing Authority.

Article 3

Notwithstanding the foregoing provisions of this Annex, remuneration for overtime worked by certain groups of staff members in grades SC 1 to SC 6 and grades AST 1 to AST 4 in special conditions may be paid in the form of a fixed allowance the amount and terms of which shall be determined by the Appointing Authority after consulting the Joint Committee.

ANNEX VII

REMUNERATION AND REIMBURSEMENT OF EXPENSES

SECTION 1

Family allowances

Article 1

1. The household allowance shall be set at a basic amount of EUR 171,88, plus 2 % of a staff member's basic salary.

2. The household allowance shall be granted to:

(a) a married staff member;

(b) a staff member who is widowed, divorced, legally separated or unmarried and has one or more dependent children within the meaning of Article 2(2) and (3) below;

(c) a staff member who is registered as a stable non-marital partner, provided that:

(i) the couple produces a legal document recognised as such by a Member State of the European Union, or any competent authority of a Member State of the European Union, acknowledging their status as non-marital partners,

(ii) neither partner is in a marital relationship or in another non-marital partnership,

(iii) the partners are not related in any of the following ways: parent, child, grandparent, grandchild, brother, sister, aunt, uncle, nephew, niece, son-in-law, daughter-in-law;

(iv) the couple has no access to legal marriage in a Member State of the European Union; a couple shall be considered to have access to legal marriage for the purposes of this point only where the members of the couple meet all the conditions laid down by the legislation of a Member State of the European Union, permitting marriage of such a couple;

(d) by special reasoned decision of the Appointing Authority based on supporting documents, a staff member who, while not fulfilling the conditions laid down in (a), (b) and (c), nevertheless actually assumes family responsibilities.

3. If the spouse of a staff member is gainfully employed, with an annual income, before deduction of tax, of more than the basic annual salary of a staff member in the second step of grade AST 3, weighted at the rate for the country where the spouse carries out his or her occupation, the staff member entitled to the household allowance shall not receive this allowance save by special decision of the Appointing Authority. The staff member shall, however, be entitled to the allowance where the married couple have one or more dependent children.

4. In cases where, under the foregoing provisions, a husband and wife employed by the Institute are both entitled to the household allowance, this shall be payable only to the person whose basic salary is the higher.

5. If the staff member is entitled to the household allowance only by virtue of paragraph 2(b) and a person other than the staff member has by law or by an order of court or of the competent administrative authority been given custody of all his dependent children within the meaning of Articles 2(2) and (3) below, the household allowance shall be paid to that other person in the name and on behalf of the staff member. This condition shall be deemed to be fulfilled in the case of dependent children who have reached their majority if such children have their normal residence with the other parent.

If, however, the staff member's children are in the care of several different persons, the household allowance shall be divided among them according to the number of children in their care.

If the person eligible by virtue of the foregoing to receive the household allowance paid in the staff member's name is also eligible to receive this allowance by reason of his or her own status as staff member or other member of staff, that person shall receive the higher of the two allowances only.

Article 2

1. A staff member who has one or more dependent children shall, in accordance with paragraphs 2 and 3 below, receive an allowance of EUR 375,59 per month for each dependent child.

2. "Dependent child" means the legitimate, natural or adopted child of a staff member, or of his spouse, who is actually being maintained by the staff member.

The same shall apply to a child for whom an application for adoption has been lodged and the adoption procedure started.

Any child whom the staff member has a responsibility to maintain under a judicial decision based on Member States' of the European Union legislation on the protection of minors shall be treated as a dependant child.

3. The allowance shall be granted:

(a) automatically for children under 18 years of age;

(b) on application, with supporting evidence, by the staff member for children between 18 and 26 who are receiving educational or vocational training.

4. Any person whom the staff member has a legal responsibility to maintain and whose maintenance involves heavy expenditure may, exceptionally, be treated as if he were a dependent child by special reasoned decision of the Appointing Authority, based on supporting documents.

5. Payment of the allowance in respect of a child prevented by serious illness or invalidity from earning a livelihood shall continue throughout the period of that illness or invalidity, irrespective of age.

6. Not more than one dependent child allowance shall be paid in respect of any one dependent child within the meaning of this Article.

7. If custody of the dependent child within the meaning of paragraphs 2 and 3 has been entrusted by law or by an order of court or of the competent administrative authority to another person, the dependent child allowance shall be paid to that person in the name and on behalf of the staff member.

Article 3

1. Subject to the conditions laid down in the general implementing provisions, a staff member shall receive an education allowance equal to the actual education costs incurred by him up to a maximum of EUR 254,83 per month for each dependent child, within the meaning of Article 2(2) of this Annex, who is at least five years old and in regular full-time attendance at a primary or secondary school which charges fees or at an establishment of higher education. The requirement of attendance at a school which charges fees shall not apply to the reimbursement of the cost of school transport.

Entitlement to that allowance commences on the first day of the month in which the child begins to attend a primary educational establishment and shall cease at the end of the month in which the child finishes its education or at the end of the month in which the child reaches the age of twenty-six, whatever is the earliest.

The allowance paid shall be subject to a ceiling of twice the maximum prescribed in the first subparagraph for:

– a staff member whose dependent child, for imperative educational reasons duly supported by evidence, attends an educational establishment working in his language at least 50 km from Florence, or a staff member entitled (or formerly entitled) to the expatriation allowance whose dependent child attends a non-Italian school in Florence;

– a staff member not of Italian nationality whose child attends an establishment of higher education at least 50 km from Florence, provided that the staff member is entitled to the expatriation allowance; the latter condition shall not apply if there is no such establishment in the country of which the staff member is a national or where the child attends a higher education establishment in a country other than Italy;

- in the same conditions as in the foregoing two indents, persons entitled to the allowance who are not in active service, taking account of the place of residence instead of Florence, and replacing the words "in a country other than Italy" by the words "in a country other than the country of residence".

The requirement of attendance at a school that charges fees shall not apply to payments under the third subparagraph.

If custody of the child in respect of whom the education allowance is paid has been entrusted by law or by an order of court or of the competent administrative authority to another person, the education allowance shall be paid to that person in the name and on behalf of the staff member. In such case, the distance of at least 50 km referred to in the preceding paragraph shall be calculated from the place of residence of the person having custody of the child, and the words "in a country other than Italy" be replaced by the words "in a country other than the country of residence".

2. For each dependent child within the meaning of Article 2(2) of this Annex who is less than five years old or is not yet in regular full-time attendance at a primary or secondary school, the amount of this allowance is fixed at EUR 91,75 a month. The first sentence of the last subparagraph of paragraph 1 shall apply.

SECTION 2

Expatriation allowance

Article 4

1. An expatriation allowance equal to 16 % of the total of the basic salary, household allowance and dependent child allowance paid to the established Staff Member shall be paid:

(a) to staff members:

– who are not and have never been nationals of Italy, and

– who during the five years ending six months before they entered the service did not habitually reside or carry on their main occupation within Italian territory. For the purposes of this provision, circumstances arising from work done for another State or for an international organisation shall not be taken into account;

(b) to staff members who are or have been nationals of Italy but who during the 10 years ending at the date of their entering the service habitually resided outside Italian territory for reasons other than the performance of duties in the service of a State or of an international organisation.

The expatriation allowance shall not be less than EUR 509,43 per month.

2. A staff member who is not and has never been a national of Italy and who does not fulfil the conditions laid down in paragraph 1 shall be entitled to a foreign residence allowance equal to one quarter of the expatriation allowance.

3. For the purposes of paragraphs 1 and 2, a staff member who has, by marriage, automatically acquired, and cannot renounce the Italian nationality shall be treated in the same way as a staff member covered by the first indent of paragraph 1(a).

SECTION 3

Reimbursement of expenses

A. Installation allowance

Article 5

1. An installation allowance equal to two months' basic salary in the case of a staff member who is entitled to the household allowance, and equal to one month's basic salary in other cases, shall be paid to an established staff member who furnishes evidence that a change in the place of residence was required in order to satisfy the requirements of Article 20 of the Staff Regulations.

In cases where a husband and wife employed by the Institute are both entitled to the installation allowance, this shall be payable only to the person whose basic salary is the higher.

The installation allowance shall be weighted at the rate fixed for the place where the staff member is employed.

2. *(p.m. del.)*

3. The installation allowance shall be calculated by reference to the staff member's marital status and salary on the effective date of his establishment.

The installation allowance shall be paid on production of documents establishing the fact that the staff member, together with his family if he is entitled to the household allowance, has settled in Florence.

4. A staff member who is entitled to the household allowance and does not settle with his family in Florence shall receive only half the allowance to which he would otherwise be entitled; the second half shall be paid when his family settles in Florence, provided that it does so within the periods laid down in Article 9(3).

5. An established staff member who has received an installation allowance and who voluntarily leaves the service of the Institute within two years from the date of entering it shall, on leaving the service, refund part of the allowance, in proportion to the unexpired portion of that two-year period.

6. A staff member in receipt of installation allowance shall declare any allowance of like nature which he receives from other sources; such latter allowances shall be deducted from the allowance provided for in this Article.

B. Resettlement allowance

Article 6

1. An established staff member who provides evidence of a change of residence shall be entitled on termination of service to a resettlement allowance equal to two months' basic salary in the case of a staff member who is entitled to the household allowance or to one month's basic salary in other cases, provided that he has completed five years of service and does not receive a similar allowance in his new employment. In cases where a husband and wife employed by the Institute are both entitled to the resettlement allowance, this shall be payable only to the person whose basic salary is the higher.

For the purpose of calculating his service, account shall be taken of years spent in any administrative status listed in Article 35 of the Staff Regulations other than leave on personal grounds.

The resettlement allowance shall be weighted at the rate fixed for the place where the staff member is employed.

2. In the event of the death of an established staff member, the resettlement allowance shall be paid to the surviving spouse or, in the absence of such a person, to the dependants within the meaning of Article 2 above, even if the requirement as to length of service laid down in paragraph 1 is not satisfied.

3. The resettlement allowance shall be calculated by reference to the staff member's marital status and salary at the date of termination of service.

4. The resettlement allowance shall be paid against evidence that the staff member and his family, or, where the staff member has died, his family only, have resettled at a place situated not less than 70 km from Florence.

Resettlement of a staff member or of the family of a deceased staff member shall take place within three years of the date of termination of his service.

This time-limit shall not apply as against persons entitled under him who can prove that they were unaware of the foregoing provisions.

C. Travel expenses

Article 7

1. A staff member shall be entitled to a flat-rate payment corresponding to the cost of travel for himself, his spouse and his dependants actually living in his household:

(a) on taking up his appointment, from the place where he was recruited to Florence;

(b) on termination of service within the meaning of Article 47 of the Staff Regulations, from Florence to the place of origin as defined in paragraph 4 of this Article;

(c) (*p.m. del.*)

In the event of the death of a staff member, the surviving spouse and dependants shall be entitled to the flat rate payment under the same conditions.

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

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

The kilometric allowance shall be:

EUR 0 for every km from	0 to 200 km
EUR 0,1910 for every km from	201 to 1 000 km
EUR 0,3184 for every km from	1 001 to 2 000 km
EUR 0,1910 for every km from	2 001 to 3 000 km
EUR 0,0636 for every km from	3 001 to 4 000 km
EUR 0,0307 for every km from	4 001 to 5.000 Km
EUR 0 for every km over	5 000 km.

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

- EUR 95,50 if the geographical distance between the places referred to in paragraph 1 is between 600 km and 1 200 km,
- EUR 190.98 if the geographical distance between the places referred to in paragraph 1 is greater than 1 200 km.

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

3. (*p.m.del.*)

4. A staff member's place of origin shall be determined when he takes up his appointment, account being taken in principle of where he was recruited or, upon express and duly reasoned request, the centre of his interests. The place of origin as so determined may by special decision of the Appointing Authority be changed while the staff member is in service or when he leaves the service. While he is in the service, however, such decision shall be taken only exceptionally and on production by the staff member of appropriate supporting evidence.

The effect of such a change shall not, however, be such as to recognise as the centre of the staff member's interests a place outside the territories of the Member States of the European Union

Article 8

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

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

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

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

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

2. The flat-rate payment shall be based on an allowance per kilometre of geographical distance between Florence and his place of origin.

Where the place of origin as defined in Article 7 is outside the territories of the Member States of the European Union and the territories of the Member States of the European Free Trade Association, the flat-rate payment shall be based on an allowance per kilometre of geographical distance between the staff members' place of employment and the capital city of the Member State whose nationality he holds. Staff members whose place of origin is outside the territories of the Member States of the Union and the territories of the Member States of the European Free Trade Association and who are not nationals of one of the Member States shall not be entitled to the flat-rate payment. In case the

Appointing Authority authorised the exception set out in Article 28a the President may derogate from the above mentioned arrangement.

The kilometric allowance shall be:

EUR 0 for every km from	0 to 200 km
EUR 0,3820 for every km from	201 to 1 000 km
EUR 0,6367 for every km from	1 001 to 2 000 km
EUR 0,3820 for every km from	2 001 to 3 000 km
EUR 0,1272 for every km from	3 001 to 4 000 km
EUR 0,0614 for every km from	4 001 to 5000 km
EUR 0 for every km over	5 000 km.

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

- EUR 191,00 if the geographical distance between the place of employment and the place of origin is between 600 km and 1 200 km,
- EUR 381,96 if the geographical distance between the place of employment and the place of origin is greater than 1 200 km.

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

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

4. (*p.m. del.*)

D. Removal expenses

Article 9

1. Within the limits of costs ceilings, staff members obliged to change their place of residence in order to comply with Article 20 of the Staff Regulations upon entry into service or on a subsequent change of place of employment while in service and who have not been reimbursed in respect of the same expenses from another source, shall be entitled to the reimbursement of expenses incurred in respect of the removal of furniture and personal effects, including the cost of insurance against ordinary risks (notably breakage, theft, fire).

The ceilings shall take into account the staff member's family situation at the time of the removal, and the average costs of removal and associated insurance.

General implementing provisions shall be adopted by the Appointing Authority to give effect to this paragraph.

2. On termination of service or on the death of a staff member, the expenses incurred in respect of

removal from Florence to his place of origin shall be reimbursed within the limits defined in paragraph 1. Where the deceased staff member was unmarried, the expenses shall be reimbursed to those entitled under him.

3. In the case of an established staff member, removal shall be effected within one year of the end of his probationary period. On termination of service, removal shall be effected within three years as provided in the second subparagraph of Article 6(4). Removals effected after the expiry of the time limits set out in this paragraph shall be reimbursed only in exceptional cases by special decision of the Appointing Authority.

E. Daily subsistence allowance

Article 10

1. Where a staff member furnishes evidence that a change in the place of residence is required in order to comply with Article 20 of the Staff Regulations, such staff member shall be entitled for a period specified in paragraph 2 to a subsistence allowance per calendar day as follows:

- EUR 39,48 for a staff member who is entitled to the household allowance,
- EUR 31,83 for a staff member who is not entitled to the household allowance.

The above scale shall be reviewed each time remuneration is revised pursuant to Article 65 of the Staff Regulations.

2. The period in respect of which the daily subsistence allowance is granted shall be as follows:

- (a) in the case of a staff member who is not entitled to the household allowance: 120 days;
- (b) in the case of a staff member who is entitled to the household allowance: 180 days or, if the staff member is a probationer, the period of probation plus one month.

In cases where a husband and wife employed at the Institute are both entitled to the basic subsistence allowance, the period in respect of which it is granted as laid down in (b) shall apply to the person whose basic salary is the higher. The period laid down in (a) shall apply to the other person.

In no case shall the daily subsistence allowance be granted beyond the date on which the staff member removes in order to satisfy the requirements of Article 20 of the Staff Regulations.

F. Mission expenses

Article 11

1. A staff member travelling on mission and holding an appropriate travel order shall be entitled to reimbursement of travel expenses and to daily subsistence allowance in accordance with the following provisions.

2. The travel order shall state the probable duration of the mission, on the basis of which shall be calculated any advance which the staff member may draw against the daily subsistence allowance. Save where a special decision is taken, no advance shall be payable where the mission is not expected to involve an absence of more than twenty-four hours and is to be carried out in a country using the Euro.

3. Save in special cases, to be determined by special decision and in particular where a staff member is called back from leave, the reimbursement of mission expenses shall be limited to the cost of the most economical journey between Florence and the place of mission which does not require the staff member on mission to extend his stay significantly.

Article 12

1. Travel by rail

Travel expenses for missions carried out by rail shall be reimbursed on presentation of supporting documents on the basis of the cost of transport in first class by the shortest route between Florence and the place of the mission.

2. Travel by air

Staff members shall be authorised to travel by air if the outward and return journeys by rail would total at least 800 kilometres.

3. Travel by sea

The Appointing Authority shall authorise in each case and on the basis of the length and cost of the journey the classes to be used and the cabin supplements which may be reimbursed.

4. Travel by car

Travel costs shall be reimbursed in the form of a lump sum based on the rail cost, in accordance with point 1; no other supplement shall be paid.

In the case of a staff member travelling on mission in special circumstances, however, the Appointing Authority may decide to grant that staff member an allowance per kilometre covered instead of the reimbursement of travel costs provided for above, if the use of public transport presents clear disadvantages.

Article 13

1. The daily subsistence allowance for missions shall comprise a flat-rate sum to cover all expenses incurred by the person on mission: breakfast, two main meals and incidental expenses, including local travel. Accommodation costs, including local taxes, shall be reimbursed up to a maximum fixed for each country, on production of supporting documents.

2 (a) The scale for the Member States of the European Union is as follows:

(in EUR)

Destination	Hotel ceiling	Daily allowance
Belgium	140	92
Bulgaria	169	58
Czech Republic	155	75
Denmark	150	120
Germany	115	93
Estonia	110	71
Greece	140	82
Spain	125	87
France	150	95
Ireland	150	104
Italy	135	95
Cyprus	145	93
Latvia	145	66
Lithuania	115	68
Luxembourg	145	92
Hungary	150	72
Malta	115	90
Netherlands	170	93
Austria	130	95
Poland	145	72
Portugal	120	84
Romania	170	52
Slovenia	110	70
Slovakia	125	80
Finland	140	104
Sweden	160	97
United Kingdom	175	101

Where a staff member on mission is provided with accommodation free of charge or reimbursed by one of the institutions of the European Union, an administration or outside body, this must be declared. A corresponding deduction will then be made.

2.(b) The scale for missions in countries outside the European territory of the Member States shall be fixed and adjusted periodically by the Appointing Authority.

3. The President shall review every two years the rates set out in point (a) of paragraph 2, in line with the relevant review made by the European Commission in the light of the evolution of prices of hotels, restaurants and catering services (see relevant: Article 13(3) Annex VII to the Staff Regulations of Officials of the European Union).

4. (*p.m. del*)

Article 13a

Detailed rules for the application of Articles 11, 12 and 13 of this Annex shall be laid down by the Appointing Authority of the Institute under the general implementing provisions

G. Fixed reimbursement of expenses

Article 14

1. Staff members who, by reason of their duties, regularly incur entertainment expenses may be granted a fixed rate allowance by the Appointing Authority, which shall determine the amount thereof.

In special cases, the Appointing Authority may in addition decide that part of the cost of accommodation for the staff members concerned also be borne by the Institute.

2. In the case of staff members who, as a result of special instructions, occasionally incur entertainment expenses for official purposes, the amount of the entertainment allowance shall be determined in each instance on the basis of supporting documents and on terms to be laid down by the Appointing Authority.

Article 15

(*p.m. del.*)

SECTION 4

Payment of sums due

Article 16

1. Payment of remuneration to staff members shall be made on the fifteenth day of each month for the month then current. The amount of remuneration shall be rounded off to the nearest cent above.

2. Where remuneration is not due in respect of a complete month, the amount shall be divided into thirtieths, and

(a) where the actual number of days payable is fifteen or less, the number of thirtieths due shall equal the actual number of days payable;

(b) where the actual number of days payable is more than fifteen, the number of thirtieths due shall equal the difference between the actual number of days not payable and thirty.

3. Where entitlement to family allowances and expatriation allowances commences after the date of

entering the service, the staff member shall receive these from the first day of the month in which such entitlement commences. On cessation of such entitlement, the staff member shall receive the sum due up to the last day of the month in which entitlement ceases.

Article 17

1. Payment shall be made to each staff member in Euros either in a bank in Italy or, at his request, in a bank within the European Union.

2. Under the conditions laid down in rules fixed by the Appointing Authority after consulting the Staff Regulations Committee, staff members may apply for special regular transfer of part of their remuneration.

Under the preceding provision the following may be transferred, separately or in combination:

(a) for children attending an education establishment in another Member State, a maximum amount per dependent child equal to the amount of the education allowance actually received for that child;

(b) on production of valid supporting documents, regular payments to all other persons residing in the relevant Member State of the European Union to whom the staff member provides evidence of having an obligation by virtue of a decision of the courts or the competent administrative authority.

The transfers referred to in point (b) may not exceed 5 % of the staff member's basic salary.

3. The transfers provided for in paragraph 2 shall be made according to the relevant provisions of Article 17(3) of Annex VII of the Staff Regulations of Officials of the European Union

4. Apart from the transfer referred to in paragraphs 1 to 3, a staff member may request a regular transfer to another Member State of the European Union in local currency at the monthly exchange rate, without application of any coefficient. This transfer may not exceed 25 % of the staff member's basic salary.

ANNEX VIII
PENSION SCHEME

CHAPTER 1

General provisions

Article 1

1. Where the medical examination made before a staff member takes up his duties shows that he is suffering from sickness or invalidity, the Appointing Authority may, in so far as risks arising from such sickness or invalidity are concerned, decide to admit that staff member to guaranteed benefits in respect of invalidity or death only after a period of five years from the date of his entering the service of the Institute.

The staff member may appeal against such decision to the Invalidity Committee.

2. A staff member on leave for military service shall cease to benefit from the guarantees in respect of invalidity or death arising directly from an accident sustained, or sickness contracted, by reason of the military service. The foregoing provisions shall not affect the entitlement of survivors to pension on the basis of rights acquired by the staff member on the date when he is placed on leave for military service.

CHAPTER 2

Retirement pension and severance grant

SECTION 1

Retirement pension

Article 2

A retirement pension shall be payable on the basis of the total number of years of pensionable service acquired by the staff member. Each year of service reckoned as provided for in Article 3 shall entitle him to one year of pensionable service and each complete month to one twelfth of a year of pensionable service.

The maximum number of years of pensionable service which may be taken into account for the calculation of retirement pension rights shall be the number necessary to achieve the maximum pension, within the meaning of the second paragraph of Article 77 of the Staff Regulations.

Article 3

Provided that the servants concerned have paid their shares of the pension contributions in respect of the periods of service concerned, the following shall be taken into account for the purpose of calculating years of pensionable service within the meaning of Article 2:

(a) the period of service as a staff member in one of the administrative statuses set out in Article 35(a), (b), (c), (e) and (f) of the Staff Regulations. However, staff members covered by Article 40 of the Staff Regulations shall be subject to the conditions laid down in the last sentence of the second subparagraph of paragraph 3 thereof;

(b) *(p.m. del.)*

(c) periods of entitlement to an invalidity allowance;

(d) periods of service in any other capacity in accordance with the Conditions of Employment of other servants of the Institute. However, where members of the contract staff within the meaning of those Conditions of Employment become staff members, the years of pensionable service they have acquired as members of the contract staff shall, up to the number of years of actual service, entitle them to a number of years of pensionable service as staff members calculated on the basis of the ratio between the last basic salary received as a member of the contract staff and the first basic salary received as a staff member. The surplus contributions, if any, corresponding to the difference between the number of years of pensionable service calculated and the number of years of actual service, shall be reimbursed to the person concerned on the basis of the last basic salary received as a member of the contract staff. This provision shall, with the necessary changes, apply where staff members become members of the contract staff.

Article 4

1. A staff member who having previously completed a period of activity in the service of the Institute either as a permanent staff member, as a member of the temporary staff, or as a member of the contract staff, resumes active employment with the Institute shall acquire further pension rights. He may request that, in accordance with Article 3 of this Annex, for the purpose of calculating his pension rights, the whole of the period of service as a permanent staff member, a member of the temporary staff or a member of the contract staff for which contributions have been paid be taken into account, subject to:

(a) repayment of the severance grant paid under Article 12, plus compound interest at a rate of 3.1 % per annum. Where Article 42 or 112 of the Conditions of Employment of other servants has been applied in the case of the staff member concerned, the latter shall also be required to repay the amount paid under that Article, plus compound interest at the above-mentioned rate;

(b) having an amount set aside for this purpose, before calculation of the credited contribution years provided for in Article 11(2) and providing the staff member has requested and obtained the application of that Article after resuming service, equal to the part of the amount transferred to the Institute pension scheme that corresponds to the actuarial equivalent calculated and transferred to the scheme of origin pursuant to Article 11(1) or Article 12 (1) (b), plus compound interest at a rate of 3.1 % per annum.

Where Article 42 or 112 of the Conditions of Employment of other servants has been applied in the case of the staff member concerned, the calculation of the amount to be set aside shall also take account of the amount paid under those Articles, plus compound interest at 3.1 % per annum.

Where the amount transferred to the Institute scheme is insufficient to make up the pension rights covering the previous period of employment in full, the staff member shall be authorised, on request, to make the amount up to that defined at point (b) of the first paragraph.

2. The interest rate specified in paragraph 1 may be revised in accordance with the rules laid down in Article 3 of Annex XII.

Article 5

Notwithstanding the provisions of Article 2 of this Annex, staff members who remain in service after pensionable age shall be entitled to an increase of their pension equal to 1,5% of the basic salary taken into account for the calculation of their pension per year worked after that age, with the provision that the total of their pension plus the increase does not exceed 70 % of their final basic salary as referred to in the second paragraph of Article 77 of the Staff Regulations.

Such increase shall likewise be payable in the event of death of a staff member who has remained in the service after pensionable age.

Article 6

The minimum subsistence figure for the purpose of calculating pension benefits shall correspond to the basic salary of a staff member at the first step of grade AST 1.

Article 8

Actuarial equivalent of the retirement pension means the capital value of the benefits accruing to the staff member, calculated by reference to the mortality table used by the European Union in accordance with Article 9 of Annex XII to the Staff Regulations of Officials of the European Union and subject to 3,1 % interest per annum, which rate may be revised in accordance with the rules laid down in Article 3 of Annex XII.

Article 9

1. A staff member leaving the service before reaching pensionable age may request that his retirement pension:

- a) be deferred until the first day of the calendar month following that in which he reaches pensionable age; or
- b) be paid immediately, provided that he is not less than 58 years of age. In that case, the retirement pension shall be reduced by an amount calculated by reference to the staff member's age when he starts to draw his pension.

The pension shall be reduced by 3.5 % for every year before the one in which the staff member would become entitled to a retirement pension within the meaning of Article 77 of the Staff Regulations. If between the age at which entitlement to a retirement pension is acquired within the meaning of Article 77 of the Staff Regulations and the age of the person concerned at the time, the difference exceeds an exact number of years, an extra year shall be added to the reduction.

Article 9a

For the purposes of determining the reduced pension of staff members who have acquired pension rights exceeding the equivalent of 70 % of their final basic salary and who request immediate payment of their retirement pension in accordance with Article 9, the reduction under Article 9 shall be applied to a notional figure corresponding to the years of pensionable service rather than to an amount capped at 70 % of the final basic salary. In no case, however, may the reduced pension thus calculated exceed 70 % of the last basic salary within the meaning of Article 77 of the Staff Regulations.

Article 10

The right to receive payment of retirement pension shall have effect from the first day of the calendar month following that in which the staff member, whether automatically or at his own request, becomes eligible for that pension; he shall continue to receive his remuneration until his pension becomes payable.

Article 11

1. A staff member who leaves the service of the Institute to:

- enter the service of a government administration or a national or international organisation which has concluded an agreement with the Institute;

- pursue an activity in an employed or self-employed capacity, by virtue of which he acquires pension rights under a scheme whose administrative bodies have concluded an agreement with the Institute,

shall be entitled to have the actuarial equivalent of his retirement pension rights at the Institute transferred to the pension fund of that administration or organisation or to the pension fund under which he acquires retirement pension rights, updated to the actual date of transfer, by virtue of the activity pursued in an employed or self-employed capacity.

2. A staff member who enters the service of the Institute after:

- leaving the service of a government administration or of a national or international organisation; or

- pursuing an activity in an employed or self-employed capacity;

shall be entitled, after establishment but before becoming eligible for payment of a retirement pension within the meaning of Article 77 of the Staff Regulations, to have paid to the Institute the capital value, updated to the date of the actual transfer, of pension rights acquired by virtue of such service or activities.

In such case the Appointing Authority of the Institute shall, taking into account the staff member's basic salary, age and exchange rate at the date of application for a transfer, determine by means of general implementing provisions the number of years of pensionable service with which he shall be credited under the Institute pension scheme in respect of the former period of service, on the basis of the capital transferred, after deducting an amount representing capital appreciation between the date of the application for a transfer and the actual date of the transfer.

Staff members may make use of this arrangement once only for each Member State and pension fund concerned.

3. Paragraph 2 shall also apply to a staff member who is reinstated after a period of secondment under the second indent of Article 37(1)(b) of the Staff Regulations and to a staff member who is reinstated following expiry of a period of leave on personal grounds under Article 40 of the Staff Regulations.

4. The number of annuities to be taken into account for the application of paragraph 2 shall be reduced proportionally where the amount transferred is less than the total contribution (employer's contribution and personal contribution – Article 83(2) of the Staff Regulations) calculated on the staff member's basic full-time salary on the date of his or her repayment request.

SECTION 2

Severance grant

Article 12

1. A staff member aged less than the pensionable age whose service terminates otherwise than by reason of death or invalidity and who is not entitled to an immediate or deferred retirement pension shall be entitled on leaving the service:

(a) where he has completed less than one year's service and has not made use of the arrangement laid down in Article 11(2), to payment of a severance grant equal to three times the amounts withheld from his basic salary in respect of his pension contributions, after deduction of any amounts paid under Articles 42 and 112 of the Conditions of Employment of other servants;

(b) in other cases, to the benefits provided under Article 11(1) or to the payment of the actuarial equivalent of such benefits to a private insurance company or pension fund of his choice, on condition

such company or fund guarantees that:

- (i) the capital will not be repaid;
- (ii) a monthly income will be paid from age 60 at the earliest, and age 66 at the latest;
- (iii) provisions are included for reversion or survivors' pensions;
- (iv) transfer to another insurance company or other fund will be authorised only if such fund fulfils the conditions laid down in points (i), (ii) and (iii).

2. By way of derogation from point (b) of paragraph 1, staff members under pensionable age who, since taking up their duties, have, in order to establish or maintain pension rights, paid into a national pension scheme, a private insurance scheme or a pension fund of their choice which satisfies the requirements set out in paragraph 1, and whose service terminates for reasons other than death or invalidity without their qualifying for an immediate or deferred retirement pension, shall be entitled, on leaving the service, to a severance grant equal to the actuarial value of their pension rights acquired during service in the Institute. In those cases the payments made in order to establish or maintain their pension rights under the national pension scheme in application of Articles 42 or 112 of the Conditions of Employment of Other Servants shall be deducted from the severance grant.

3. Where a staff member's service has been terminated by removal from his post, the severance grant to be paid or, as the case may be, the actuarial equivalent to be transferred shall be determined by reference to the decision taken in accordance with Article 9(1)(h) of Annex IX.

CHAPTER 3

Invalidity allowance

Article 13

1. Subject to the provisions of Article 1(1), a staff member aged less than sixty-five years who at any time during the period in which he is acquiring pension rights is recognised by the Invalidity Committee to be suffering from total permanent invalidity preventing him from performing the duties corresponding to a post in his career bracket, and who is obliged on these grounds to end his service with the Institute, shall be entitled, for so long as such incapacity persists, to invalidity allowance as provided for in Article 78 of the Staff Regulations.

2. Persons in receipt of an invalidity allowance may not engage in gainful employment without the prior authorisation of the Appointing Authority. Any income from such gainful employment which, in combination with the invalidity allowance, exceeds the final total remuneration received while in active service as determined on the basis of the salary scale in force on the first day of the month in which the allowance is to be paid shall be deducted from the invalidity allowance.

The recipient of the allowance shall be required to provide on request any written proof which may be requested and to notify the Institute of any factor that may affect entitlement to the allowance.

Article 14

The right to receive payment of invalidity allowance shall have effect from the first day of the calendar month following the staff member's retirement under Article 53 of the Staff Regulations.

When the former staff member ceases to satisfy the requirements for payment of the allowance he must be reinstated in the first post corresponding to his career bracket which falls vacant in his category or service, 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 career bracket occurs in his category or service subject to the same provision; if he declines a second time, he may be required to resign.

Where a former staff member in receipt of invalidity allowance dies, entitlement to allowance shall cease at the end of the calendar month during which he died.

Article 15

While a former staff member drawing invalidity allowance is aged less than the pensionable age, the Institute may have him medically examined periodically to ascertain that he still satisfies the requirements for payment of the allowance.

CHAPTER 4

Survivor's pension

Article 17

Where a staff member dies having one of the administrative statuses set out in Article 35, of the Staff Regulations the surviving spouse shall be entitled, provided that the couple were married for at least one year at the time of his death and subject to the provisions of Articles 1(1) and 22, to a survivor's pension equal to 60 % of the retirement pension which the staff member would have been paid if he had qualified, irrespective of length of service or of age, for such pension at the time of death.

The duration of the marriage shall not be taken into account if there are one or more children of the marriage or of a previous marriage of the staff member provided that the surviving spouse maintains or has maintained those children, or if the staff member's death resulted either from physical disability or sickness contracted in the performance of his duties or from accident.

Article 17a
(p.m. del.)

Article 18

Where a former staff member was in receipt of retirement pension the surviving spouse shall be entitled, provided that the couple were already married before the staff member left the service of the Institute and that the marriage had lasted at least one year, and subject to the provisions of Article 22, to a survivor's pension equal to 60 % of the retirement pension which he was receiving at the time of death. The minimum survivor's pension shall be 35 % of the last basic salary; the amount of the survivor's pension shall in no case, however, exceed the amount of the retirement pension which the spouse was receiving at the time of death.

The duration of the marriage shall not be taken into account if there are one or more children of a marriage contracted by the staff member before he left the service, provided that the surviving spouse maintains or has maintained those children.

Article 18a

The surviving spouse of a former staff member who left the service before reaching the pensionable age and requested that his retirement pension be deferred until the first day of the calendar month following that during which he reached the pensionable age shall be entitled, provided that the couple were already married before the staff member left the Institute and that the marriage had lasted at least

one year, and subject to the provisions of Article 22, to a survivor's pension equal to 60 % of the retirement pension which would have been payable to the spouse at the pensionable age. The minimum survivor's pension shall in no case, however, exceed the amount of the retirement pension to which the staff member would have been entitled at the pensionable age.

The duration of the marriage shall not be taken into account if there are one or more children of a marriage contracted by the former staff member before he left the service, provided that the surviving spouse maintains or has maintained those children.

Article 19

Where a former staff member was in receipt of invalidity allowance the surviving spouse shall be entitled, subject to the provisions of Article 22 of this Annex, provided that the couple were married when the staff member became eligible for the allowance, to a survivor's pension equal to 60 % of the invalidity allowance which the spouse was receiving at the time of death.

The minimum survivor's pension shall be 35 % of the final basic salary; the amount of the survivor's pension shall in no case, however, exceed the amount of the invalidity allowance which the spouse was receiving at the time of death.

Article 20

For purpose of Articles 18, 18a and 19, the duration of the marriage shall not be taken into account where the marriage, though contracted after termination of the staff member's service, has lasted at least five years.

Article 21

1. The orphan's pension provided for in Article 80, first, second and third paragraphs of the Staff Regulations shall for the first orphan be equal to eight tenths of the survivor's pension to which the staff member's or that of a former staff member in receipt of a retirement pension or invalidity allowance the surviving spouse would have been entitled, the reductions set out in Article 25 being disregarded.

It shall not be less than the minimum subsistence figure, subject to the provisions of Article 22.

2. The pension shall be increased, for each dependent child after the first, by an amount equal to twice the dependent child allowance.

Orphans shall be entitled to education allowance in accordance with Article 3 of Annex VII.

3. The total amount of pension and allowance calculated in this way shall be divided equally among the orphans entitled.

Article 22

Where a staff member leaves a surviving spouse and also orphans of a previous marriage or other persons entitled under him, the total pension, calculated as if for a surviving spouse having all these persons dependent on her, shall be apportioned among the various persons concerned in proportion to the pensions which would have been payable to each category of them if treated separately.

Where a staff member leaves orphans of different marriages, the total pension, calculated as though all the children were of the same marriage, shall be apportioned among the various persons concerned in proportion to the pensions which would have been payable to each category of them if treated separately.

For the purposes of calculating this apportionment, children of a previous marriage of either spouse who are recognised as dependants within the meaning of Article 2 of Annex VII to the Staff Regulations shall be included in the category of children of the marriage to the staff member or former staff member in receipt of a retirement pension or invalidity allowance.

In the case envisaged in the second paragraph, ascendants who are recognised as being dependants as provided for in Article 2 of Annex VII to the Staff Regulations shall be treated in the same way as dependent children and, for the purpose of calculating the apportionment, included in the category of descendants.

Article 24

The right to receive payment of survivor's pension shall have effect from the first day of the calendar month following that in which the staff member or former staff member in receipt of a retirement pension or invalidity allowance died. However, where the payment provided for in Article 70 of the Staff Regulations is made on the death of the staff member or of the person entitled to a pension, such right shall take effect on the first day of the fourth month following that in which death occurred.

The right to receive payment of survivor's pension shall cease at the end of the calendar month in which the recipient of the pension dies or ceases to satisfy the requirements for payment of the pension. Similarly the right to an orphan's pension shall cease if the recipient ceases to be regarded as a dependent child within the meaning of Article 2 of Annex VII.

Article 25

Where the difference in age between the deceased staff member or former staff member in receipt of a retirement pension or invalidity allowance and his surviving spouse, less the length of time they have been married, is more than 10 years, the survivor's pension, calculated in accordance with the preceding provisions, shall be subject to a reduction, per full year of difference, amounting to:

- 1 % for the years between ten and twenty;
- 2 % for the years twenty up to but not including twenty-five;
- 3 % for the years twenty-five up to but not including thirty;
- 4 % for the years thirty up to but not including thirty-five;
- 5 % for the years from thirty-five upwards.

Article 26

A surviving spouse's entitlement to survivor's pension shall cease on remarriage. He or she shall be entitled to immediate payment of a capital sum equal to twice the annual amount of her survivor's pension, provided that the second paragraph of Article 80 of the Staff Regulations does not apply.

Article 27

The divorced spouse of a staff member or a former staff member shall be entitled to a survivor's pension, as defined in this Chapter, provided that, on the death of the former spouse, he or she can justify entitlement on his or her own account to receive maintenance from him by virtue of a court order or as a result of an officially registered settlement in force between himself or herself and his/her former spouse.

The survivor's pension may not, however, exceed the amount of maintenance paid at the time of death of the former spouse, the amount having been updated in accordance with the procedure laid down in

Article 82 of the Staff Regulations.

The divorced spouse's entitlement shall cease if he or she remarries before the former spouse dies. Article 26 shall apply in the event of remarriage after the death of the former spouse.

Article 28

Where the deceased staff member leaves more than one divorced spouse entitled to survivor's pension or one or more divorced spouses and a surviving spouse entitled to a survivor's pension, that pension shall be divided in proportion to the respective duration of the marriages. The provisions of the second and third paragraphs of Article 27 shall apply.

If any of the persons entitled to pension dies or renounces his or her share, that share shall accrue to the shares of the other persons, except where there are orphans' rights under the second paragraph of Article 80 of the Staff Regulations.

Reductions in respect of difference in age, as provided for in Article 25, shall be applied separately to pensions divided in accordance with this Article.

Article 29

Where under Article 42 the divorced spouse ceases to be entitled to a pension, the total pension shall be payable to the surviving spouse, provided the second paragraph of Article 80 of the Staff Regulations does not apply.

CHAPTER 5

Provisional pensions

Article 30

The spouse or persons recognised as dependants of a staff member having one of the statuses listed in Article 35 of the Staff Regulations whose whereabouts are unknown for more than one year may provisionally receive the survivor's pension to which they would be entitled under this Annex.

Article 31

The spouse or persons recognised as dependants of a former staff member in receipt of retirement pension or invalidity allowance whose whereabouts are unknown for more than one year may provisionally receive the survivor's pension to which they would be entitled under this Annex.

Article 31a

The spouse or persons recognised as dependants of a former staff member within the meaning of Article 18a of Annex VIII, may, if the former staff member's whereabouts are unknown for more than one year, provisionally receive a survivor's pension to which they would be entitled under this Annex.

Article 32

The provisions of Article 31 shall apply to persons recognised as a dependant of a person in receipt of or entitled to a survivor's pension whose whereabouts are unknown for more than one year.

Article 33

Provisional pensions under Articles 30, 31, 31a and 32 shall be converted into definitive pensions when the death of the staff member or former staff member has been duly confirmed or he has been legally declared missing, presumed dead.

CHAPTER 6

Pension increases in respect of dependent children

Article 34

The provisions of the second paragraph of Article 81 of the Staff Regulations shall apply to persons in receipt of a provisional pension.

Articles 80 and 81 of the Staff Regulations shall also apply to children born less than 300 days after the death of the staff member or former staff member in receipt of a retirement pension or invalidity allowance.

Article 35

The award of a retirement or survivor's pension or of an invalidity allowance or of a provisional pension shall not entitle the pensioner to expatriation allowance.

CHAPTER 7

SECTION 1

Funding of the pension scheme

Article 36

Salaries and invalidity allowances shall in all cases be subject to deduction of the contribution to the pension scheme provided for in Articles 77 to 84 of the Staff Regulations.

Article 37

A staff member on secondment shall continue to pay the contribution referred to in the preceding Article on the basis of the salary carried by this step and grade. This shall also apply to staff members on leave on personal grounds who are continuing to acquire further pension rights on the conditions laid down in Article 40(3) of the Staff Regulations.

All benefits to which any such staff member or those entitled under him may be entitled under this pension scheme shall be calculated on the basis of such salary.

Article 38

Contributions properly deducted shall not be refunded. Contributions wrongly deducted shall not confer the right to receive a pension; they shall be reimbursed without interest at the request of the staff member concerned or of those entitled under him.

Article 39

SECTION 2

Calculation of pension

Article 40

(p.m. del.) A detailed statement of the calculation of the retirement or survivor's or provisional pension or invalidity allowance shall be communicated to the staff member or to those entitled under him, at the same time as the decision awarding the pension or the invalidity allowance.

A retirement pension or invalidity allowance shall not be paid concurrently with the salary payable from the budget of the Institute.

Article 41

The amount of pension may at any time be calculated afresh if there has been error or omission of any kind.

Pensions shall be liable to modification or withdrawal if the award was contrary to the provisions of the Staff Regulations or of this Annex.

Article 42

Where a staff member or former staff member in receipt of a retirement pension or invalidity allowance dies and those entitled under him do not apply for their pension or allowance within one year from the date of his death, they shall lose their entitlement, save where *force majeure* is duly established.

Article 43

A former staff member or those entitled under him in favour of whom benefits arise under this pension scheme shall furnish such written proof as may be required and inform the Institute of any facts liable to affect their entitlement.

Article 44

Where a staff member has been temporarily deprived, in whole or in part, of his pension rights under Article 9 of Annex IX to the Staff Regulations, he shall be entitled to claim reimbursement in proportion to the amount by which his pension has been reduced of the pension contributions he has paid.

SECTION 3

Payment of benefits

Article 45

Benefits under this pension scheme shall be paid monthly in arrears.

(p.m. del.)

For pensioners residing in the European Union, benefits shall be paid in euro into a bank in the European Union.

For pensioners residing outside the European Union, pensions shall be paid, in euro into a bank in the European Union or in the country of residence. The pension may by way of exception be paid in foreign currency in the country of residence of the pensioner, converted at the most up-to-date exchange rates used for the implementation of the general budget of the European Union.

This Article shall apply by analogy to the recipients of an invalidity allowance.

Article 46

Any sums due from a staff member or former staff member in receipt of a retirement pension or invalidity allowance to the Institute at the date when a benefit is payable under this pension scheme shall be deducted from the amount of his benefit or from the benefits payable to those entitled under him. The deduction may be spread over a number of months.

CHAPTER 8

Transitional provisions

Articles 48 to 51

(p.m. del.)

ANNEX IX
DISCIPLINARY PROCEEDINGS

SECTION 1

General provisions

Article 1

1. Whenever the possibility of the personal involvement of a staff member, or a former staff member, in a case of fraud or corruption, or more generally of failure to comply with duties and obligations, appears, an administrative enquiry shall be opened by the Appointing Authority, and the staff member shall be informed, provided this is not harmful to the investigation.

2. *(p.m. del.)*

3. *(p.m. del.)*

Article 2

1. The rules set out in Article 1 of this Annex shall apply, with any necessary changes, to other administrative enquiries carried out by the Appointing Authority.

2. The Appointing Authority shall inform the person concerned when the investigation ends, and shall communicate to him the conclusions of the investigation report and, on request and subject to the protection of the legitimate interests of third parties, all documents directly related to the allegations made against him.

3. The Appointing Authority shall adopt implementing arrangements for this Article, in accordance with Article 110 of the Staff Regulations applicable to permanent staff members of the Institute.

Article 3

1. On the basis of the investigation report, after having notified the staff member concerned of all evidence in the files and after hearing the staff member concerned, the Appointing Authority may:

(a) decide that no case can be made against the staff member, in which case the staff member shall be informed accordingly in writing; or

(b) decide, even if there is or appears to have been a failure to comply with obligations, that no disciplinary measure shall be taken and, if appropriate, address a warning to the staff member; or

(c) in the case of failure to comply with obligations within the meaning of Article 86 of the Staff Regulations applicable to permanent staff members:

(i) decide to initiate the disciplinary proceedings provided for in section 4 of this Annex, or

(ii) decide to initiate disciplinary proceedings before the Disciplinary Board.

Article 4

A staff member who, for objective reasons, cannot be heard under the provisions of this Annex may be asked to comment in writing or may be represented by a person of his choice.

SECTION 2

Disciplinary board

Article 5

1. A Disciplinary Board, hereinafter referred to as "the Board", shall be established. The Board shall include at least one member who may be the chairman chosen from outside the Institute.
2. The Board shall consist of a chairman and four full members, who may be replaced by alternates, and two additional members in the same function group and grade. Where there are fewer than these two additional staff members belonging to the same function group and grade, these additional members shall be of at least the same function group as the staff member subject to disciplinary proceedings.
3. The members and alternates of the Board shall be appointed from amongst the staff members in grade AD/AST 8 or above in active employment.
4. *(p.m. del.)*
5. *(p.m. del.)*

Article 6

1. The Appointing Authority and the Staff Committee shall each appoint two members and two alternates at the same time.
2. The chairman and alternate for the chairman shall be appointed by the Appointing Authority.
3. The chairman, the members and the alternates shall be appointed for a period of three years. However, the Institute may provide for a shorter period for members and alternates, subject to a minimum of one year.
4. The two members of the Board as enlarged in accordance with Article 5(2) of this Annex shall be appointed in the following manner:
 - (a) simultaneously with the decision opening disciplinary proceedings or the procedure laid down in Article 22 of the Staff Regulations, the Appointing Authority shall draw up a list containing the names of two staff members meeting the conditions stated in Article 5(2). At the same time, the Staff Committee shall send the Appointing Authority a list drawn up on the same basis; both lists shall forthwith be communicated to the chairman of the Board;
 - (b) within ten days of the notification of the report on which the decision to open disciplinary proceedings or the procedure laid down in Article 22 of the Staff Regulations is based, the Chair of the Board, in the presence of the person concerned, shall draw by lot from the above mentioned lists the names of the two Board members, one member being drawn from each list. The chairman may decide that the secretary is to replace him in this procedure. The chairman shall notify the staff member concerned and the individual members of the Board of its complete composition.
5. The staff member concerned shall be entitled to reject one of the Board members within five days of the Board's establishment. The Appointing Authority shall also be entitled to reject one of the Board members.

Within the same time limit, Board members may ask to be excused from duty for legitimate reasons and shall withdraw if a conflict of interests exists.

If necessary, the chairman of the Board shall draw new lots to replace the members appointed in accordance with paragraph 4.

Article 7

The Board shall be assisted by a secretary appointed by the Appointing Authority.

Article 8

1. The chairman and members of the Board shall be completely independent in the performance of their duties.
2. The deliberations and proceedings of the Board shall be secret.

SECTION 3

Disciplinary measures

Article 9

1. The Appointing Authority may impose one of the following penalties:
 - (a) a written warning;
 - (b) a reprimand;
 - (c) deferment of advancement to a higher step for a period of between one and 23 months;
 - (d) relegation in step;
 - (e) temporary downgrading for a period of between 15 days and one year;
 - (f) downgrading in the same function group;
 - (g) classification in a lower function group, with or without downgrading;
 - (h) removal from post and, where appropriate, reduction pro tempore of a pension or withholding, for a fixed period, of an amount from an invalidity allowance; the effects of this measure shall not extend to the staff member's dependants. In case of such reduction, however, the former staff member's income may not be less than the minimum subsistence figure laid down in Article 6 of Annex VIII, with the addition of any family allowances payable.
2. Where the staff member is in receipt of a retirement pension or an invalidity allowance, the Appointing Authority may decide to withhold an amount from the pension or the invalidity allowance for a given period; the effects of this measure shall not extend to the staff member's dependants. The staff member's income may not, however, be less than the minimum subsistence figure laid down in Article 6 of Annex VIII, with the addition of any family allowances payable.
3. A single case of misconduct shall not give rise to more than one disciplinary penalty.

Article 10

The severity of the disciplinary penalties imposed shall be commensurate with the seriousness of the misconduct. To determine the seriousness of the misconduct and to decide upon the disciplinary penalty to be imposed, account shall be taken in particular of:

- (a) the nature of the misconduct and the circumstances in which it occurred;
- (b) the extent to which the misconduct adversely affects the integrity, reputation or interests of the Institute;
- (c) the extent to which the misconduct involves intentional actions or negligence;
- (d) the motives for the staff member's misconduct;

- (e) the staff member's grade and seniority;
- (f) the degree of the staff member's personal responsibility;
- (g) the level of the staff member's duties and responsibilities;
- (h) whether the misconduct involves repeated action or behaviour;
- (i) the conduct of the staff member throughout the course of his career.

SECTION 4

Disciplinary proceedings not involving the Disciplinary Board

Article 11

The Appointing Authority may decide on the penalty of a written warning or reprimand without consulting the Board. The staff member concerned shall be heard before such action is taken by the Appointing Authority.

SECTION 5

Disciplinary proceedings before the disciplinary board

Article 12

1. The Appointing Authority shall submit a report to the Board, stating clearly the facts complained of and, where appropriate, the circumstances in which they arose, including any aggravating or extenuating circumstances.
2. The report shall be communicated to the staff member concerned and to the chairman of the Board, who shall bring it to the attention of the members of the Board.

Article 13

1. On receipt of the report, the staff member concerned shall have the right to obtain his complete personal file and take copies of all documents relevant to the proceedings, including exonerating evidence.
2. The staff member concerned shall have not less than 15 days from the date of receipt of the report initiating the disciplinary proceedings to prepare a defence.
3. The staff member concerned may be assisted by a person of his or her choice.

Article 14

If, in the presence of the chairman of the Board, the staff member concerned acknowledges misconduct on his part and accepts unreservedly the report referred to in Article 12 of this Annex, the Appointing Authority may, in accordance with the principle of proportionality between the nature of the misconduct and the penalty being considered, withdraw the case from the Board. Where a case is withdrawn from the Board the chairman shall deliver an opinion on the penalty considered.

Under this procedure the Appointing Authority may, by derogation from Article 11 of this Annex, impose one of the penalties provided for in Article 9(1) (a) to (d) of this Annex.

The staff member concerned shall be informed before acknowledging his misconduct of the possible consequences of such acknowledgement.

Article 15

Before the first meeting of the Board, the chairman shall give one of its members the task of preparing a general report on the matter and shall inform the other members of the Board accordingly.

Article 16

1. The staff member concerned shall be heard by the Board; at the hearing, he may submit observations in writing or orally, whether in person or through a representative. He may call witnesses.
2. The Institute shall be represented before the Board by a staff member mandated by the Appointing Authority to this effect and having rights equivalent to those of the staff member concerned.
3. (*p.m. del*)

Article 17

1. If the Board does not consider that it has sufficiently clear information on the facts complained of or the circumstances in which they arose, it shall order an investigation in which each side can submit its case and reply to the case of the other side.
2. The chairman or a member of the Board shall conduct the investigation on behalf of the Board. For the purposes of the investigation, the Board may call for any documents relating to the matter before it. The Institute shall comply with any such request within the time limit, if any, set by the Board. Where such a request is addressed to the staff member, note shall be taken of any refusal to comply.

Article 18

After consideration of documents submitted and having regard to any statement made orally or in writing and to the results of any investigation undertaken, the Board shall, by majority vote, deliver a reasoned opinion as to whether the facts complained of are established and as to any penalty to which those facts should give rise. This opinion shall be signed by all the members of the Board. Each member may attach to the opinion a divergent view. The Board shall transmit the opinion to the Appointing Authority and to the staff member concerned within two months of the date of receipt of the report of the Appointing Authority, provided that this time limit is commensurate with the degree of complexity of the case. Where an investigation has been held at the Board's initiative, the time limit shall be four months, provided that this period is commensurate with the degree of complexity of the case.

Article 19

1. The chairman of the Board shall not vote on matters before it, except as regards matters of procedure or where votes are tied.
2. The chairman shall ensure that the decisions of the Board are implemented and shall bring all information and documents relating to the case to the attention of each of its members.

Article 20

The secretary shall draw up minutes of meetings of the Disciplinary Board. Witnesses shall sign the minutes recording their evidence.

Article 21

1. Expenses incurred on the initiative of a staff member concerned in the course of disciplinary proceedings, and in particular fees paid to a person chosen to assist the staff member or for his defence, shall be borne by the staff member where the disciplinary proceedings result in the imposition of one of the penalties provided for in Article 9 of this Annex.

2. However, the Appointing Authority may decide otherwise in exceptional cases where the burden on the staff member concerned would be unfair.

Article 22

1. After hearing the staff member, the Appointing Authority shall take its decision as provided for in Articles 9 and 10 of this Annex within two months of receipt of the opinion of the Board. Reasons must be given for the decision.

2. If the Appointing Authority decides to close the case without imposing any disciplinary penalty, it shall so inform the staff member concerned in writing without delay. The staff member concerned may request that this decision be inserted in his personal file.

SECTION 6

Suspension

Article 23

1. If the Appointing Authority accuses a staff member of serious misconduct, whether through a failure to honour his professional obligations or through an infringement of the law, it may immediately suspend the person accused of that misconduct for a specified or indefinite period.

2. The Appointing Authority shall take this decision after hearing the staff member concerned, save in exceptional circumstances.

Article 24

1. The decision suspending a staff member shall state whether the staff member is to continue to receive his full remuneration during the period of suspension or what part thereof is to be withheld. The amount paid to the staff member shall not under any circumstances be less than the minimum subsistence figure laid down in Article 6 of Annex VIII to these Staff Regulations, with the addition of any family allowances payable.

2. The situation of a suspended staff member must be definitively settled within six months of the date on which the suspension takes effect. If no such decision is taken within six months, the staff member concerned shall be entitled to again receive full remuneration, subject to paragraph 3.

3. Remuneration may continue to be withheld in part after the six-month deadline referred to in paragraph 2 if the staff member concerned is the subject of criminal proceedings for the same acts and is in custody as a result of those proceedings. In such cases the staff member shall not receive full remuneration until the competent court has ordered his release.

4. Sums withheld under paragraph 1 shall be repaid to the staff member if the final decision imposes a disciplinary penalty no more severe than a written warning, reprimand or deferment of advancement to a higher step, or if no disciplinary penalty is imposed; in the latter case, the repayment shall be made with compound interest at the rate defined in Article 12 of Annex XII.

SECTION 7

Parallel criminal prosecution

Article 25

Where the staff member is prosecuted for those same acts, a final decision shall be taken only after a final judgement has been handed down by the court hearing the case.

SECTION 8

Final provisions

Article 26 *(p.m. del)*

Article 27

A staff member against whom a disciplinary penalty other than removal from post has been ordered may, after three years in the case of a written warning or reprimand or after six years in the case of any other penalty, submit a request for the deletion from his personal file of all reference to such measure. The Appointing Authority shall decide whether to grant this request.

Article 28

Where new facts supported by relevant evidence come to light, disciplinary proceedings may be reopened by the Appointing Authority on its own initiative or on application by the staff member concerned.

Article 29

If no case has been made against the staff member pursuant to Article 22(2) of this Annex, the staff member shall be entitled to request that the damage suffered should be made good through suitable publicity for the decision of the Appointing Authority.

Article 30

Without prejudice to Article 2(3), the Appointing Authority shall, if it sees fit, adopt implementing arrangements for this Annex after consulting the Staff Committee.

ANNEX X

(p.m. del.)

ANNEX XI

RULES FOR IMPLEMENTING ARTICLES 64 AND 65 OF THE STAFF REGULATIONS

Article 1

Chapter 1, section 1, and Chapters 2 and 3 of this Annex shall apply from 1 January 2015 to 31 December 2024. The President is required to take all necessary steps for introducing at the Institute, after 31.12.2023, any revision made to the Staff Regulations of Officials of the European Union.

CHAPTER 1

Annual update of remuneration provided for in article 65(1) of the staff regulations

SECTION 1

Annual update of remuneration and pensions

Article 2

Basic salary scale

1. The annual update for year N shall mean the adjustment based on changes in economic parameters in the reference period from 1 July of year N to 30 June of year N+1.

For the annual updates for the years 2003 to 2019 inclusive, the figures in the table in Article 66 of the Staff Regulations shall at the dates of effect laid down in column six of the table below be replaced by the figures appearing in the table in Article 66 of the Staff Regulations of Officials of the European Union as updated in accordance with the arrangements of Annex XI of the Staff Regulations of Officials of the European Union for the annual update of remunerations and pensions:

Annual adjustment for year	Reference period	EU date of effect	EU financial year of effect	Months' stagger	EUI date of effect
2003	1.7.02 – 30.6.03	1 January 2004	2004	6	1 July 2004
2004	1.7.03 – 30.6.04	1 July 2004	2005	9	1 April 2005
2005	1.7.04 – 30.6.05	1 July 2005	2006	11	1 June 2006
2006	1.7.05 – 30.6.06	1 July 2006	2007	12	1 July 2007
2007	1.7.06 – 30.6.07	1 July 2007	2008	12	1 July 2008
2008	1.7.07 – 30.6.08	1 July 2008	2009	11	1 June 2009
2009	1.7.08 – 30.6.09	1 July 2009	2010	11	1 June 2010
2010	1.7.09 – 30.6.10	1 July 2010	2011	10	1 May 2011
2011	1.7.10 – 30.6.11	1 July 2011	2012	10	1 May 2012
2012	1.7.11 – 30.6.12	1 July 2012	2013	9	1 April 2013
2013	1.7.12 – 30.6.13	1 July 2013	2014	9	1 April 2014
2014	1.7.13 – 30.6.14	1 July 2014	2015	8	1 March 2015
2015	1.7.14 – 30.6.15	1 July 2015	2016	8	1 March 2016
2016	1.7.15 – 30.6.16	1 July 2016	2017	7	1 February 2017
2017	1.7.16 – 30.6.17	1 July 2017	2018	7	1 February 2018
2018	1.7.17 – 30.6.18	1 July 2018	2019	6	1 January 2019
2019	1.7.18 – 30.6.19	1 July 2019	2020	6	1 January 2020

2. For subsequent annual updates, the salary scale will be updated by applying to the Institute the relevant updates applicable to the remunerations and pensions of the officials and former officials of the European Union with a stagger to be decided by the High Council.

The High Council, deciding by qualified majority before 31 December 2019, shall set these periods of stagger and the resulting dates of effect and replace the table in paragraph 1 by a new table accordingly. Should there be no High Council decision by the date of 31 December 2019, the stagger shall be six months whatever be the year in which the adjustment occurs.

3. Should the EU institutions make a corresponding positive or negative update to the remuneration and pensions of the officials and former officials of the European Union in order to rectify the value of an annual update, this same rectification shall take effect at the Institute forthwith, but may not be retroactive.

Article 3

Headquarters Weighting (correction coefficient)

1. At the same dates of effect as laid down in column six of the (original or modified) table in Article 2(1), the value of the headquarters weighting provided for in Article 64 of the Staff Regulations shall be replaced by the value of the weighting applied to the remuneration of officials of the European Union employed in Italy (except Varese) as annually updated in accordance with the arrangements of Annex XI to the Staff Regulations of Officials of the European Union.

2. Should the EU institutions make a corresponding positive or negative update to the value of the weighting for officials of the European Union employed in Italy (except Varese), the same rectification shall take effect forthwith at the Institute, but may not be retroactive.

SECTION 2

Weighting elsewhere than at the seat of the Institute used for pension payment purposes

Article 4

1. The weightings:

(a) taken into account pursuant to Annex XIII, Article 20(1), for calculating monthly payments of pensions;

(b) (*p.m.del.*)

shall annually, on the dates appearing in the table in Article 2(1), be replaced by the values adopted for the relevant annual update by the EU institutions, for remuneration of officials in active status and for pensions paid to European Union pensioners in the countries considered, respectively.

CHAPTER 2

Intermediate updates of remuneration and pensions

Article 5

Article 65(2) of the Staff Regulations of Officials of the European Union and the relevant arrangements for the intermediate updates of remunerations and pensions outlined under Annex XI to the Staff Regulations of Officials of the European Union shall apply by analogy, except for the date of effect which shall, according to the reference period in question, be staggered for the Institute by the number of months appearing at the intersection of the row corresponding to the EU date of effect and column five of the (original or modified) table in Article 2(1).

CHAPTER 3

Cases of high cost-of-living increases

Article 6

For cases with a high-cost of living increase, the correction coefficients coming into effect in accordance with Chapter 3 of Annex XI to the Staff Regulations of Officials of the European Union shall apply by analogy, except for the date of effect which shall, according to the reference period in question, be set at the date of effect of the measure applied by the EU institutions staggered for the Institute by the number of months appearing at the intersection of the row corresponding to the EU date of effect and column five of the (original or modified) table in Article 2(1).

ANNEX XII

RULES FOR IMPLEMENTING ARTICLE 83A OF THE STAFF REGULATIONS

Article 1

1. If, despite the existence of the provisions of Article 83a(4) of the Staff Regulations, the High Council sees fit, it shall in order to determine the contribution of staff members to the pension scheme carry out an actuarial assessment of the pension scheme referred to in Article 83a(3) of the Staff Regulations.

2. This assessment shall cover the retirement pension as defined in Article 77 of the Staff Regulations, the invalidity allowance as defined in Article 78 of the Staff Regulations and the survivors' pensions as defined in Articles 79 and 80 of the Staff Regulations. It shall be carried out in accordance with the principles of calculation set out in Articles 5 to 8 of Annex XII to the Staff Regulations of Officials of the European Union.

However, given the small numbers subject to invalidity risk, the assessment may remain confined to taking over the results of similar assessments regarding it done by the European Union; the same shall apply to survivors' pensions.

Article 2

1. Any update of the contribution rate shall take effect at the same time as the annual update of remunerations under Article 65 of the Staff Regulations. Any update shall not lead to a contribution being more than one percentage point above or below the valid rate of the previous year.

2. The difference established between the update of the contribution rate which would have resulted from the actuarial calculation and the update resulting from the variation referred to in the last sentence of paragraph 1 shall not be recovered at any time, or, consequently, taken into account in subsequent actuarial calculations. .

Article 3

The interest rate indicated in Articles 4 and 8 of Annex VIII to the Staff Regulations and Articles 40 and 110 of the Conditions of Employment of other servants shall be revised by the President on the bases of the changes made by the European Union .

Article 4 and following (p.m. del)

ANNEX XIII
TRANSITIONAL MEASURES APPLICABLE
TO PERMANENT STAFF OF THE INSTITUTE
(ARTICLE 107A OF THE STAFF REGULATIONS)

SECTION 1

Article 1

1. For the period from 1 January 2005 to 31 December 2006 Article 5(1) and (2) of the Staff Regulations are replaced by the following:

"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 four categories A*, B*, C* and D*, in descending order of rank.

2. Category A* shall comprise ten grades, category B* shall comprise nine grades, category C* shall comprise seven grades and category D* shall contain five grades."

2. Any reference to the date of recruitment shall be taken to refer to the date of entry into service.

Article 2

1. On 1 January 2005, and subject to Article 8 of this Annex, the grades of staff members having one of the administrative statuses set out in Article 35 of the Staff Regulations shall be renamed as follows:

Former grade	New (intermediate) grade	Former grade	New (intermediate) grade	Former grade	New (intermediate) grade	Former grade	New (intermediate) Grade
A3/LA3	A*14						
A4/LA4	A*12						
A5/LA5	A*11						
A6/LA6	A*10	B1	B*10				
A7/LA7	A*8	B2	B*8				
A8/LA8	A*7	B3	B*7	C1	C*6		
		B4	B*6	C2	C*5		
		B5	B*5	C3	C*4	D1	D*4
				C4	C*3	D2	D*3
				C5	C*2	D3	D*2
						D4	D*1

2. Subject to the provisions of Article 7 of this Annex, basic monthly salaries shall be determined for each grade and step as provided for in the following tables (in Euro):

[...]

(The relevant tables are omitted from this version given their nature as dynamic documents which have been ever since subject to annual updates but are available upon request at the following email address: financial.personnel.service@eui.eu).

Article 3

The step occupied by a staff member and the seniority acquired in grade and step shall not be affected by the procedure described in Article 2(1) of this Annex. Salaries shall be determined in accordance with Article 7 of this Annex.

Article 4

For the purposes of these provisions and for the period specified in the introductory sentence of Article 1 of this Annex:

(a) the words "function group" shall be replaced by "category":

(i) in the Staff Regulations in:

- Article 5(5),
- Article 6(1),
- Article 7(2),
- Article 31(1),
 - the third paragraph of Article 32,
- Article 39, point (f),
- Article 40(4),
- *(p.m.del.)*
- Article 51(1), (2), (8) and (9),
- the first paragraph of Article 78;

(ii) in Annex II to the Staff Regulations in the fourth paragraph of Article 1;

(iii) in Annex III to the Staff Regulations in:

- Article 1(1), point (c),
- the fourth paragraph of Article 3;

(iv) in Annex IX to the Staff Regulations in:

- Article 5,
- Article 9(1), points (f) and (g);

(b) the word "function group AD" shall be replaced by "category A*":

(i) in the Staff Regulations in:

- Article 5(3), point (c);

- the third paragraph of Article 48;
 - the second paragraph of Article 56;
- (ii) in Annex II to the Staff Regulations in the first paragraph of Article 10;
- (c) the words "function group AST" shall be replaced by "'categories B*, C* and D*":
- (i) in the Staff Regulations in:
- the second paragraph of Article 43;
 - the third paragraph of Article 48;
 - the third paragraph of Article 56;
- (ii) in Annex VI to the Staff Regulations in Articles 1 and 3;
- (d) the words "grade AST 1 to AST 4" shall be replaced by "categories C* and D* grades 1 to 4" in the Staff Regulations in the third paragraph of Article 56;
- (e) in Article 5(3)(a) of the Staff Regulations the words "function group AST" are replaced by "categories B* and C*";
- (f) (p.m. del.)
- (g) in the second paragraph of Article 43 of the Staff Regulations the words "an administrator's function" are replaced by "a function in the next higher category";
- (h) in Article 45a(1) of the Staff Regulations, the words "function group AST may" are replaced by "category B* may" and the words "function group AD" are replaced by "a post in category A*";
- (i) in Article 46 of the Staff Regulations, the words "AD 9 to AD 14" are replaced by "A *9 to A *14";
- (j) (p.m. del.)
- (k) in the first paragraph of Article 12 of Annex II to the Staff Regulations, the words "AD 14" are replaced by "A*14";
- (l) (p.m. del.)
- (m) in the second paragraph of Article 43 of the Staff Regulations, the words "As of grade 4," are deleted;
- (n) in Article 5(4) of the Staff Regulations, the reference to "Annex I, point A" is replaced by a reference to "Annex XIII.1";
- (o) where in the text of the Staff Regulations reference is made to the basic monthly salary of a staff member in grade AST 1, this shall be replaced by a reference to the basic monthly salary of a staff member in grade D*1.

Article 5

1. Notwithstanding Article 45 of the Staff Regulations, staff members eligible for promotion on 1 January 2005 shall continue to be eligible even if they have not completed a minimum of two years in their grade.
2. Staff members whose names appear before 1 January 2007 on the list of candidates suitable for transfer from one category to another shall, if transfer takes place as from 1 January 2005 be placed in the grade and step they occupied in the former category, or failing this at the first step in the starting grade of the new category.
3. Articles 1 to 11 of this Annex shall apply to temporary servants engaged before 1 January 2005 who are subsequently recruited as staff members in accordance with paragraph 4.

4. Temporary servants whose names appear before 1 January 2007 on the list of candidates suitable for transfer from one category to another or on the list of successful candidates of an internal competition shall, if recruitment takes place as from 1 January 2005, be placed in the grade and step they occupied as a temporary servant in the former category, or failing this at the first step in the starting grade of the new category.

5. *(p.m. del.)*

*Article 6
(p.m. del.)*

Article 7

Basic monthly salaries of staff members recruited before 1 January 2005 shall be determined in accordance with the following rules:

1. The renaming of grades pursuant to Article 2(1) of this Annex shall not lead to any changes in the basic monthly salary paid to each staff member.
2. For each staff member, a multiplication factor shall be calculated at 1 January 2005. This multiplication factor shall be equal to the ratio between the basic monthly salary paid to a staff member before 1 January 2005 and the applicable amount defined in Article 2(2) of this Annex.

The basic monthly salary paid to the staff member on 1 January 2005 shall be equal to the product of the applicable amount and the multiplication factor.

The multiplication factor shall be applied in order to determine the staff member's basic monthly salary following advancement in step or update of remunerations.

3. Notwithstanding the foregoing provisions, for periods after 1 January 2005 the basic monthly salary paid to a staff member shall be not less than that he would have received under the system in force before that date through automatic advancement in step in the grade formerly occupied by him. For each grade and step, the former basic salary to be taken into account is equal to the applicable amount after 1 January 2005 multiplied by the coefficient defined in Article 2(2) of this Annex.

4. *(p.m. del.)*

5. Without prejudice to paragraph 3, for each staff member, the first promotion after 1 January 2005 shall, depending on the category occupied before 1 January 2005 and the step occupied at the time the promotion takes effect, lead to an increase in basic monthly salary to be determined on the basis of the following table:

Step Grade	1	2	3	4	5	6	7	8
A	13.1 %	11.0 %	6.8 %	5.7 %	5.5 %	5.2 %	5.2 %	4.9 %
B	11.9 %	10.5 %	6.4 %	4.9 %	4.8 %	4.7 %	4.5 %	4.3 %
C	8.5 %	6.3 %	4.6 %	4.0 %	3.9 %	3.7 %	3.6 %	3.5 %
D	6.1 %	4.6 %	4.3 %	4.1 %	4.0 %	3.9 %	3.7 %	3.6 %

For the purpose of determining the applicable percentage, each grade shall be divided into notional steps corresponding to two months of service and into notional percentages reduced by one twelfth of

the difference between the percentage for the step in question and that for the next higher step with each notional step.

For the purposes of calculating the salary before promotion of a staff member who is not in the last step of his grade, the value of the notional step shall be taken into account. For the purposes of this provision, each grade shall also be divided into notional salaries rising by one twelfth of the two-yearly increment for that grade throughout the span of the actual steps.

6. A new multiplication factor shall be determined upon this first promotion. That multiplication factor shall be equal to the ratio between the new basic salaries resulting from the application of paragraph 5 and the applicable amount in Article 2(2) of this Annex. Subject to paragraph 7, this multiplication factor shall be applied to the salary after advancement in step and adaptation of remunerations.

7. If, after promotion, the multiplication factor is less than 1, the staff member shall, by derogation from Article 44 of the Staff Regulations, remain in the first step of his new grade for as long as the multiplication factor remains below 1 or until he is promoted. A new multiplication factor shall be calculated to take account of the value of the advancement in step to which he or she would have been entitled under that Article. Once the factor rises to 1, the staff member shall start to advance in step in accordance with Article 44 of the Staff Regulations. If the multiplication factor is higher than one, any balance shall be converted into seniority in the step.

8. The multiplication factor shall be applied upon subsequent promotions.

Article 8

1. With effect from 1 January 2007, the grades introduced by Article 2(1) shall be renamed as follows:

Former (intermediate) grade	New grade	Former (intermediate) grade	New grade
A*14	AD 14		
A*13	AD 13		
A*12	AD 12		
A*11	AD 11	B*11	AST 11
A*10	AD 10	B*10	AST 10
A*9	AD 9	B*9	AST 9
A*8	AD 8	B*8	AST 8
A*7	AD 7	B*7/C*7	AST 7
A*6	AD 6	B*6/C*6	AST 6
A*5	AD 5	B*5/C*5/D*5	AST 5
		B*4/C*4/D*4	AST 4
		B*3/C*3/D*3	AST 3
		C*2/D*2	AST 2
		C*1/D*1	AST 1

2. Without prejudice to the provisions of Article 7 of this Annex, basic monthly salaries shall be determined for each grade and step on the basis of the table in Article 66 of the Staff Regulations. For staff members who have been recruited before 1 January 2005 and until their first promotion comes into effect after that date, the table shall be as follows:

[...]

(The relevant tables are omitted from this version given their nature as dynamic documents which have been ever since subject to annual updates but are available upon request at the following email address: financial.personnel.service@eui.eu).

[...]

Article 9

Within the limit of the initial appropriations allocated to staff costs for posts on the administrative staff establishment plan, the reference multipliers for equivalence of the average career applicable to officials of the Community institutions in grades AD 12, AD 13 and AST 10 shall be the reference point for promotion policy for employees in grades AD 12, AD 13 and AST 10 for the period from 1 January 2005 to 31 December 2011.

Article 11

Article 45(2) shall not apply to promotions that take effect prior to 1 January 2007.

SECTION 2

Article 12

1. Between 1 January 2005 and 31 December 2006, reference to grades in function groups AST and AD in paragraph 2 and 3 of Article 31 of the Staff Regulations shall be made as follows:

- AST 1 to AST 4: C*1 to C*2 and B*3 to B*4,
- AD 5 to AD 8: A*5 to A*8,
- AD 9, AD 10, AD 11, AD 12: A*9, A*10, A*11, A*12.

2. In the case of staff members recruited from lists of suitable candidates resulting from competitions published before 1 January 2005 Article 5(3) of the Staff Regulations shall not apply.

3. Staff members who have been included in a list of suitable candidates before 1 January 2007 and are recruited between 1 January 2005 and 31 December 2006 shall:

- if the list was drawn up for category A*, B* or C*, be graded in the grade published in the competition;
- if the list was drawn up for category A, LA, B or C, be graded in accordance with the following table:

Grade of the competition	Grade of recruitment
A8/LA8	A*5
A7/LA7 and A6/LA6	A*6
A5/LA5 and A4/LA4	A*9
A3/LA3	A*12
B5 and B4	B*3
B3 and B2	B*4
C5 and C4	C*1
C3 and C2	C*2

Article 13

1. Staff members who have been included in a list of suitable candidates before 1 January 2007 and are recruited after that date shall be graded in accordance with the following table:

Grade of competition	Grade of competition	Grade of recruitment
A8/LA8	A*5	AD 5
A7/LA7 and A6/LA6	A*6	AD 6
	A*7	AD 7
	A*8	AD 8
A5/LA5 and A4/LA4	A*9	AD 9
	A*10	AD 10
	A*11	AD 11
A3/LA3	A*12	AD 12
B5 and B4	B*3	AST 3
B3 and B2	B*4	AST 4
C5 and C4	C*1	AST 1
C3 and C2	C*2	AST 2

SECTION 3

Article 18

1. Beneficiaries who were entitled in the month before 1 January 2005 to the fixed allowance mentioned in the former Article 4a of Annex VII to the Staff Regulations shall keep it *ad personam* up to grade 6. The amounts of the allowance shall be updated every year by the same percentage as the annual pay update referred to in Annex XI of the Staff Regulations. When the net remuneration of a staff member who has been promoted to grade 7, as a consequence of the abolition of the fixed allowance, is lower than the net remuneration he received, all other conditions being unchanged, in the last month before the promotion, he shall be entitled to a compensatory allowance equal to the difference until his advancement to the next higher step in grade.

Article 19 *(p.m. del)*

SECTION 4

Article 20

1. The pensions of staff members in service at 31 December 2009, and pensions being paid at 31 December 2009, shall be subject to the correction coefficient remunerations for the Member States where the staff members have produced evidence of having their main residence.

The minimum applicable correction coefficient shall be 100.

If they establish their residence in a third country, the applicable correction coefficient shall be 100.

3. Pensions of staff members referred to in paragraph 1 shall be subject to the correction coefficient only if the residence of the staff member coincides with the country of their place of origin within the meaning of Article 7(4) of Annex VII or with the country of the Institute's headquarters. However, for family or medical reasons, staff members receiving a pension may exceptionally request the Appointing Authority to change their place of origin.

This decision shall be taken on production by the staff member concerned of appropriate supporting evidence.

By way of derogation from Article 45 of Annex VIII, the pension of beneficiaries who reside in a Member State shall be paid in the currency of the country of residence by conversion on the basis of the most recent exchange rates used in implementing the general budget of the European Union.

4. This Article shall apply by analogy to invalidity allowances

5. By way of derogation from Article 64 of the Staff Regulations, the correction coefficient to be used for the application of the first subparagraph of paragraph 1 shall be as indicated by the regulation of the Council of the European Union making the annual adjustment for the country, determined in accordance with paragraph 3.

The provisions of Article 3 of Annex XI shall apply by analogy.

Article 21

Notwithstanding the second sentence of the second paragraph of Article 77 of the Staff Regulations, staff members who entered the service before 1 January 2005 shall be entitled to 2% of their salary referred to therein for every year of pensionable service calculated in accordance with Article 3 of

Annex VIII.

Staff Members who entered the service in the period from 1 January 2005 until 31 December 2014 shall be entitled to 1,9% of their salary referred to therein for every year of pensionable service calculated in accordance with Article 3 of Annex VIII.

Article 22

1. Permanent staff members with 20 or more years' service on 1 April 2005 shall become entitled to a retirement pension when they reach the age of 60.

Staff members aged 35 years or more on 1 April 2015 and who entered the service before 1 January 2015 shall become entitled to a retirement pension at the age shown in the table below:

Age on 1 April 2015	Pensionable age	Age on 1 April 2015	Pensionable age
60 years and above	60 years	47 years	62 years 6 months
59 years	60 years 2 months	46 years	62 years 8 months
58 years	60 years 4 months	45 years	62 years 10 months
57 years	60 years 6 months	44 years	63 years 2 months
56 years	60 years 8 months	43 years	63 years 4 months
55 years	61 years	42 years	63 years 6 months
54 years	61 years 2 months	41 years	63 years 8 months
53 years	61 years 4 months	40 years	63 years 10 months
52 years	61 years 6 months	39 years	64 years 3 months
51 years	61 years 8 months	38 years	64 years 4 months
50 years	61 years 11 months	37 years	64 years 5 months
49 years	62 years 2 months	36 years	64 years 6 months
48 years	62 years 4 months	35 years	64 years 8 months

Staff members aged less than 35 years on 1 April 2015 shall become entitled to a retirement pension at the age of 65 years.

However, for staff members aged 45 years or more on 1 April 2015 who entered the service between 1 January 2005 and 31 December 2014, the pensionable age shall remain 63 years.

For staff members in service before 1 January 2015 pensionable age to be taken into consideration for all references to the pensionable age in these Staff Regulations shall be determined in accordance with the above provisions, save as otherwise provided in these Staff Regulations.

2. Notwithstanding Article 2 of Annex VIII, permanent staff members who enter the service before 1 January 2015 and remain in service after the age at which they would have become entitled to a retirement pension shall be entitled to an additional increase of 2,5% of their final basic salary for each year worked after that age, provided that their total pension does not exceed 70% of final basic salary within the meaning of the second paragraph of Article 77 of the Staff Regulations, as the case may be.

However, for staff members aged 50 years or over or with 20 or more years' service on 1 April 2005,

the increase in pension provided for in the previous subparagraph shall not be less than 5 % of the amount of the pension rights acquired at the age of 60.

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

If, pursuant to Annex IVa, a staff member who enters the service before 1 January 2015 and is working part-time contributes to the pension scheme in proportion to the time worked, the increase in pension entitlements provided for in this Article shall be applied only in the same proportion.

3. If the staff member retires before reaching pensionable age as laid down in this Article, only half of the reduction laid down in point (b) of Article 9 of Annex VIII shall be applied for the period between the age of 60 and the pensionable age.

4. *(p.m. del)*

Article 23

1. When point (a) of Article 52 of the Staff Regulations applies a staff member in service before 1 January 2015 shall be retired automatically on the last day of the month in which he reaches the age of 65. For staff members in service before 1 January 2015, the words 'age of 66' and 'age 66' in the second paragraph of Article 78 and point (b) of Article 81a(1) of the Staff Regulations and in point (b) of Article 12(1) of Annex VIII shall be read as 'age of 65' and 'age 65'.

2. Notwithstanding Article 52 of the Staff Regulations, staff members who entered the service before 1 January 2015 and who leave the service before the age at which they would have become entitled to a retirement pension in accordance with Article 22 of this Annex may request that point (b) of Article 9 of Annex VIII be applied

(a) until 31 December 2016 as from the age of 55;

(b) until 31 December 2017 as from the age of 57.

3. *(p.m.del.)*

Article 24

1. In the case of a pension determined before 1 April 2005, the recipient's pension entitlement shall continue to be determined after that date in accordance with the rules applied when the entitlement was initially determined. The same holds true as regards cover under the sickness insurance scheme. However, the rules on family allowances and correction coefficients in force as from 1 April 2005 shall apply immediately without prejudice to the application of Article 20 of this Annex.

Notwithstanding the first subparagraph, recipients of an invalidity pension or a survivor's pension may ask to be covered by the provisions applicable as from 1 April 2005.

2. When these provisions enter into force, the nominal amount of pension received before 1 April 2005 shall be guaranteed. That guaranteed amount shall nevertheless be adjusted if the recipient's family situation or country of residence changes. For persons who retire between 1 April 2005 and 31 December 2007, the nominal amount of pension received on retirement shall be guaranteed with reference to the Staff Regulations provisions in force on the date of their retirement.

For the purposes of applying the first subparagraph, if the pension calculated on the basis of the provisions in force is less than the nominal pension as defined below, a compensatory amount equal to the difference shall be granted.

For recipients of a pension before 1 April 2005, the nominal pension shall be calculated each month taking into account the family situation and the country of residence at the time of calculation, and the Staff Regulations rules in force on the date preceding 31 December 2004.

For staff members who retire between 1 April 2005 and 31 December 2007, the nominal pension shall be calculated each month taking into account family situation and country of residence at the time of calculation, and the Staff Regulations rules in force on the date when they retire.

In the event of death after 1 April 2005 of a recipient of a pension determined before that date, the survivor's pension shall be determined taking into account the guaranteed nominal pension which the deceased was receiving.

3. Provided that recipients of an invalidity pension have not asked to be covered by the provisions applicable as from 1 April 2005, and have not been declared fit to resume their duties, their invalidity pensions thus maintained shall be considered retirement pensions when the recipients reach the age of 65 years.

Article 24a

In the case of a pension determined before 1 January 2015, the recipient's pension entitlement shall continue to be determined after that date in accordance with the rules applied when the entitlement was initially determined. The same applies to the cover under the joint sickness insurance scheme.

Article 25

1. For pensions determined before 1 January 2005, the grade used for calculating pension shall be determined in accordance with the tables in Articles 2(1) and 8(1) of this Annex.

The basic salary taken into account for determining the recipient's pension shall be equivalent to the salary in the table in Article 66 of the Staff Regulations for the new grade thus determined, at the same step, weighted by a percentage equivalent to the ratio of basic salary under the old scale to that under the scale in Article 66 of the Staff Regulations for the same step.

For steps under the old scale without correspondence in the scale in Article 66 of the Staff Regulations, the last step of the same grade shall be used as the reference for calculating the percentage referred to in the second subparagraph.

For steps in grade D4 under the old scale, the first step in the first grade shall be used as the reference for calculating the percentage referred to in the second subparagraph.

2. On a transitional basis, the basic salary within the meaning of Articles 77 and 78 of the Staff Regulations and of Annex VIII shall be determined by applying the corresponding multiplication factor laid down in Article 7 to the salary which corresponds to the recipient's grading taken into account to determine entitlement to retirement pension or invalidity allowance, in accordance with the table in Article 66 of the Staff Regulations.

For steps under the old scale without correspondence in the scale in Article 66 of the Staff Regulations, the last step in the same grade shall be used as the reference for calculating the multiplication factor.

For retirement pensions and invalidity benefits determined between 1 January 2005 and 31 December 2006, Article 8(1) shall apply.

3. For recipients of a survivor's pension, paragraphs 1 and 2 of this Article shall apply by reference to the deceased staff member or former staff member.

Article 26

1. Requests to qualify for the facilities for transfer of pension rights under Article 11(2) of Annex VIII submitted before 1 January 2005 shall be considered in accordance with the rules in force at the time of their submission.
2. In so far as the time limit stipulated in Article 11(2) of Annex VIII has not yet been exceeded on 1 January 2005, the staff members concerned who did not submit such a request within the time limits previously stipulated, or whose request has been rejected for having been submitted after those time limits, shall still be able to submit or resubmit a request for transfer under Article 11(2) of Annex VIII.
3. Staff members who submitted a request for transfer within the time limits but rejected the offer made to them, who did not submit a transfer request within the time limits previously stipulated, or whose request was rejected for having been submitted after those time limits, may still submit or resubmit such a request by 30 June 2005 at the latest.
4. In the cases provided for in paragraphs 2 and 3 of this Article, the Institute shall determine the number of pensionable years to be taken into account under its own scheme pursuant to the general implementing provisions adopted in respect of Article 11(2) of Annex VIII, which shall take into account the provisions of this Annex. However, for the purposes of paragraph 3 of this Article the staff member's age and grade to be taken into account shall be those at the time of establishment.
5. Staff members who agreed to transfer their pension rights pursuant to Article 11(2) of Annex VIII before 1 January 2005 may request recalculation of the bonus already obtained under the Institute pension scheme pursuant to that Article. Recalculation shall be based on the parameters in force at the time when the bonus was obtained, adjusted in accordance with Article 22 of this Annex.
6. Staff members who obtain a bonus pursuant to paragraph 1 may, from notification of the bonus under the Institute pension scheme, request application of paragraph 5.

Article 27

1. When the actuarial equivalent referred to in Article 11(1) and Article 12(1) point (b) of Annex VIII to the Staff Regulations is calculated, permanent and temporary staff shall be covered, for the portion of their rights relating to periods of service before 1 January 2005, by the provisions set out below.

The retirement pension actuarial equivalent may not be less than the sum of:

- (a) the amount of the sums deducted from basic salary as pension contributions, plus compound interest at the rate of 3.5 % a year;
- (b) a severance grant proportional to the length of service actually completed, calculated on the basis of one and a half months of final basic salary subject to deduction per year of service;
- (c) the total sum paid to the Institute in accordance with Article 11(2) of Annex VIII to the Staff Regulations, plus compound interest at the rate of 3.5 % a year.

2. However, where staff members or temporary servants leave because their contracts are revoked or terminated, the severance grant to be paid or actuarial equivalent to be transferred shall be determined in the light of the decision taken on the basis of Article 9(1) point (h) of Annex IX to the Staff Regulations.

3. Unless they have benefited from Article 11(2) or (3) of Annex VIII to the Staff Regulations, staff members in service on 1 January 2005 who would, for lack of a transfer option under Article 11(1), have been entitled to payment of a severance grant in accordance with the Staff Regulations rules in force before 1 January 2005, shall retain the right to payment of a severance grant calculated in accordance with the rules in force before that date.

Article 28

The servants referred to in Article 2 of the Conditions of Employment of other servants of the Institute who are under contract on 1 April 2005 and are appointed as staff members after that date shall and before 1 January 2015 shall, on retirement, be entitled to an actuarial adjustment of the pension rights they acquired as temporary servants which takes into account the change in their pensionable age as referred to in Article 77 of the Staff Regulations.

2. Servants referred to in Articles 2, 3a and 3b of the Conditions of Employment of Other Servants who are under contract on 1 January 2015 and are appointed as permanent staff members after that date shall, on retirement, be entitled to an actuarial adjustment of the pension rights they acquired as temporary or contract staff which takes into account the change in their pensionable age as referred to in Article 77 of the Staff Regulations, in the event that they are at least 35 years old on 1 January 2015.

Article 29

(p.m. del.)

SECTION 5

Article 30

1. By way of derogation from Annex I, section A, point 1, the following table of types of posts in function group AD shall apply to staff members in service on 31 December 2014:

President	AD15
Director or equivalent	AD8 - AD14
Administrator in transition	AD12
Administrator (including Linguists)	AD5 – AD11

2. With effect from 1 January 2015, the Appointing Authority shall classify staff members in service on 31 December 2014 in function group AD in types of posts as follows:

(a) *(p.m.del.)*

(b) *(p.m.del.)*

(c) Staff members who were in grades AD 8 to AD 14 on 31 December 2014 and who were Director or equivalent shall be assigned to the type of post "Director or equivalent".

(d) *(p.m.del.)*

(e) Staff members who were in grades AD 5 to AD 11 on 31 December 2014 and who were not Director or equivalent shall be assigned to the type of post "Administrator".

3. By way of derogation from paragraph 2, staff members in grades AD 8 to AD 14 holding special responsibilities may be assigned by the Appointing Authority before 31 December 2016 to the type of post "Director or equivalent" or "Adviser or equivalent". The Appointing Authority shall lay down provisions to give effect to this Article and shall inform the High Council when making use of this clause.

4. The assignment to a type of post shall be valid until the staff member is assigned to a new function corresponding to another type of post.

5. Provided they satisfy the conditions laid down in the first paragraph of Article 44, staff members in grade AD 11, step 5, holding a post of Administrator shall, as from 1 January 2017, receive an

increase in basic salary equivalent to the difference between the salary corresponding to grade AD 11, step 4, and grade AD 11, step 3.

6. Provided they satisfy the conditions laid down in the first paragraph of Article 44, staff members in grade AD 11, step 5, holding a post of Administrator and benefiting from the measure in paragraph 5 shall receive after two years an additional increase in basic salary equivalent to the difference between the salary corresponding to grade AD 11, step 5, and grade AD 11, step 4.

7. By way of derogation from paragraph 5, the following provisions shall apply to staff members in grade AD 11 holding a post of Administrator, who were recruited before 1 January 2005 and who have not been promoted between 1 January 2005 and 31 December 2014:

(a) provided they satisfy the conditions laid down in the first paragraph of Article 44, staff members in step 8 shall, as from 1 January 2017, receive an increase in basic salary equivalent to the difference between the salary corresponding to grade AD 11, step 4, and grade AD 11, step 3.

(b) provided they benefit from the measure in point (a), staff members in step 8 shall receive after two years an additional increase in basic salary equivalent to the difference between the salary corresponding to grade AD 11, step 5, and grade AD 11, step 4.

8. Provided they satisfy the conditions laid down in the first paragraph of Article 44, staff members in grade AD 12, step 5, holding a post of Administrator in transition shall, as from 1 January 2017, receive an increase in basic salary equivalent to the difference between the salary corresponding to grade AD 12, step 4, and grade AD 12, step 3.

9. Provided they satisfy the conditions laid down in the first paragraph of Article 44, staff members in grade AD 12, step 5, holding a post of Administrator in transition and benefiting from the measure in paragraph 8 shall receive after two years an additional increase in basic salary equivalent to the difference between the salary corresponding to grade AD 12, step 5, and grade AD 12, step 4.

10. Staff members receiving the increase in basic salary provided for in paragraphs 5 to 9 and subsequently appointed Director or Adviser or equivalent in the same grade shall keep such increase in basic salary.

11. By way of derogation from the first sentence of Article 46, staff members appointed to the next higher grade and benefiting from the increase in basic salary provided for in paragraphs 5 6 8 and 9 may be placed in the second step of that grade. They shall lose the benefit of the increase of basic salary provided for in paragraphs 5, 6, 8 and 9.

12. The increase of basic salary in paragraph 7 shall not be paid after promotion and shall not be included in the basis used for determining the increase in basic monthly salary referred to in Article 7(5) of this Annex.

Article 31

1. By way of derogation from Annex I, section A, point 2, the following table of types of posts in function group AST shall apply to staff members in service on 31 December 2014:

Senior Assistant in transition	AST10 – AST11
Assistant in transition	AST1 – AST9
Administrative Assistant in transition	AST1 – AST7
Support Agent in transition	AST1 – AST5

2. With effect from 1 January 2015, the Appointing Authority shall classify staff members in service on 31 December 2014 in function group AST in types of posts as follows:

- (a) Staff members who were in grade AST 10 or AST 11 on 31 December 2014 shall be assigned to the type of post "Senior Assistant in transition".
- (b) Staff member not covered by point (a) who were before 1 January 2005 in the former category B or who were before 1 January 2005 in the former category C or D and have become a member of function group AST without restriction, as well as AST staff members recruited since 1 January 2005, shall be assigned to the type of post "Assistant in transition".
- (c) Staff members not covered by points (a) and (b) who were before 1 January 2005 in the former category C shall be assigned to the type of post "Administrative Assistant in transition".

Staff members belonging to this category on 31 December 2014 and who have overpassed the limit applicable to “Administrative Assistant in Transition” shall exceptionally retain but will remain in their grade.

- (d) Staff members not covered by points (a) and (b) who were before 1 January 2005 in the former category D shall be assigned to the type of post "Support Agent in transition".
3. The assignment to a type of post shall be valid until the staff member is assigned to a new function corresponding to another type of post. Administrative Assistants in transition and Support Agents in transition may be assigned to the type of post of Assistant as defined in Annex I, section A, only in accordance with the procedure laid down in Articles 4 and 29(1) of the Staff Regulations. Promotion shall only be allowed within the career streams corresponding to each type of post indicated in paragraph 1.
4. By way of derogation from Article 6(1) of the Staff Regulations and from Annex I, Section B, the number of vacant positions in the next higher grade required for promotion purposes shall be calculated separately for Support Agents in transition. The following multiplication rates shall apply:

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

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

- 5. Administrative Assistants in transition and Support Agents in transition who were before 1 January 2005 in the former category C or D shall continue to be entitled either to compensatory leave or to remuneration, where the requirements of the service do not allow compensatory leave during the two months following that in which the overtime was worked, as provided for in Annex VI. This arrangement will not be applicable to staff members belonging to this category on 31 December 2014 and who have overpassed the limit applicable to “Administrative Assistant and Support Agent” in Transition”
- 6. Staff members who were authorised, on the basis of point (g) of Article 55a(2) of the Staff Regulations and Article 4 of Annex IVa to the Staff Regulations, to work part-time for a period starting before 1 January 2015 and extending beyond that date may continue to work part-time under the same conditions for a maximum overall period of five years.
- 7. For staff members whose pensionable age under Article 22 of this Annex is less than 65 years, the period of three years referred to in point (g) of Article 55a(2) of the Staff Regulations may exceed their pensionable age, without however exceeding the age of 65 years.

Article 32

By way of derogation from the first sentence of the fourth paragraph of Article 1 of Annex II to the Staff Regulations, the representation of the function group AST/SC need not be ensured in the Staff Committee until the next elections of a new Staff Committee at which the AST/SC staff can be represented.

Article 33

By way of derogation from Article 40(2) of the Staff Regulations, when a staff member has, on 31 December 2014, been on leave on personal grounds for more than 10 years over the entire career, the total length of leave on personal grounds may not exceed 15 years in the course of the staff member's entire career.

ANNEX XIII.1

Types of posts during the transitional period

Types of posts in each category, as provided for in Article 4(n) of this Annex

Category A

A*5 Administrator/ Linguistic Administrator
A*6 Administrator/ Linguistic Administrator
A*7 Administrator/ Linguistic Administrator
A*8 Administrator/ Linguistic Administrator
A*9 Head of unit/ Administrator/ Linguistic Administrator

A*10 Head of unit/ Administrator/ Linguistic Administrator
A*11 Head of unit/ Administrator/ Linguistic Administrator

A*12 Head of unit
/ Administrator/ Linguistic Administrator
A*13 Head of unit
/ Administrator/ Linguistic Administrator
A*14 Head of unit
/ Administrator/ Linguistic Administrator

Category B

B*3 Assistant
B*4 Assistant
B*5 Assistant
B*6 Assistant
B*7 Assistant
B*8 Assistant
B*9 Assistant
B*10 Assistant
B*11 Assistant

Category C

C*1 Secretary/clerk
C*2 Secretary/clerk
C*3 Secretary/clerk
C*4 Secretary/clerk
C*5 Secretary/clerk

C*6 Secretary/clerk
C*7 Secretary/clerk

Category D

D*1 Employee
D*2 Employee
D*3 Employee
D*4 Employee
D*5 Employee

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**CONDITIONS OF EMPLOYMENT OF OTHER SERVANTS OF THE
EUROPEAN UNIVERSITY INSTITUTE**

TITLE I

GENERAL PROVISIONS

Article 1

The Conditions of Employment shall apply to servants engaged under contract by the Institute.

Such servants shall be:

– temporary staff,

– -----

- contract staff

- (*p.m. del.*)

– special advisers.

Any reference in these Conditions of Employment 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.

Article 2

For the purposes of these Conditions of Employment, "temporary staff" means:

(a) staff engaged to fill a post which is included in the list of posts appended to the budget of the Institute and which the High Council has classified as temporary;

(b) staff engaged to fill temporarily a permanent post included in the list of posts appended to the budget of the Institute.

(c) (*p.m. del.*)

(d) (*p.m. del.*)

(e) (*p.m.del.*)

(f) (*p.m.del.*)

(g) a temporary staff recruited to occupy on a temporary basis a permanent post included in the list of posts appended to the budget of the Institute who has been given duties of head of service or requiring special qualifications.

Article 3a

1. For the purposes of these Conditions of Employment, "contract staff" means staff not assigned to a post included in the list of posts appended to the budget of the Institute and engaged for the performance of full-time or part-time duties to carry out manual or administrative support service tasks.
2. *(p.m. del.)*

Article 3b

For the purposes of these Conditions of Employment, "contract staff for auxiliary tasks" means staff engaged in the Institute within the time limits set in Article 88 in one of the function groups referred to in Article 89:

- (a) to perform full-time or part-time duties others than those referred to in Article 3a(1), without being assigned to a post included in the list of posts appended to the budget of the Institute,
- (b) to replace, after the possibilities of temporary posting of permanent staff members have been examined, certain persons who are unable for the time being to perform their duties, namely:
 - (i) permanent staff or temporary staff in function groups AST/SC and AST;
 - (ii) exceptionally, permanent staff or temporary staff in the administrators' function group (AD) occupying a highly specialised post, except Heads of Service

The use of contract staff for auxiliary tasks (Article 3b) is excluded where Article 3a applies.

Article 4
(p.m. del.)

Article 5

For the purposes of these Conditions of Employment, "special adviser" means a person who, by reason of his special qualifications and notwithstanding gainful employment in some other capacity, is engaged to assist the Institute either regularly or for a specified period and who is paid from the total appropriations for the purpose under the budget of the Institute.

Article 5a
(p.m.del.)

Article 6

The Appointing Authority shall be empowered to conclude the contracts referred to in Article 1.

Article 7

A servant whose contract is for more than one year or for an indefinite period shall be entitled to vote in elections and stand for election to the Staff Committee provided for in Article 9 of the Staff Regulations.

A servant whose contract is for less than one year shall also be entitled to vote if he has been employed for at least six months.

The Joint Committee provided for in Article 9 of the Staff Regulations may be consulted by the President or by the Staff Committee on questions of a general nature relating to servants to whom Article 1 applies.

Article 7a

Article 24b of the Staff Regulations shall apply to the servants referred to in Article 1.

TITLE II
TEMPORARY STAFF

CHAPTER 1

General provisions

Article 8

Temporary staff to whom Article 2(a) applies may be engaged for a fixed or indefinite period. The contracts of such staff who are engaged for a fixed period may be renewed not more than once for a fixed period. Any further renewal shall be for an indefinite period.

Temporary staff to whom Article 2(b) applies shall not be engaged for more than four years but their engagement may be limited to any shorter duration. Their contracts may be renewed not more than once for a maximum period of two years if the possibility of renewal has been provided for in the initial contract and within the limits provided for in that contract. At the end of that time, they shall no longer be employed as temporary staff under these provisions. On the expiry of their contracts, such servants may be assigned to established posts only if they are appointed as permanent staff members in accordance with the Staff Regulations.

(p.m. del.)

The recruitment of a temporary employee pursuant to Article 2(g) shall be for four years. The contract may be renewed once only, for the same period.

The temporary staff may be appointed as a permanent staff member by decision of the President:

1. On expiry of the renewed contract
2. Exceptionally, and only for Directors, on expiry of the first contract on proposal by the Appointing Authority and following authorisation by the Chair of the High Council.

Article 34 of the Staff Regulations shall not apply.

Article 9

Temporary staff shall not be engaged for any purpose other than that of filling, in accordance with this Title, vacant posts included in the list of posts appended to the budget of the Institute.

Article 9a
(p.m. del.)

Article 10

1. Articles 1d, 1e, 5(1), (2), (3) and (4), and 7 of the Staff Regulations shall apply by analogy.
2. The grade and step at which temporary staff are engaged shall be stated in their contract.
3. Assignment of temporary staff to a post carrying a higher grade than that at which they were engaged shall be recorded in an agreement supplementary to their contract of service.

5. (*p.m.del*)

CHAPTER 2

Rights and obligations

Article 11

The provisions of Articles 11 to 26a of the Staff Regulations, concerning the rights and obligations of permanent staff, shall apply by analogy. However, where a member of the temporary staff holds a contract for a fixed period, the duration of leave on personal grounds referred to in the second paragraph of Article 15 of the Staff Regulations shall be limited to the remainder of the term of the contract.

Any decision requiring damage suffered by the Institute as a result of serious misconduct to be made good, as provided for in Article 22 of the Staff Regulations, shall be taken by the authority referred to in Article 6 after observing the formalities provided for in cases of dismissal for serious misconduct.

Decisions relating to individual members of the temporary staff shall be published as provided for in the third paragraph of Article 25 of the Staff Regulations.

CHAPTER 3

Conditions of engagement

Article 12

1. The engagement of temporary staff shall be directed to securing for the Institute the services of persons of the highest standard of ability, efficiency and integrity, recruited on the broadest possible geographical basis from among nationals of Member States of the European Union. Temporary staff shall be selected without distinction as to race, political, philosophical or religious beliefs, sex or sexual orientation and without reference to their marital status or family situation.

No posts shall be reserved for nationals of any specific Member State. The principle of the equality of Union's citizens shall allow the Institute to adopt appropriate measures following the observation of a significant imbalance between nationalities among temporary staff 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 authority referred to in Article 6 shall adopt general provisions for giving effect to this paragraph in accordance with Article 110 of the Staff Regulations.

After a three year period starting on 1 January 2015, the Institute shall report to the High Council on the implementation of the preceding paragraph.

In order to facilitate engagement on the broadest possible geographical basis, the Institute may strive to support multilingual and multicultural education for the children of their staff.

2. A member of the temporary staff may be engaged only on condition that:

(a) he is a national of one of the Member States of the European Union unless an exception is authorised by the authority referred to in Article 6, 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 is physically fit to perform his duties; and

(e) he produces evidence of a thorough knowledge of one of the official languages of the European Union and of a satisfactory knowledge of at least another language of the European Union to the extent necessary for the performance of his duties.

3. *(p.m. del.)*

4. *(p.m. del.)*

5. The authority referred to in the first paragraph of Article 6 shall adopt general provisions on the procedures for recruitment of temporary staff in accordance with Article 110 of the Staff Regulations, as necessary.

Article 13

Before being engaged, a member of the temporary staff shall be medically examined by one of the medical officers of the EUI in order that the Institute may be satisfied that he fulfils the requirements of Article 12(2)(d).

Article 33 of the Staff Regulations shall apply by analogy.

Article 14

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

Where during his probationary period a member of the temporary staff is prevented, by sickness, maternity leave under Article 58 of the Staff Regulations, or accident, from performing his duties for a continuous period of at least one month, the authority referred to in the first paragraph of Article 6 may extend his probationary period by the corresponding length of time. The total length of the probationary period shall in no circumstances exceed 15 months.

2. A report on the member of the temporary staff 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 immediate superior of the member of the temporary staff to the authority referred to in Article 6, which shall, within three weeks, obtain the opinion of the Joint Reports Committee on the action to be taken. On the basis of these reports, the authority referred to in Article 6 may decide to dismiss the member of the temporary staff before the end of the probationary period, giving him one month's notice, or to assign the member of the temporary staff to another service of academic unit 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 member of the temporary staff 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 member of the temporary staff, 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 and possibly assignment of the member of the temporary staff to another service or academic unit, the report and the comments shall be transmitted immediately by the immediate superior of the member of the temporary staff to the authority referred to in Article 6.

A member of the temporary staff whose work or conduct has not proved adequate for establishment in his post shall be dismissed. A final decision shall be taken on the basis of the report referred to in this paragraph as well as on the basis of elements available to the authority referred to in Article 6 relating to the conduct of the member of the temporary staff with regard to Title II of the Staff Regulations.

4. A dismissed member of the temporary staff shall be entitled to compensation equal to one-third of his basic salary per month of probation completed.

Article 15

1. Temporary staff shall be graded initially in accordance with Article 32 of the Staff Regulations.

Members of the temporary staff graded in accordance with the grading criteria adopted by the authority referred to in Article 6 shall retain the seniority in the step acquired in that capacity if they are engaged as temporary staff in the same grade immediately following the preceding period of temporary service.

Where a member of the temporary staff is assigned to a post corresponding to a higher grade, as provided for in the third paragraph of Article 10, his grading shall be determined in accordance with Article 46 of the Staff Regulations.

2. The provisions of Article 43 of the Staff Regulations, concerning reports, shall apply by analogy.

CHAPTER 4

Working conditions

Article 16

Articles 42a, 42b and 55 to 61 of the Staff Regulations, concerning leave, hours of work, overtime, standby duty at place of work or at home and public holidays, shall apply by analogy. Special leave and parental and family leave shall not extend beyond the term of the contract.

The paid sick-leave provided for in Article 59 of the Staff Regulations shall not, however, exceed three months or the length of time worked by the member of the temporary staff, where the latter is longer. The leave shall not extend beyond the term of his contract.

On expiry of these time-limits, a servant whose contract is not terminated, notwithstanding that he is unable to resume his duties, shall be placed on unpaid leave.

However, where a servant contracts an occupational disease or sustains an accident in the performance of his duties, he shall continue to receive his full remuneration throughout the period during which he is incapable of working until such time as he is awarded an invalidity allowance under Article 33.

Article 17

In exceptional circumstances a member of the temporary staff may at his own request be granted unpaid leave on compelling personal grounds.

Article 12b of the Staff Regulations shall continue to apply during the period of unpaid leave on personal grounds. The permission under Article 12b shall not be granted to a member of the temporary staff for the purpose of his engaging in an occupational activity, whether gainful or not, which could lead to the existence or possibility of a conflict with the legitimate interests of the Institute.

The authority referred to in Article 6 shall determine the length of such leave, which shall not exceed one quarter of the length of time already worked by the servant or:

- three months if the servant's seniority is less than four years;
- twelve months in all other cases.

Any period of leave granted in accordance with the first paragraph shall not count for purposes of the application of the first paragraph of Article 44 of the Staff Regulations.

While a member of the temporary staff is on unpaid leave his membership of the social security scheme provided for in Article 28 shall be suspended.

However, a member of the temporary staff who is not gainfully employed, may, not later than one month following that in which unpaid leave begins, apply to continue to be covered against the risks referred to in Article 28, provided that he bears half the cost of the contributions provided for in that Article for the duration of his leave; the contribution shall be calculated by reference to his last basic salary.

Women whose maternity leave begins before the end of their contract shall be entitled to maternity leave and maternity pay.

Article 18

A member of the temporary staff who is called up for military service, alternative services or reserve training or who is recalled to serve in the armed forces shall be assigned leave for national service; for temporary staff engaged for a fixed period such leave may in no circumstances exceed the duration of the contract.

A member of the temporary staff who is called up for military service or alternative service shall cease to receive his remuneration but shall retain his right under these Conditions of Employment to advancement to a higher step. He shall also retain his right to retirement pension if, after completing his military service or alternative service, he pays up his pension contributions retroactively.

A member of the temporary staff who is called up for reserve training or who is recalled to service 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.

CHAPTER 5

Remuneration and expenses

Article 19

The remuneration of temporary staff shall comprise basic salary, family allowances and other allowances.

Article 20

1. Articles 63, 64, 65 and 65a of the Staff Regulations, concerning the currency in which remuneration is to be expressed and updates of such remuneration, shall apply by analogy.
2. Articles 66, 67, 69 and 70 of the Staff Regulations, concerning basic salaries, family allowances, expatriation allowance and payment in the event of death, shall apply by analogy.
3. The provisions of Article 66a of the Staff Regulations on the solidarity levy shall apply by analogy to temporary staff.
4. Article 44 of the Staff Regulations shall apply by analogy to temporary staff.

Article 21

Articles 1, 2, 3 and 4 of Annex VII to the Staff Regulations, concerning payment of family allowances and expatriation allowance, shall apply by analogy.

Article 22

Subject to Articles 23 to 26, a member of the temporary staff shall be entitled, in accordance with Articles 5 to 14 of Annex VII to the Staff Regulations, to reimbursement of expenses incurred by him on taking up appointment, transfer or leaving the service, and also to reimbursement of expenses incurred in the course of or in connection with the performance of his duties.

Article 23

A member of the temporary staff engaged for a fixed period of not less than twelve months, or deemed by the authority referred to in Article 6 to be engaged for an equivalent period if his contract is for an indefinite period, shall, as provided for in Article 9 of Annex VII to the Staff Regulations, be entitled to reimbursement of his removal expenses.

Article 24

1. A member of the temporary staff engaged for a fixed period of not less than one year, or deemed by the authority referred to in Article 6 to be engaged for an equivalent period if his contract is for an indefinite period, shall receive an installation allowance as provided for in Article 5 of Annex VII to the Staff Regulations amounting, for an expected period of service of:

not less than one year but less than two years, to one-third	of the rate laid down in Article 5 of Annex VII to the Staff Regulations
not less than two years but less than three years, to two-thirds	
three years or more, to three-thirds	

2. The resettlement allowance provided for in Article 6 of Annex VII to the Staff Regulations shall be granted to temporary staff who have completed five years' service. A servant who has completed more than one year's but less than five years' service shall receive a resettlement allowance proportionate to his length of service, incomplete years being disregarded.

3. However, the installation allowance provided for in paragraph 1 and the resettlement allowance provided for in paragraph 2 shall not be less than:

- EUR 1 123,91 for a servant who is entitled to the household allowance; and
- EUR 668,27 for a servant who is not entitled to the household allowance.

In cases where a husband and wife employed at the Institute are both entitled to the settlement allowance or resettlement allowance, this shall be payable only to the person whose basic salary is the higher.

Article 25

Article 10 of Annex VII to the Staff Regulations concerning the daily subsistence allowance shall apply. However, a member of the temporary staff who is engaged for a fixed period of less than 12 months, or who is deemed by the authority referred to in Article 6 to be engaged for an equivalent period if his contract is for an indefinite period, and who furnishes evidence that it is impossible for him to continue to live in his place of residence shall be entitled to the daily subsistence allowance for the duration of his contract or for a maximum of one year.

Article 26

Article 8 of Annex VII to the Staff Regulations, concerning annual payment of travel expenses from place of employment to place of origin, shall apply only to temporary staff who have completed not less than nine months' service.

Article 27

Articles 16 and 17 of Annex VII to the Staff Regulations, concerning payment of sums due, shall apply by analogy.

CHAPTER 6

Social security benefits

SECTION A

Sickness and accident insurance, social security benefits

Article 28

Articles 72 and 73 of the Staff Regulations, concerning sickness and accident cover, shall apply by analogy to temporary staff during the period of employment, during sick-leave and during the periods of unpaid leave referred to in Articles 11 and 17 in accordance with the conditions laid down therein; Article 72 of the Staff Regulations, concerning sickness cover, shall apply by analogy to temporary staff in receipt of invalidity allowance and to recipients of a survivor's pension. Article 72 shall also apply to staff referred to in Article 39(2) who are in receipt of a retirement pension.

If, however, the medical examination provided for in Article 13 shows the servant to be suffering from sickness or invalidity, the authority referred to in Article 6 may decide that expenses arising from such sickness or invalidity are to be excluded from the reimbursement of expenditure provided for in Article 72 of the Staff Regulations.

If a member of the temporary staff proves that he cannot obtain cover under any other sickness insurance scheme provided for by law or regulation, he may, on application made at the latest within one month following the expiry of his contract, continue to benefit from the sickness cover provided for in the first paragraph, for a period of not more than six months after the expiry of his contract. The contributions provided for in Article 72(1) of the Staff Regulations shall be based on his last basic salary and half thereof shall be charged to him.

The Appointing Authority may, after obtaining the advice of the medical officer of the Institute, decide that the one-month time-limit within which the application must be made and the six-month limit provided for in the preceding paragraph shall not apply where the person concerned is suffering from a serious or protracted illness contracted during his employment, which he has reported to the Institute before the end of the six-month period provided for in the preceding paragraph, on condition that the person concerned undergoes a medical examination arranged by the Institute.

Article 28a

1. An unemployment insurance scheme may be set up for temporary staff by general implementing provisions adopted pursuant to Article 110 of the Staff Regulations.

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Article 29

Article 74 of the Staff Regulations, concerning the birth grant, and Article 75 of the Staff Regulations, concerning the assumption of liability by the Institute for the costs referred to therein, shall apply by analogy.

Article 30

Article 76 of the Staff Regulations, concerning gifts, loans or advances, shall apply by analogy to temporary staff during the term of their contract or after expiry of the contract where, as a result of serious or protracted illness, of a disability, or of an accident sustained during his employment, the servant is incapable of working and proves that such illness or accident is not covered by another social security scheme.

SECTION B

Insurance against invalidity and death

Article 31

Temporary staff are insured in accordance with the following provisions against the risk of death and of invalidity occurring during their employment.

The payments and benefits provided for in this Section shall be suspended if the remuneration which a member of the staff receives in respect of his employment is suspended pursuant to these Conditions of Employment.

Article 32

Where the medical examination made before a servant is engaged shows that he is suffering from sickness or invalidity, the authority referred to in Article 6 may, in so far as risks arising from such sickness or invalidity are concerned, decide to admit him to guaranteed benefits in respect of invalidity or death only after a period of five years from the date of his entering the service of the Institute.

The servant may appeal against this decision to the Invalidity Committee provided for in Article 9(1) of the Staff Regulations.

Article 33

1. A servant who is suffering from total invalidity and who, for that reason, is obliged to suspend employment with the Institute shall be entitled, for as long as the invalidity lasts, to an invalidity allowance, the amount of which shall be determined as follows.

Article 52 of the Staff Regulations 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 servant when he became an invalid.

The invalidity allowance shall be 70 % of the final basic salary of the member of the temporary staff. However, it shall not be less than the minimum subsistence figure, as defined in Article 6 of Annex VIII to the Staff Regulations. Recipients of the invalidity allowance shall be subject to contributions to the pension scheme, calculated on the basis of that allowance.

Where the invalidity of the servant arises from an accident in the course of or in connection with the performance of his duties, from an occupational disease, from a public-spirited act or from risking life and limb to save another human being, the invalidity allowance shall not be less than 120 % of the minimum subsistence figure. In such cases the pension contributions shall be borne by the budget of the Institute.

In the case of invalidity deliberately brought about by the servant, the authority referred to in Article 6 may decide that he should receive only the grant provided for in Article 39.

Persons entitled to an invalidity allowance shall also be entitled to the family allowances provided for in Article 67 of the Staff Regulations in accordance with Annex VII to the Staff Regulations; the household allowance shall be determined on the basis of the recipient's allowance.

2. Invalidity shall be established by the Invalidity Committee provided for in Article 9 of the Staff Regulations.

3. The Institute may require periodic examinations of the recipient of an invalidity allowance to establish that he still fulfils the conditions for payment of that allowance. If the Invalidity Committee finds that these conditions are no longer fulfilled, the servant shall resume service with the Institute, providing his contract has not expired.

However, if it proves impossible to employ the person concerned in the service of the Institute, the contract may be terminated subject to payment of an amount corresponding to the remuneration that would have been paid during the period of notice and, where applicable, to the compensation for termination of contract provided for in Article 47. Article 39 shall also apply.

Article 34

The persons entitled under a deceased servant, as defined in Chapter 4 of Annex VIII to the Staff Regulations, shall be entitled to the survivor's pension as provided for in Articles 35 to 38.

Where a former servant in receipt of an invalidity allowance or a former servant within the meaning of Article 2(a) or (g) who was in receipt of a retirement pension or 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 during which he reached pensionable age dies, the persons entitled under the deceased servant, as defined in Chapter 4 of Annex VIII to the Staff Regulations, shall be entitled to the survivor's pension as provided for in that Annex.

Where the whereabouts of a member of the temporary staff, or of a former member of temporary staff in receipt of an invalidity allowance or retirement pension, or of a former member of temporary staff who left the service before he reached pensionable age and who has requested that his retirement pension be deferred until the first day of the calendar month following that in which he reaches pensionable age, are unknown for more than one year, the provisions of Chapters 5 and 6 of Annex VIII to the Staff Regulations dealing with provisional pensions shall apply by analogy to his spouse and to persons recognised as his dependants.

Article 35

The right to receive payment of pension shall have effect from the first day of the month following that in which death occurred or, where applicable, on the first day of the month following the period during which the deceased's surviving spouse, orphans or dependants receive his emoluments under Article 70 of the Staff Regulations.

Article 36

The surviving spouse of a servant shall be entitled to a survivor's pension in accordance with Chapter 4 of Annex VIII to the Staff Regulations. The pension shall be not less than 35 % of the final basic monthly salary received by the servant, nor less than the minimum subsistence figure defined in Article 6 of Annex VIII to the Staff Regulations. Where a servant within the meaning of Article 2(a) or (g) dies, the amount of the survivor's pension shall be increased to 60 % of the retirement pension which the servant would have been paid if he had qualified, irrespective of length of service or of age, for such pension at the time of his death.

A person drawing survivor's pension shall be entitled, under the conditions laid down in Annex VII to the Staff Regulations, to the family allowances specified in Article 67 of the Staff Regulations. However, the dependent child allowance shall be equal to twice the amount of the allowance provided for in Article 67(1)(b) of the Staff Regulations.

Article 37

Where a servant or person entitled to a retirement pension or invalidity allowance dies leaving no spouse entitled to a survivor's pension, the children deemed to be dependent on him at the time of death shall be entitled to an orphan's pension in accordance with Article 80 of the Staff Regulations.

The same entitlement shall apply to children who fulfil the foregoing conditions in the event of death or remarriage of a spouse who is entitled to a survivor's pension.

Where a servant or a person entitled to a retirement pension or invalidity allowance dies but the conditions set out in the first paragraph are not satisfied, the provisions of the third paragraph of Article 80 of the Staff Regulations shall apply.

In the event of the death of a former member of the temporary staff within the meaning of Article 2(a) or (g) who leaves the service before reaching the pensionable age and requests that his retirement pension be deferred until the first day of the calendar month following that in which he reaches the pensionable age, children deemed to be his dependants in accordance with Article 2 of Annex VII to the Staff Regulations shall be entitled to an orphan's pension on the same terms as those set out in the preceding paragraphs.

The orphan's pension of a person treated as a dependent child as defined in Article 2(4) of Annex VII to the Staff Regulations may not exceed twice the dependent child allowance.

No orphan's pension shall be payable where a natural parent who has been replaced by an adoptive parent dies.

Orphans shall be entitled to an education allowance in accordance with Article 3 of Annex VII to the Staff Regulations.

Article 38

In the case of divorce or where there is more than one category of survivor who qualifies to claim a survivor's pension, such pension shall be apportioned in the manner provided for in Chapter 4 of Annex VIII to the Staff Regulations.

Article 38a

The rules relating to ceilings and apportionment set out in Article 81a of the Staff Regulations shall apply by analogy.

SECTION C

RETIREMENT PENSION AND SEVERANCE GRANT

Article 39

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

2. Article 11(2) and (3) of Annex VIII of the Staff Regulations shall be applied by analogy to servants within the meaning of Article 2 of these Conditions of Employment.

3. A person who becomes entitled to a retirement pension shall be entitled to the family allowances provided for in Article 67 of the Staff Regulations; the percentage component of the household allowance shall be calculated on the basis of the recipient's pension.

Article 40

If a servant is appointed a permanent staff member, he shall not receive the grant provided for in the first paragraph of Article 39.

Any period of service on the temporary staff shall be taken into account for the purpose of calculating years of pensionable service as provided for in Annex VIII to the Staff Regulations.

Where a servant has exercised the option provided for in Article 42, his retirement pension rights shall be reduced proportionately in respect of the period in which the sums were withdrawn.

The preceding paragraph shall not apply to a servant who, in the three months following application of the Staff Regulations to him, asks to be allowed to repay such sums plus compound interest at the rate of 3.1 % per year, which may be revised following the procedure laid down in Article 3 of Annex XII to the Staff Regulations.

SECTION D

Funding of the invalidity and life assurance scheme and of the pension scheme

Article 41

As regards the funding of the social security scheme provided for in Sections B and C, the provisions of Article 83 and Article 83a of the Staff Regulations and Articles 36 and 38 of Annex VIII thereto shall apply by analogy.

Article 42

In accordance with conditions to be laid down by the Authority referred to in the Article 6, a servant may request the Authority to effect any payments which he is required to make in order to constitute or maintain pension rights in his country of origin.

Such payments shall not exceed twice the rate provided for in Article 83(2) of the Staff Regulations and shall be charged to the budget of the Institute.

SECTION E

Settlement of claims by temporary staff

Article 43

Articles 40 to 44 of Annex VIII to the Staff Regulations shall apply by analogy.

SECTION F

PAYMENT OF BENEFITS

Article 44

Articles 81a and 82 of the Staff Regulations and Article 45 of Annex VIII to the Staff Regulations, concerning the payment of benefits, shall apply by analogy.

Any sums due from a member of the temporary staff to the Institute under this insurance scheme at the date when the benefits are payable shall be deducted from the amount of his benefit or from the benefits payable to those entitled under him. The deduction may be spread over a number of months.

SECTION G

SUBROGATION IN FAVOUR OF THE INSTITUTE

Article 44a

The provisions of Article 85a of the Staff Regulations, relating to subrogation in favour of the Institute, shall apply by analogy.

CHAPTER 7

Recovery of overpayments

Article 45

Article 85 of the Staff Regulations, concerning the recovery of overpayments, shall apply.

CHAPTER 8

Appeals

Article 46

Title VII of the Staff Regulations applicable to permanent staff members and Title I of the Common Provisions applicable to teaching staff and administrative staff of the Institute, concerning appeals, shall apply by analogy.

CHAPTER 9

Termination of employment

Article 47

Apart from cessation on death, the employment of temporary staff shall cease:

(a) at the end of the month in which the servant reaches the age of 66 years or, where applicable, at the date fixed in accordance with the second and third paragraphs of Article 52 of the Staff Regulations; or

(b) where the contract is for a fixed period:

(i) on the date stated in the contract;

(ii) at the end of the period of notice specified in the contract giving the servant or the Institute the option to terminate earlier. The period of notice shall not be less than one month per year of service, subject to a minimum of one month and a maximum of three months. For temporary staff whose contracts have been renewed the maximum shall be six months. The period of notice shall not, however, commence to run during pregnancy if confirmed by a medical certificate, maternity leave or sick leave, provided such sick leave does not exceed three months. It shall, moreover, be suspended during pregnancy if confirmed by a medical certificate, maternity or sick leave subject to the limits aforesaid. If the Institute terminates the contract, the servant shall be entitled to compensation equal to one third of his basic salary for the period between the date when his duties end and the date when his contract expires;

(iii) where the servant no longer satisfies the conditions laid down in point (a) of Article 12(2), subject to the possibility of authorising an exception under that provision. Should the exception not be authorised, the period of notice referred to in point (ii) shall apply; or

(c) where the contract is for an indefinite period:

(i) at the end of the period of notice stipulated in the contract; the length of the period of notice shall not be less than one month for each completed year of service, subject to a minimum of three months and a maximum of 10 months. The period of notice shall not, however, commence to run during pregnancy if confirmed by a medical certificate, maternity leave or sick leave, provided such sick leave does not exceed three months. It shall, moreover, be suspended during pregnancy if confirmed by a medical certificate, maternity or sick leave subject to the limits aforesaid; or

(ii) where the servant no longer satisfies the conditions laid down in point (a) of Article 12(2), subject to the possibility of authorising an exception under that provision. Should the exception not be authorized, the period of notice referred to in point (i) shall apply.

Article 48

Employment, whether for a fixed or for an indefinite period, may be terminated by the Institute without notice:

(a) during or at the end of the probationary period in accordance with Article 14;

(b) if the servant is unable to resume his duties at the end of a period of paid sick-leave as provided for in Article 16. In such case, the servant shall receive an allowance equal to this basic salary, plus family allowances at the rate of two days per month of service completed.

Article 49

1. After the disciplinary procedure provided for in Annex IX to the Staff Regulations, which shall apply by analogy, has been followed, employment may be terminated without notice on disciplinary grounds in serious cases of intentional or negligent failure of temporary staff to comply with their obligations. A reasoned decision shall be taken by the authority referred to in Article 6, after the servant concerned has been given an opportunity of submitting his defence.

Before his employment is terminated, a member of temporary staff may be suspended, in accordance with Articles 23 and 24 of Annex IX to the Staff Regulations, which shall apply by analogy.

2. Where employment is terminated in accordance with paragraph 1, the authority referred to in Article 6 may decide:

(a) to limit the severance grant provided for in Article 39 to repayment of the contribution provided for in Article 83 of the Staff Regulations, plus compound interest at the rate of 3.5 % per annum;

(b) to withhold in whole or in part the resettlement allowance provided for in Article 24(2).

Article 50

1. The employment of a member of the temporary staff shall be terminated by the Institute without notice if the authority referred to in Article 6 finds:

(a) that at the time of his engagement he deliberately furnished false information as to either his professional ability or the requirements of Article 12(2), and

(b) that the false information furnished was a determining factor in his being engaged.

2. In such cases the authority referred to in Article 6 shall, after hearing the servant concerned, and after the disciplinary procedure provided for in Annex IX to the Staff Regulations, which shall apply by analogy, has been followed, declare that his employment is terminated.

Before his employment is terminated, a member of temporary staff may be suspended in accordance with Articles 23 and 24 of Annex IX to the Staff Regulations, which shall apply by analogy.

The provisions of Article 49(2) shall apply.

Article 50a

Without prejudice to Articles 49 and 50, any intentional or negligent failure by a member of the temporary staff or a former member of the temporary staff to comply with his obligations under these Conditions of Employment shall render him liable to disciplinary action in accordance with Title VI of the Staff Regulations and where applicable Annex IX to the Staff Regulations, the provisions of which shall apply by analogy.

CHAPTER 10

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

*Article 50b
(p.m. del.)*

*Article 50c
(p.m. del.)*

CHAPTER 11

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

(Art.51-56 p.m. del.)

TITLE IV
CONTRACT STAFF

CHAPTER 1

General provisions

Article 79

1. Contract staff shall be paid from the total appropriations for the purpose under the budget of the Institute.
2. The authority referred to in Article 6 shall adopt general implementing provisions governing the use of contract staff in accordance with Article 110 of the Staff Regulations, as necessary.
3. The President, in the context of the budgetary procedure, shall report on the use of contract staff including numbers of staff, level and type of posts, geographical balance and budgetary resources per function group.
4. *(p.m. del.)*

Article 80

1. Contract staff shall be subdivided into four function groups corresponding to the duties to be performed. Each function group shall be subdivided into grades and steps.
2. The types of duties and corresponding function groups shall be as shown in the following table:

Function group	Grades	Duties
IV	13 to 18	Administrative, advisory, linguistic and equivalent technical tasks, performed under the supervision of permanent or temporary staff.
III	8 to 12	Executive tasks, drafting, accountancy and other equivalent technical tasks, performed under the supervision of permanent or temporary staff.
II	4 to 7	Clerical and secretarial tasks, office management and other equivalent tasks, performed under the supervision of permanent or temporary staff.
I	1 to 3	Manual and administrative support service tasks, performed under the supervision of permanent or temporary staff.

3. Based on this table, the authority referred to in Article 6 may, after consulting the Staff Regulations Committee referred to in Article 10 of the Staff Regulations applicable to permanent staff members, define the powers attaching to each type of duties.
4. Article 1d and 1e of the Staff Regulations shall apply by analogy.
5. *(p.m. del)*

CHAPTER 2

Rights and obligations

Article 81

Article 11 shall apply by analogy.

CHAPTER 3

Conditions of engagement

Article 82

1. Contract staff shall be selected on the broadest possible geographical basis from among nationals of Member States of the European Union and without distinction as to racial or ethnic origin, political, philosophical or religious beliefs, age or disability, gender or sexual orientation and without reference to their marital status or family situation.

2. Recruitment as a member of the contract staff shall require at least:

(a) in function group I, successful completion of compulsory education;

(b) in function groups II and III:

(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 interest of the service, professional training or professional experience of an equivalent level;

(c) in function group IV:

(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.

3. A member of the contract staff may be engaged only on condition that he:

(a) is a national of one of the Member States of the European Union, unless an exception is authorised by the authority referred to in Article 6, and enjoys his full rights as a citizen;

(b) has fulfilled any obligations imposed on him by the laws concerning military service;

(c) produces the appropriate character references as to his suitability for the performance of his duties;

(d) is physically fit to perform his duties; and

(e) produces evidence of a thorough knowledge of one of the languages of the European Union and of a satisfactory knowledge of another language of the European Union to the extent necessary for the performance of his duties.

4. In the initial contract, the authority referred to in Article 6 may waive the requirement that the person concerned should produce documentary evidence that he fulfils the conditions in points (a), (b) and (c) of paragraphs 2 and 3 where his engagement is for not more than three months.

5. (*p.m. del.*)

6. The authority referred to in Article 6 shall adopt general implementing provisions on the procedures for engagement of contract staff in accordance with Article 110 of the Staff Regulations, as necessary.

7. Contract staff in function groups II, III and IV may be authorised to take part in internal competitions only after having completed three years of service in the Institute. Contract staff in: function group II may have access only to competitions at grades AST/SC 1 to 5 or AST1 to AST4; function group III at grades AST 1 to 9, and in function group IV at any AST or AD grades.

Article 83

Before being engaged, a member of the contract staff shall be medically examined by the one of the medical officers of the EUI in order that the Institute may be satisfied that he fulfils the requirements of Article 82(3)(d).

Article 33, second paragraph, of the Staff Regulations shall apply by analogy.

Article 84

1. A contract staff member whose contract is concluded for a duration of at least one year shall serve a probationary period for the first six months of his period of employment if he is in function group I and the first nine months if he is in any other function group.

Where, during his probationary period a member of the contract staff is prevented by sickness, maternity leave under Article 58 of the Staff Regulations applicable to permanent staff members, or accident from performing his duties for a continuous period of at least one month, the authority referred to in Article 6 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 contract staff member 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 immediate superior of the contract staff member to the authority referred to in Article 6, which shall, within three weeks, obtain the opinion of the Joint Reports Committee on the action to be taken. On the basis of these reports, the authority referred to in Article 6 may decide to dismiss the contract staff member before the end of the probationary period, giving him one month's notice, or to assign the contract staff member to another service or academic unit 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 contract staff member 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 contract staff member concerned, 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 immediate superior of the contract staff member to the authority referred to in Article 6.

A contract staff member whose work or conduct has not proved adequate for establishment in his post shall be dismissed. The final decision shall be taken on the basis of the report referred to in this paragraph as well as on the basis of elements available to the authority referred to in Article 6 relating to the conduct of the contract staff member with regard to Title II of the Staff Regulations.

4. A dismissed contract staff member shall be entitled to compensation equal to one third of his basic salary per month of probation completed.

CHAPTER 4

Special provisions for members of the contract staff referred to in article 3a

Article 85

1. The contracts of contract staff referred to in article 3a may be concluded for a fixed period of at least three months and not more than five years. They may be renewed not more than once for a fixed period of not more than five years. The initial contract and the first renewal must be of a total duration of not less than six months for function group I and not less than nine months for the other function groups. Any further renewal shall be for an indefinite period.

Periods covered by a contract as a member of the contract staff referred to in article 3b tasks shall not be counted for the purposes of the conclusion or renewal of contracts under this Article.

2. By way of derogation from the last sentence of the first subparagraph of paragraph 1, the Appointing Authority may decide that only the fourth renewal of a contract for a member of function group I shall be for an indefinite period, provided that the total duration of his engagement for a fixed period does not exceed ten years.

3. Contract staff in function group IV shall before renewal of a contract for an indefinite period be required to demonstrate the ability to work in a third official language of the European Union. The rules on access to training and the modalities of the assessment mentioned in Article 45(2) of the Staff Regulations shall apply by analogy.

4. Contract staff must have served a probationary period in accordance with Article 84 before renewal of a contract for an indefinite duration.

Article 86

1. Contract staff referred to in article 3a shall only be recruited

(i) in grades 13, 14, or 16 for function group IV;

(ii) in grades 8, 9 or 10 for function group III;

(iii) in grades 4 or 5 for function group II;

(iv) in grade 1 for function group I.

The grading of such contract staff within each function group shall take account of the qualifications and experience of the persons concerned. To address specific needs of the Institute, its special labour market conditions may also be taken into account. Within their grade, such contract staff shall be recruited in the first step. However, the second paragraph of Article 32 of the Staff Regulations shall apply by analogy to contract staff recruited in grade 1.

General implementing provisions may be adopted to give effect to this paragraph in accordance with Article 110 of the Staff Regulations.

2. Where a member of the contract staff referred to in article 3a moves to a new post within a function group, he shall not be classified in a lower grade or step than in his former post.

Where a member of such contract staff moves to a higher function group, he shall be classified at a grade and step such that his remuneration is at least equal to that to which he was entitled under the preceding contract.

(p.m. del.)

Article 87

1. The first paragraph of Article 43 of the Staff Regulations, concerning reports, shall apply by analogy to contract staff referred to in article 3a engaged for a period of not less than one year.

2. A member of the contract staff referred to in article 3a who has been at one step in his grade for two years shall automatically advance to the next step in that grade.

3. In the case of contract staff referred to in article 3a, classification in the next higher grade in the same function group shall be by decision of the authority referred to in Article 6. It shall be effected by classifying such contract staff in the first step of the next higher grade. Such advancement shall be exclusively by selection from among contract staff referred to in Article 3a with a contract of at least three years who have completed a minimum period of two years in their grade, after consideration of the comparative merits of such contract staff eligible for advancement to a higher grade and of the reports on them. The last sentence of Article 45(1) of the Staff Regulations shall apply by analogy.

4. A member of the contract staff referred to in Article 3a may change to a higher function group only through participation in a general selection procedure.

5. By way of derogation to article 82(7) of these Conditions of Employment, contract staff in function group I in service before 31 December 2014, may have access to internal competitions at grades AST/SC 1 to 5 or AST1 to AST4.

CHAPTER 5

Special provisions for members of the contract staff referred to in article 3b

Article 88

In the case of contract staff referred to in article 3b:

- (a) contracts shall be concluded for a fixed period; they shall be renewable;
- (b) the actual period of employment within the Institute, including any period under renewal, shall not exceed six years.

Periods covered by a contract as a member of the contract staff referred to in Article 3a shall not be counted for the purposes of the conclusion or renewal of contracts under this Article.

Contract staff referred to in article 3b can be exceptionally recruited on the basis of simplified selection procedure for a limited period of time which shall in no circumstances exceed twelve months (36 months if recruited before 31 December 2014) in cases of urgency.

Such an exceptional procedure will have to be substantiated and justified by reasons of unforeseen situations and the fact that the work carried out cannot be allocated to other staff members or servants of the Institute.

Article 89

1. Contract staff referred to in article 3b may be recruited to any grade of function groups II, III and IV as referred to in Article 80, taking into account the qualifications and experience of the persons concerned. To satisfy particular needs of the Institute, the labour market conditions specific to the Institute can also be taken into consideration. Within their grade, such contract staff shall be recruited in the first step.

2. A member of the contract staff referred to in article 3b who has been at one step in his grade for two years shall automatically advance to the next step in that grade.

Article 90 *(p.m. del.)*

CHAPTER 6

Working conditions

Article 91

Articles 16 to 18 shall apply by analogy.

Overtime worked by the contract staff in function groups III and IV shall carry no right to compensation or remuneration.

Under the conditions laid down in Annex VI to the Staff Regulations, overtime worked by the contract staff in function groups I and II 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.

CHAPTER 7

REMUNERATION AND EXPENSES

Article 92

Articles 19 to 27 shall apply by analogy, subject to the amendments set out in Articles 93 and 94 below.

Article 93

The scale of basic salaries shall be as provided for in the following table:

[...]

(The relevant table is omitted from this version given its nature as dynamic documents subject to annual updates but are available upon request at the following email address: financial.personnel.service@eui.eu).

Article 94

Notwithstanding Article 24(3), the installation allowance provided for in paragraph 1 and the resettlement allowance provided for in paragraph 2 of that Article shall not be less than:

- EUR 845,37 for a contract staff member who is entitled to the household allowance; and
- EUR 501,20 for a contract staff member who is not entitled to the household allowance.

CHAPTER 8

Social security benefits

SECTION A

Sickness and accident insurance, social security benefits

Article 95

Article 28 shall apply by analogy. However, Article 72(2) and (2a) of the Staff Regulations shall not apply to a member of the contract staff who has remained in the service of the Institute until the pensionable age, unless he has been employed for more than 3 years as a member of such staff.

Article 96

An unemployment insurance scheme may be set up for contract staff by general implementing provisions adopted pursuant to Article 110 of the Staff Regulations.

Article 97

Article 74 of the Staff Regulations, concerning the birth grant, and Article 75 of the Staff Regulations, concerning the assumption of liability by the Institute for the costs referred to therein, shall apply by analogy.

Article 98

Article 76 of the Staff Regulations, concerning gifts, loans and advances, shall apply by analogy to contract staff during the term of their contract or after expiry of the contract where, as a result of serious protracted illness contracted, or a disability, or of an accident sustained during his employment, the contract staff member is incapable of working and proves that such illness or accident is not covered by another social security scheme.

SECTION B

Insurance against the risk of invalidity and death

Article 99

Contract staff shall be insured in accordance with the following provisions against the risk of death or invalidity occurring during their employment.

The payments and benefits provided for in this Section shall be suspended if the remuneration which a member of such staff receives in respect of his employment is suspended under these Conditions of Employment.

Article 100

Where the medical examination made before a member of the contract staff is engaged shows that he is suffering from sickness or invalidity, the authority referred to in Article 6 may, in so far as risks arising from such sickness or invalidity are concerned, decide to grant him guaranteed benefits in respect of invalidity or death only after a period of five years from the date of his entering the service of the Institute.

The contract staff member may appeal against this decision to the Invalidity Committee provided for in paragraph 1 of Article 9 of the Staff Regulations.

Article 101

1. A member of the contract staff who is suffering from total invalidity and who, for that reason, is obliged to suspend employment with the Institute shall be entitled, for as long as the invalidity lasts, to an invalidity allowance, the amount of which shall be determined as follows.

Article 52 of the Staff Regulations 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 member of the contract staff when he became an invalid.

2. The invalidity allowance shall be 70 % of the final basic salary of the member of the contract staff. However, it shall not be less than the basic monthly salary of a member of the contract staff in function group I, grade 1, step 1. The invalidity allowance shall be subject to contributions to the pension scheme, calculated on the basis of that allowance.

3. Where the invalidity of the contract staff member arises from an accident in the course of or in connection with the performance of his duties, from an occupational disease, from a public-spirited act or from risking life and limb to save another human being, the invalidity allowance shall not be less than 120 % of the basic monthly salary of a function group I, grade 1, step 1 contract staff member. In such cases the pension contributions shall be borne by the budget of the Institute.

4. In the case of invalidity deliberately brought about by the contract staff member, the authority referred to in Article 6 may decide that he should receive only the grant provided for in Article 109.

5. Persons entitled to an invalidity allowance shall also be entitled to the family allowances provided for in Article 67 of the Staff Regulations in accordance with Annex VII to the Staff Regulations; the household allowance shall be determined on the basis of the recipient's allowance.

Article 102

1. Invalidity shall be established by the Invalidity Committee provided for in Article 9(1) of the Staff Regulations.

2. Entitlement to an invalidity allowance shall take effect on the day following that on which the contract staff member's employment is terminated under Articles 47 and 48, which are applicable by analogy.

3. The Institute may require periodic examinations of the recipient of an invalidity allowance to establish that he still fulfils the conditions for payment of that allowance. If the Invalidity Committee finds that these conditions are no longer fulfilled, the contract staff member shall resume service with the Institute, providing his contract has not expired.

However, if it proves impossible to employ the person concerned in the service of the Institute, the contract may be terminated subject to payment of an amount corresponding to the remuneration that would have been paid during the period of notice and, where applicable, to the compensation for termination of contract provided for in Article 47. Article 109 shall also apply.

Article 103

1. The persons entitled under a deceased contract staff member, as defined in Chapter 4 of Annex VIII to the Staff Regulations, shall be entitled to a survivor's pension as provided for in Articles 104 to 107.

2. In the event of the death of a former contract staff member in receipt of an invalidity allowance or a former contract staff member who is in receipt of a retirement pension or who leaves the service before reaching pensionable age and requests that his retirement pension be deferred until the first day of the calendar month following that in which he reached the pensionable age, the persons entitled under the deceased former contract staff member, as defined in Chapter 4 of Annex VIII to the Staff Regulations, shall be entitled to a survivor's pension as provided for in that Annex.

3. Where the whereabouts of a contract staff member or of a former contract staff member in receipt of an invalidity allowance or retirement pension, or of a former contract staff member who leaves the service before reaching pensionable age and requests that his retirement pension be deferred until the first day of the calendar month following that in which he reaches pensionable age, are unknown for more than one year, the provisions of Chapters 5 and 6 of Annex VIII to the Staff Regulations dealing with provisional pensions shall apply by analogy to his spouse and to persons recognised as his dependants.

Article 104

The right to receive payment of pension shall have effect from the first day of the month following that in which death occurs or, where applicable, on the first day of the month following the period during which the deceased's surviving spouse, orphans or dependants receive his emoluments under Article 70 of the Staff Regulations.

Article 105

The surviving spouse of a contract staff member shall be entitled to a survivor's pension in accordance with Chapter 4 of Annex VIII to the Staff Regulations. The pension shall not be less than 35 % of the final basic monthly salary received by the contract staff member, nor less than the basic monthly salary of contract staff in function group I, grade 1, step 1. Where a contract staff member dies, the amount of the survivor's pension shall be increased to 60 % of the retirement pension which the contract staff member would have been paid if he had qualified, irrespective of length of service or of age, for such pension at the time of death.

A person drawing a survivor's pension shall be entitled, on the conditions laid down in Annex VII to the Staff Regulations, to the family allowances specified in Article 67 of the Staff Regulations. However, the dependent child allowance shall be double that provided for in Article 67(1)(b) of the Staff Regulations.

Article 106

1. Where a contract staff member or person entitled to a retirement pension or invalidity allowance dies leaving no spouse entitled to a survivor's pension, the children deemed to be dependent on him shall be entitled to an orphan's pension in accordance with Article 80 of the Staff Regulations.
2. The same entitlement shall apply to children who fulfil the foregoing conditions in the event of death or remarriage of a spouse who is entitled to a survivor's pension.
3. Where a contract staff member or a person entitled to a retirement pension or invalidity allowance dies but the conditions set out in paragraph 1 are not satisfied, the provisions of the third paragraph of Article 80 of the Staff Regulations shall apply.
4. In the event of the death of a former member of the contract staff who leaves the service before reaching the pensionable age and requests that his retirement pension be deferred until the first day of the calendar month following that in which he reaches the pensionable age, children deemed to be his dependants in accordance with Article 2 of Annex VII to the Staff Regulations shall be entitled to an orphan's pension on the same terms as those set out respectively in the foregoing paragraphs.
5. The orphan's pension of a person treated as a dependent child as defined in Article 2(4) of Annex VII to the Staff Regulations may not exceed twice the dependent child allowance. However, entitlement to the pension shall cease if a third party is liable for maintenance under the national laws applicable.
6. No orphan's pension shall be payable where a natural parent who has been replaced by an adoptive parent dies.
7. Orphans shall be entitled to an education allowance in accordance with Article 3 of Annex VII to the Staff Regulations.

Article 107

In the case of divorce or where there is more than one category of survivor who qualifies to claim survivor's pension, such pension shall be apportioned in the manner provided for in Chapter 4 of Annex VIII to the Staff Regulations.

Article 108

The rules relating to ceilings and apportionment set out in Article 81a of the Staff Regulations shall apply by analogy.

SECTION C

Retirement pension and severance grant

Article 109

1. On leaving the service, contract staff shall be entitled to a retirement pension, transfer of the actuarial equivalent or the payment of a severance grant in accordance with Chapter 3 of Title V of, and Annex VIII to, the Staff Regulations. Where the contract staff member is entitled to a retirement pension, his pension rights shall not cover periods corresponding to contribution paid under Article 112 of these Conditions of Employment.
2. Article 11(2) and (3) of Annex VIII of the Staff Regulations shall be applicable by analogy to contract staff.
3. A person who becomes entitled to a retirement pension shall be entitled, if he has been employed for more than three years as a member of the contract staff, to the family allowances provided for in Article 67 of the Staff Regulations; the household allowance shall be calculated on the basis of the recipient's pension.

Article 110

1. If a member of the contract staff is appointed a permanent staff member or temporary servant of the Institute, he shall not receive the grant provided for in Article 109(1).

Any period of service on the contract staff of the Institute shall be taken into account for the purpose of calculating years of pensionable service as provided for in Annex VIII to the Staff Regulations.

2. Where the Institute has exercised the option provided for in Article 112, the contract staff member's retirement pension rights shall be reduced proportionately in respect of the period in which the sums were withdrawn.
3. The preceding paragraph shall not apply to a contract staff member who, in the three months following application of the Staff Regulations to him, asks to be allowed to repay such sums plus compound interest at the rate of 3,1 % per year, which may be revised following the procedure laid down in Article 3 of Annex XII to the Staff Regulations.

SECTION D

Funding of the invalidity and life assurance scheme and of the pension scheme

Article 111

As regards the funding of the social security scheme provided for in Sections B and C, the provisions of Articles 83 and 83a of the Staff Regulations and Articles 36 and 38 of Annex VIII thereto shall apply by analogy.

Article 112

In accordance with conditions to be laid down by the President, a member of the contract staff may request the Institute to effect any payments which he is required to make in order to constitute or maintain pension rights, unemployment insurance, invalidity insurance, life insurance or sickness insurance in the country where he has last been covered by such schemes. During the period of these contributions, the contract staff member shall not benefit from the Institute sickness insurance scheme. Moreover, for the period corresponding to these contributions, the contract staff member shall not be covered by the Institute life assurance and invalidity schemes and shall not acquire rights under the Institute unemployment insurance and pension schemes.

The actual period of such payments for any contract staff member shall not exceed six months. However, the Institute may decide to extend this period to one year. The payments shall be charged to the budget of the Institute. Payments to constitute or maintain pension rights shall not exceed twice the rate provided for in Article 83(2) of the Staff Regulations.

SECTION E

Settlement of claims by contract staff

Article 113

Articles 40 to 44 of Annex VIII to the Staff Regulations shall apply by analogy.

SECTION F

Payment of benefits

Article 114

1. Articles 81a and 82 of the Staff Regulations and Article 45 of Annex VIII thereto, concerning the payment of benefits, shall apply by analogy.

2. Any sums due from a contract staff member to the Institute under this insurance scheme at the date when the benefits are payable shall be deducted from the amount of his benefit or from the benefits payable to those entitled under him. The deduction may be spread over a number of months.

SECTION G

Subrogation in favour of the Institute

Article 115

The provisions of Article 85a of the Staff Regulations, relating to subrogation in favour of the Institute, shall apply by analogy.

CHAPTER 9

Recovery of undue payment

Article 116

The provisions of Article 85 of the Staff Regulations on the recovery of undue payment shall apply.

CHAPTER 10

Appeals

Article 117

The provisions of Title VII of the Staff Regulations and Title I of the Common Provisions applicable to teaching staff and administrative staff of the Institute, on appeals shall apply by analogy.

CHAPTER 11

Special and exceptional provisions applicable to members of the contract staff serving in a third country

Article 118 *(p.m. del.)*

CHAPTER 12

Termination of employment

Article 119

Articles 47 to 50a shall apply by analogy to contract staff.

In the event of disciplinary proceedings against a contract staff member, the Disciplinary Board referred to in Annex IX to the Staff Regulations and in Article 49 of these Conditions of Employment shall meet with two additional members from the same function group and grade as the contract staff member concerned. These two additional members shall be appointed according to an ad hoc procedure agreed upon by the authority referred to in Article 6 of these Conditions of Employment and the Staff Committee.

TITLE V

LOCAL STAFF

(p.m.del.)

Article 121

(p.m.del)

Article 122

(p.m.del.)

TITLE VI

SPECIAL ADVISERS

Article 123

1. The remuneration of special advisers shall be determined by direct agreement between the adviser concerned and the authority referred to in Article 6. The contract of a special adviser shall be for a term not exceeding two years. It shall be renewable.

2. If the President intends to recruit a special adviser or renew his contract shall notify the President of the High Council, specifying the remuneration contemplated.

Before the contract is finally concluded there shall be an exchange of views with the High Council on the proposed remuneration if within one month following the date of notification the President of the High Council or the President so requests.

Article 124

Articles 1c, 1d, 11, 11a, 12 and 12a, the first paragraph of Article 16, Articles 17, 17a, 19, 22, 22a, and 22b, Article 23 and the second paragraph of Article 25 of the Staff Regulations, concerning the rights and obligations of officials, and Articles 90 and 91 of the Staff Regulations along with Title I of the Common Provisions applicable to teaching and administrative staff, concerning appeals, shall apply by analogy.

TITLE VII

PARLIAMENTARY ASSISTANTS

(p.m.del.)

Article 125 to 139

(p.m.del.)

TITLE VIII

TRANSITIONAL PROVISIONS

Article 140

Without prejudice to the other provisions of the Conditions of Employment, the Annex hereto lays down the transitional provisions applicable to the staff engaged under contract covered by these Conditions of Employment.

TITLE IX

FINAL PROVISIONS

Article 141

Subject to Article 142, the general provisions for giving effect to these Conditions of Employment shall be adopted by the authority referred to in Article 6 after consulting its Staff Committee and securing the opinion of the Staff Regulations Committee provided for in Article 10 of the Staff Regulations.

Article 142a

(p.m.del)

Article 142

The general provisions for giving effect to the Staff Regulations, referred to in Article 110 of those Regulations, shall apply to servants covered by these Conditions of Employment where by virtue of these Conditions of Employment the provisions of the said Regulations apply to those servants.

ANNEX

TRANSITIONAL PROVISIONS APPLICABLE TO THE STAFF COVERED BY THE CONDITIONS OF EMPLOYMENT OF OTHER SERVANTS

Article 1

1. The provisions of Annex XIII to the Staff Regulations shall apply by analogy to other servants employed on 31 December 2004. Articles 21, Article 22, Article 23, Article 24a and Article 31 (6) and (7) of that Annex shall apply by analogy to other servants employed on 31 December 2014. Article 30 and Article 31 (1), (2), (3) and (5) of that Annex shall apply by analogy to temporary staff employed on 31 December 2014.

For agents in service before 1 January 2015, the words 'age of 66' in the second subparagraph of Article 33 (1), in point (a) of Article 47, in the second subparagraph of Article 101 (1) and in point (b) of Article 139 (1) of the Conditions of Employment of Other Servants shall be read as 'age of 65'.

2. For the period from 1 January 2005 to 1 January 2007, in the Conditions of Employment of other servants:

(a) in the first indent of point (b) of Article 3, "assistants function group (AST)" is replaced by "categories B and C";

(b) in the second indent of point (b) of Article 3, "the administrators function group (AD)" is replaced by "category A".

Article 2

1. In accordance with the Conditions of Employment of other servants, the authority referred to in Article 6 of the Conditions of Employment shall offer employment of indefinite duration as a member of the contract staff to any person employed by the Institute on 1 January 2005 under a contract of indefinite duration as a local staff member. The offer of employment shall be based on an assessment of the tasks to be performed by the servant as a member of the contract staff. The contract concerned shall take effect at the latest on 1 January 2006. Article 84 of the Conditions of Employment shall not apply to such contract.

2. Should the classification of the staff member accepting the offer of a contract result in a reduction in remuneration, the authority referred to in Article 6 of the Conditions of Employment may pay an additional amount taking into account current differences between fiscal, social security and pension legislation in Italy and the relevant provisions applicable to the contract staff member.

3. The Institute shall adopt general provisions for the implementation of paragraphs 1 and 2 in accordance with Article 110 of the Staff Regulations, as necessary.

4. A staff member who does not accept the offer referred to in paragraph 1 may retain his contractual relationship with the Institute.

Article 3

For five years after 1 January 2005, local staff or contract staff who had the status of local staff before 1 January 2005 may take part in internal competitions on the same terms as permanent and temporary staff.

Article 4
(p.m. del.)

Article 5
(p.m. del.)

Article 6
(p.m.del.)

Contract staff for auxiliary tasks under Article 3b engaged in the Institute with a simplified selection procedure

Article 7

Contract staff for auxiliary tasks under Article 3b of the Conditions of Employment of Other Servants engaged in the Institute as the situation stood on 31 December 2014 and which had been recruited on the basis of a simplified selection procedure in order to cover situations of urgency, will be exceptionally allowed to participate in an EUI competition via EPSO/ CAST database (for contract agents (3a) or (3b)) even if not included in a relevant database, on the condition that they have completed a period of service as contract agents (type 3b) of longer than 12 months by the deadline for submission of their expression of interest/application.

This phasing-out procedure will be completed within three years at the latest starting as from 1 January 2015.

COMMON PROVISIONS

COMMON PROVISIONS

APPLICABLE TO TEACHING AND ADMINISTRATIVE STAFF OF THE EUROPEAN UNIVERSITY INSTITUTE

TITLE I

APPEALS

Article 1

1. Any person to whom the Conditions of Employment of Teaching Staff, the Service Rules for Administrative Staff⁽¹⁾ and these Common Provisions apply may submit to the President a request that he take a decision relating to him. The President shall notify the person concerned of his decision, which must be reasoned, 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 paragraph 2.

2. Any person to whom paragraph 1 applies may submit to the President a complaint against an act adversely affecting him, either where the President has taken a decision or where he has failed to adopt a measure prescribed by the Conditions of Employment of Teaching Staff, the Service Rules for Administrative Staff or the Common Provisions. 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;

- on the day 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; if, however, an act affecting a specified person also adversely affects 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 President shall notify the person concerned of his decision, which must be reasoned, 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 2.

(1) *Staff Regulations of the permanent staff members of the Institute and the Conditions of employment of other servants.*

COMMON PROVISIONS

Article 2

1. The Court of Justice of the European Union shall have jurisdiction in any disputes between the Institute and any person to whom these Common Provisions, the Conditions of Employment of Teaching Staff or the Service Rules for Administrative Staff apply.
2. An appeal to the Court of Justice of the European Union shall lie only if:
 - the President has previously had a complaint submitted to him pursuant to Article 1 within the period prescribed therein, and,
 - the complaint has been rejected by express decisions or by implied decision.
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 1; nevertheless, where a complaint is rejected by an express decision after having been rejected by an 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 President pursuant to Article 1, 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 for in the Rules of Procedure of the Court of Justice of the European Union.

COMMON PROVISIONS

TITLE II

CONDITIONS AND PROCEDURE FOR APPLYING THE TAX FOR THE BENEFIT OF THE INSTITUTE

Article 3

The tax on salaries and emoluments paid to the President, the Secretary, members of the Teaching Staff and other Administrative Staff of the Institute, as instituted by Article 12(1) of the Protocol on the Privileges and Immunities, shall be determined under the conditions and collected according to the procedure laid down in these Common Provisions.

Article 4

The following shall be liable to the tax:

- (a) the President and the Secretary;
- (b) holders of full-time and part-time contracts covered by the Conditions of Employment of Teaching Staff;
- (c) employees covered by the Service Rules for Administrative Staff.

Article 5

1. The tax shall be payable each month on salaries and emoluments paid by the Institute to each person liable.
2. However, monies and allowances, whether lump sums or not, which represent compensation for expenses incurred in the performance of official duties, shall be excluded from the basic taxable amount.
3. The family allowance and social benefits listed below shall be deducted from the basic taxable amount:
 - (a) family allowances:
 - household allowance,
 - dependent child's allowance,
 - education allowance,
 - allowance on the birth of a child;
 - (b) social assistance;
 - (c) allowances paid on account of occupational disease or accident;
 - (d) that part of any payment which represents family allowances.

The amount to be deducted shall be calculated, with due regard, where appropriate, to Article 7.

COMMON PROVISIONS

4. Subject to Article 7, an abatement of 10 % for occupational and personal expenses shall be made from the amount obtained by applying the provisions of paragraphs 1, 2 and 3.

An additional abatement equivalent to twice the amount of the allowance for a dependent child shall be made for each dependent child of the person liable as well as for each person treated as a dependent child pursuant to Article 2 of Annex VII of the Staff Regulations (or of the Conditions of Employment of Teaching Staff).

5. Deductions from remuneration of persons liable on account of pensions and retirement allowances or of social security shall be deducted from the basic taxable amount.

Article 6⁽²⁾

The tax shall be calculated, subject to Article 5, on the taxable amount obtained by applying Article 5 disregarding any amount less than €19.91 and by applying the rate of:

- 8.00 % to amounts between 19.91 and 351.46 Euros.
- 10.00 % 351.47 and 484.09 Euros.
- 12.50 % 484.10 and 554.79 Euros.
- 15.00 % 554.80 and 629.97 Euros.
- 17.50 % 629.98 and 700.67 Euros.
- 20.00 % 700.68 and 769.21 Euros.
- 22.50 % 769.22 and 839.94 Euros.
- 25.00 % 839.95 and 908.48 Euros.
- 27.50 % 908.49 and 979.18 Euros.
- 30.00 % 979.19 and 1 047.72 Euros.
- 32.50 % 1 047.73 and 1 118.45 Euros.
- 35.00 % 1 118.46 and 1 186.99 Euros.
- 40.00 % 1 187.00 and 1 257.69 Euros.
- 45.00 % to amounts above 1 257.70 Euros.

(2) Note: A corrective factor applying the adjustments of basic salaries adopted after the establishment of the tax rates shall be applied to the amounts covered by this Article. On 1 January 2015 the corrective factor is 5.5609.

COMMON PROVISIONS

Article 7

Where salaries and emoluments are subject to a corrective factor:

- the amount of each of the elements included in the calculation of the tax, except deductions made from the remuneration of persons liable on account of pensions and retirement allowances or of social security, shall, for the application of the provisions of this Title, be obtained by applying the corrective factor to the amount of this element as calculated before applying any corrective factor to the remuneration;
- the amount of abatements mentioned in Article 5(4) shall be obtained by applying the corrective factor to the amount of the abatements as calculated before applying any corrective factor to the remuneration;
- the amounts of income shown in Article 6 shall be subject to the corrective factor.

Article 8

1. By way of derogation from Articles 5 and 6:

(a) the sums paid:

- as compensation for overtime,
- for work of a particularly arduous nature,
- for exceptional services,

shall be assessed for purposes of the tax at the rate which, in the month preceding that of payment, was applied to the highest taxable amount of the remuneration of the contract holder or employee concerned;

(b) payments made on account of termination of service shall be taxed, after applying the abatements laid down in Article 5(4), at a rate equal to two-thirds of the ratio existing, at the time of the last salary payment, between:

- the amount of tax payable and
- the basic taxable amount as defined in Article 5.

2. Application of the provisions of this Title shall not have the effect of reducing salaries and emoluments of any kind paid by the Institute to an amount less than the minimum subsistence rate laid down in Article 6 of Annex VII of the Staff Regulation.

COMMON PROVISIONS

Article 9

1. Where the taxable amount covers a period of less than one month, the rate of the tax shall be that which is applicable to the corresponding monthly payment.
2. Where the taxable payment covers a period of more than one month the tax shall be calculated as if this payment had been spread evenly over the months to which it relates.
3. The daily remuneration of the holder of a part-time contract with the Institute shall be taxed at the rate of one-thirtieth of the tax calculated, in accordance with Article 6, on the basis of the monthly remuneration on which this daily remuneration was calculated pursuant to Article 54 of the Conditions of Employment of Teaching Staff.
4. Corrective payments not related to the month during which they were paid shall be subject to the tax to which they would have been subject had they been made at the proper time.

Article 10

Tax shall be collected by means of deduction at source. The amount shall be rounded down to the lower cent.

Article 11

The tax proceeds shall be entered as revenue in the budget of the Institute.

Article 12

The High Council shall adopt any provisions necessary for the application of this Title.

Article 13

The provisions of this Title may also apply:

- to the Auditors referred to in Article 23 of the Convention;
- to the arbitration body referred to in Article 29 of the Convention.

TITLE III¹

SPECIAL REIMBURSEMENT FOR EXCEPTIONAL EDUCATIONAL EXPENSES

Article 14²

In duly justified cases staff members who are entitled to the expatriation allowance may receive a special reimbursement for educational costs of up to twice the amount referred to in Article 3 (1) third paragraph of Annex VII to the Staff Rules and to the CETS.

¹ HIGH COUNCIL DECISION N. 2/2019 of 7 June 2019.

² Idem.

COMMON PROVISIONS

This special reimbursement is subject to the condition that the children of the staff member in question attend either a non-Italian school in Florence or an establishment of primary, secondary or higher education away from the family home. It will be calculated separately for each child.

The special reimbursement is granted by a specific decision adopted by the Appointing Authority. The further modalities are stipulated by general implementing provisions to be adopted by the Appointing Authority.