COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 14.4.2004
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Proposal for a

COUNCIL REGULATION

determining the rates and conditions of the special allowances provided for in Article 56c of the Staff Regulations which may be granted to compensate for particularly arduous working conditions

Proposal for a

COUNCIL REGULATION

amending Regulation (EEC, Euratom, ECSC) No 495/77 determining the categories of officials entitled to, and the conditions for and rates of, allowances for regular standby duty

Proposal for a

COUNCIL REGULATION

amending Regulation (ECSC, EEC, Euratom) No 300/76 determining the categories of officials entitled to allowances for shiftwork, and the rates and conditions thereof

(presented by the Commission)

EXPLANATORY MEMORANDUM

Council Regulation (EC) n° …../2004 of 22 April 2004, amended Regulation (EEC, EURATOM, ECSC) n° 259/68 laying down the Staff Regulations of officials and the Conditions of Employment of other servants of the European Communities.

It is therefore necessary to modify Council Regulation (EEC) n° 1799/72 of 18 August 1972 determining the rates and conditions of the special allowances provided for in Article 100 of the Staff Regulations which may be granted to compensate for certain arduous working conditions, in order to adapt it to the new Staff Regulations as from 1 May 2004.

As from this date, the reference to the previous Article 100 of the Staff Regulations should be replaced by a reference to the new Article 56(c). In accordance with this new legal basis, articles 1 and 7 should be reformulated. In addition, references to the previous grades must be replaced by references to the new career structure (Articles 2 and 3) and the implementation of the Regulation needs to be extended to the new category of contract agents (Article 6). In Article 5, the reference to a repealed Regulation should be replaced by the current reference.

Proposal for a

COUNCIL REGULATION

determining the rates and conditions of the special allowances provided for in Article 56c of the Staff Regulations which may be granted to compensate for particularly arduous working conditions

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Communities laid down in Regulation (EEC, Euratom, ECSC) No 259/68 [1], and in particular Article 56c of the Staff Regulations,

Having regard to the proposal from the Commission submitted after consulting the Staff Regulations Committee,

Whereas it is for the Council, acting on a proposal from the Commission, to determine the rates and conditions of the special allowances which may be granted to certain officials to compensate for particularly arduous working conditions,

HAS ADOPTED THIS REGULATION:

Article 1

Special allowances determined in accordance with the following Articles shall be granted to officials called upon to do particularly arduous work.

Article 2

The allowances shall be expressed in points. One point shall be equal to 0.032% of the basic salary of an official in grade 1, step 1[2]. The allowances shall be adjusted by the correction coefficients applicable to the remuneration of officials.

The allowances shall be paid monthly.

Article 3

1. The following table lists the special working conditions in which allowances may be granted and the number of points per hour of actual work.

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[1] OJ L 56, 4.3.1968, p. 1. Regulation as last amended by Regulation (EC, Euratom) No … (OJ L …).

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

Special working conditions	Number of points per hour of actual work for function groups AD and AST[3]
I. Safety of the individual	
(a) Wearing of particularly uncomfortable clothing for protection against fire, contamination, radiation or corrosive substances:	
1. Special heavy clothing	10
2. Self-contained protective suits against fire	50
3. Other self-contained protective suits	34
4. Protective clothing with self-contained breathing apparatus	25
5. Other protective clothing with breathing apparatus	20
(b) Partial protection:	
1. Self-contained breathing apparatus	16
2. Complete respirators	10
3. Anti-dust respirators	6
4. Other protective apparatus against toxic, asphyxiating, corrosive substances, etc.	2
5. Glove-boxes and remote handling devices	2
II. Place of work	
(a) Confined	
Work in confined spaces, without daylight, which are crossed by high-tension cables or by high-temperature pipework and which are so cluttered as to make it difficult to move about	2
(b) Noisy	
Work in spaces with an average sound volume exceeding 85 decibels	2
(c) Dangerous sites necessitating the use of onerous protective appliances	
1. Underground passages	2
2. Places where work is carried out at more than 6 metres above the ground involving exceptional risks	5
In these cases the allowance shall be granted by decision of the appointing authority after consulting, where appropriate, a joint committee.	

[3] For the period from 1 May 2004 to 30 April 2006: categories A*, B*, C*, D*.

III. Nature of work	
(a) Handling or working with certain substances in conditions which make the work arduous (see list in Annex)	2
(b) Work with explosives as a certified explosives expert	5

2. In order to make constant supervision possible, work performed under the conditions defined in paragraph 1 must be recorded promptly and in chronological order. The record must detail the work performed by reference to the above table.

   The appointing authority shall lay down the procedure for carrying out the supervision; where the number of hours of work in question can be taken as being the same every month the appointing authority may dispense with the record.

Article 4

The allowances for work performed under the conditions defined in item I of the table in Article 3 may not be aggregated; nor may those provided for in items II and III of that table.

The allowances for work performed under the conditions defined in items I and III of that table may also not be aggregated.

For the purposes of applying the above paragraphs, where more than one allowance would be due at the same time the highest allowance only shall be paid.

Article 5

Subject to the application of Article 2 of Regulation (ECSC, EEC, Euratom) No 300/76 determining the categories of officials entitled to allowances for shiftwork, and the rates and conditions thereof[4], the allowances paid under this Regulation shall not exceed 1 500 points per official per month.

Article 6

This Regulation shall apply by analogy to temporary, auxiliary and contract staff.

Article 7

In April each year the Commission shall submit to the Council a report on:

- the number of officials and servants in each category who received the allowances referred to in this Regulation, broken down by institution and location, and the number of hours worked under the various conditions set out in the table in Article 3,

- the total expenditure relating to these allowances.

[4] OJ L 38, 13.2.1976, p. 1. Regulation as last amended by Regulation (EC, Euratom) No … (OJ L …).

Article 8

Regulation (EEC) No 1799/72[5] is hereby repealed on the day on which this Regulation enters into force.

Article 9

This Regulation shall enter into force on 1 May 2004.

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

Done at Brussels,

For the Council
The President

[5] OJ L 192, 22.8.1972, p. 1.

ANNEX
LIST REFERRED TO IN ARTICLE 3

A. Corrosive and asphyxiating substances

1. In handling:

   Halogens, hydrohalogen acids (hydrochloric and hydrofluoric acids), halogen fluorides; sulphuric acid, sulphur chloride, caustic soda and caustic potash, ammonia.

2. In technical processes:

   Scouring and passivation of stainless steels and light alloys by submersion in, or contact with, scouring or oxidising agents.

B. Toxic substances:

1. In handling:

   Toxic forms of radioactive substances; beryllium and compounds; arsenic and compounds; mercury, compounds and amalgams; tetraethyl lead; hydrocyanic acid; cyanides and acrylonitrile; nitrogen oxide and nitrogen dioxide; phosphorus and phosphoric ethers; selenium; deuterium oxide.

2. In technical processes:

   Manufacture, concentration and storage of toxic forms of radioactive substances; casting, welding and working of lead and alloys or lead antimony and cadmium antimony.

C. Highly flammable and/or explosive substances:

1. In handling:

   Compressed gases: acetylene, oxygen, methane, ethane, ethylene and rare gases; volatile organic solvents such as methyl alcohol, ethyl alcohol, diethyl ether, acetone, benzene, toluene; liquid metals such as sodium or potassium; sulphur.

2. In technical processes:

   Argon welding; cleaning and degreasing very dirty parts with solvents such as trichloroethylene; use of organic liquids such as diphenyl, triphenyl, polyphenyl, Dowtherm, highboiler residues in circuits; pouring of paraffin or bitumen.

D. Dirty products:

1. In handling:

   Cadmium, chromium, nickel, bismuth, barium, vanadium and manganese compounds in powder form; powdered iron oxide.

2. In technical processes:

Processing of graphite; greasing and draining pumps and motors such as vacuum pumps, fluid circulation pumps, decompression pumps, compressed air generators; polishing with special substances; handling of metal slag.

This Annex shall be amended by the Council on a proposal from the Commission in the light of scientific and technical developments.

EXPLANATORY MEMORANDUM

Council Regulation (EC) n° …../2004 of 22 April 2004, amended Regulation (EEC, EURATOM, ECSC) n° 259/68 laying down the Staff Regulations of officials and the conditions of employment of other servants of the European Communities.

It is therefore necessary to modify Council Regulation (EEC, EURATOM, ECSC) n° 495/77 of 8 March 1977, relating to Article 56 (b) of the Staff Regulations, determining the categories of officials entitled to, and the conditions for and rates of, allowances for regular stand-by duty, in order to adapt it to the new Staff Regulations as from 1 May 2004.

As from this date, references to previous grades must be replaced by references to the new career structure (Article 1) and the Regulation needs to be extended to the new category of contract agents (Article 2).

Proposal for a

COUNCIL REGULATION

amending Regulation (EEC, Euratom, ECSC) No 495/77 determining the categories of officials entitled to, and the conditions for and rates of, allowances for regular standby duty

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Staff Regulations of Officials and the Conditions of Employment of other servants of the European Communities laid down in Regulation (EEC, Euratom, ECSC) No 259/68[6], and in particular the second paragraph of Article 56bof the Staff Regulations,

Having regard to the proposal from the Commission submitted after consulting the Staff Regulations Committee,

Whereas Council Regulation (ECSC, EEC, Euratom) No 495/77 of 8 March 1977 determining the categories of officials entitled to, and the conditions for and rates of, allowances for regular standby duty[7] must be amended in order to bring it into line with the new Staff Regulations,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EEC, Euratom, ECSC) No 495/77 is hereby amended as follows:

1. Article 1(1)(a) is replaced by the following:

   "(a) the allowance shall be expressed in points. A point shall be equal to 0.032% of the basic salary of an official in grade 1, step 1 (3). The allowance shall be adjusted by the weighting applicable to the official's remuneration;

   (3) For the period from 1 May 2004 to 30 April 2006: grade D*1, step 1."

2. Article 2 is replaced by the following:

   "Article 2

   This Regulation shall apply by analogy to temporary, auxiliary and contract staff."

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6 OJ L 56, 4.3.1968, p.1. Regulation as last amended by Regulation (EC, Euratom) No … of … 2004.

7 OJ L 66, 12.3.1977, p. 1.

Article 2

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

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

Done at Brussels, XXX

For the Council
The President

EXPLANATORY MEMORANDUM

Council Regulation (EC) n° …../2004 of 22 April 2004, amended Regulation (EEC, EURATOM, ECSC) n° 259/68 laying down the Staff Regulations of officials and the conditions of employment of other servants of the European Communities.

It is therefore necessary to modify Council Regulation (ECSC, EEC, Euratom) n° 300/76 of 9 February 1976 relating to Article 56 (a) of the Staff Regulations, determining the categories of officials entitled to allowances for shiftwork, and the rates and conditions thereof, in order to adapt it to the new Staff Regulations as from 1 May 2004.

As from this date, the reference in Article 2 to the previous Article 100 of the Staff Regulations must be replaced by a reference to the new Article 56 (c) and the implementation of the Regulation needs to be extended to the new category of contract agents (Article 3).

Proposal for a

COUNCIL REGULATION

amending Regulation (ECSC, EEC, Euratom) No 300/76 determining the categories of officials entitled to allowances for shiftwork, and the rates and conditions thereof

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Staff Regulations of Officials and the Conditions of Employment of other servants of the European Communities laid down in Regulation (EEC, Euratom, ECSC) No 259/68[8], and in particular the second paragraph of Article 56a of the Staff Regulations,

Having regard to the proposal from the Commission submitted after consulting the Staff Regulations Committee,

Whereas Council Regulation (ECSC, EEC, Euratom) No 300/76 of 9 February 1976 determining the categories of officials entitled to allowances for shiftwork, and the rates and conditions thereof[9] must be amended in order to bring it into line with the new Staff Regulations,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (ECSC, EEC, Euratom) No 300/76 is hereby amended as follows:

1. Article 2 is replaced by the following:

   "Article 2

   An official who is entitled to payment of the allowance provided for in Article 1 may receive the allowances for particularly arduous work provided for in Article 56c of the Staff Regulations only up to a maximum of 600 points, to be determined in accordance with Regulation … (4).

   (4) OJ L …, …2004, p. …"

2. Article 3 is replaced by the following:

   "Article 3

   This Regulation shall apply by analogy to temporary, auxiliary and contract staff."

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8 OJ L 56, 4.3.1968, p.1. Regulation as last amended by Regulation (EC, Euratom) No … of … 2004.

9 OJ L 38, 13.2.1976, p. 1. Regulation as last amended by Regulation (EC, ECSC, Euratom) No 2461/98 (OJ L 307, 17.11.1998, p. 5).

Article 2

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

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

Done at Brussels,

For the Council
The President