

COMMISSION OF THE EUROPEAN COMMUNITIES

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REPORT FROM THE COMMISSION TO THE COUNCIL

on the implementation of Annex X to the Staff Regulations (Council Regulation 3019/87 of 5.10.1987) 1999

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INTRODUCTION

In accordance with Article 101a of the Staff Regulations, Annex X determines, without prejudice to the other provisions of the Staff Regulations, the special and exceptional provisions applicable to officials of the European Communities serving in non-member countries.

Article 14 of Annex X requires the Commission to "submit an annual report to the Council on the application of this Annex and in particular on the fixing of the rate of the allowance for living conditions as provided for in Article 10".

Since 1 January 1988, the Commission has prepared nine reports. They cover the following periods: - October 1987-December 1988, 1989, 1990-1991, 1992, 1993, 1994, 1995, 1996 and 1997-1998.

Reflecting the wishes of the Council, 1999 brought further staff redeployment and (with the aim of reducing the cost of establishing weightings) the selection via an invitation to tender of a well-qualified subcontractor with more competitive charges than EuroCost.

In the wake of the Balkans crisis, 1999 also saw the establishment of the Kosovo Reconstruction Task Force.

CHAPTER 1: GENERAL PROVISIONS

ARTICLE 1: RECRUITMENT

The number of posts earmarked for the External Service increased in 1999, thanks to the allocation of four new posts under the 1999 budget and a number of redeployments from headquarters to the External Service.

Redeployment covered nine posts as part of the devolution (*deconcentration*) of staff to the Phare countries, twenty-one posts from the external relations departments at headquarters to the delegations, and four further posts, including DG XXIV (veterinary checks) and DG IB (assistance for the Special Envoy to the Middle East Peace Process).

This resulted in a rise in staff numbers in the External Service, bringing the total (including five floaters) to 693 by 31 December 1999. The flat-rate cut in the External Service's allocation (the latter was rectified by a transfer to cover a second stage of redeployment carried out during the year) did however reduce the number of posts funded in 1999 to 644.

The Balkans crisis demanded urgent action, and some of the vacant posts earmarked for opening or boosting numbers at delegations by the Commission Decision of 22 July 1998 had to be used to increase staffing in the countries surrounding Kosovo - Albania, the Former Yugoslav Republic of Macedonia and Yugoslavia.

As at 31 December 1999, 627 External Service posts were physically filled, and there were four floaters operating from headquarters.

Three staff were recruited in 1999 from the COM/A/696 reserve list.

ARTICLE 2: MOBILITY

Rotation

The rotation arrangements for 1999 covered 159 officials (compared to 133 in 1998), of whom

- 63 moved between delegations (compared to 52 in 1998)
- 49 moved from a delegation to headquarters (compared to 49 in 1998)
- 12 left (compared to 8 in 1998)

The principle of alternate postings in delegations and at headquarters continued to be applied:

- 49 moved from a delegation to headquarters (compared to 49 in 1998)
- 56 moved from headquarters to a delegation (compared to 58 in 1998)

In all, then, 180 officials moved under the 1999 rotation exercise (compared to 170 in 1998).

Redeployment

In addition to the redeployments decided on in 1998 and implemented in 1999 (25 posts, 21 of which come from the Relex DGs as a result of an overall decision of the Steering Committee for the External Service (CDSE)), including 9 from the devolution (*deconcentration*) of Phare, a Commission decision of 22 July 1998 redeployed 13 posts within the network to bolster EU representation in the countries and regions on which political priorities were focused. This redeployment exercise will be spread over 1999 (7 posts - 5A, 1B, 1C), 2000 (5A) and 2001 (1A). The 1999 redeployment drew staff from Antigua (A), Samoa (A), Senegal (A), Surinam (2A), Togo (A), Paris (B) and Hungary (C). Because of the Balkan crisis, some of these posts were used to increase the staffing of the delegations in Albania (3 posts), Yugoslavia (1 post) and the office of the Special Envoy to the Former Yugoslav Republic of Macedonia (3 posts).

ARTICLE 3: RETRAINING

In 1999, retraining decisions affected 40 External Service officials posted back to headquarters to one of the RELEX DGs, in accordance with the principle of alternate postings under the rotation policy.

CHAPTER 2: OBLIGATIONS

ARTICLE 4: CARRYING OUT DUTIES AT PLACE OF EMPLOYMENT

Nothing to report.

ARTICLE 5: ACCOMMODATION

In 1999, Relex K continued the policy of providing furnished accommodation for officials serving outside the Community. References for floor area, number of bedrooms and cost/m² by country were established.

A few pilot cases were initiated with a view to more extensive application of Article 23 of Annex X in countries where market conditions and the legal environment permit.

CHAPTER 3: WORKING CONDITIONS

ARTICLES 6, 7 AND 9: ANNUAL LEAVE

1999 was the second year in which the Commission decision of 17.7.1997 reforming the implementation of leave arrangements for officials serving in third countries had operated.

The new arrangements provided for entitlements to be calculated on the basis of working days instead of calendar days, and for offices to be closed for a maximum of six days, whatever their location. This made management and checking easier for the delegations and headquarters, and eliminated any inequalities between officials.

Moreover, the improvements already produced by closer control over leave planning (to minimise carryover) were confirmed in 1999.

On the other hand, Article 9(2), which bans rest leave from being combined with annual leave, was criticised by officials for being restrictive and inflexible.

ARTICLES 8 AND 9(2): EXCEPTIONAL GRANTING OF REST LEAVE

On 17 February 1999, as part of its regular annual decision-making, the Commission decided to grant rest leave for the year by way of exception only for places of employment where living conditions were considered "particularly difficult" on the basis of the parameters used to fix the living-conditions allowance each year.

Strict application of the conditions set out in Article 8 of Annex X resulted in this decision being taken for 30 places of employment in 1999 (see Annex I), compared to 27 in 1998. The slight increase between 1998 and 1999 was due to more countries being in crisis in 1998 (13 in 1998, compared to 7 in 1997) following a deterioration in security. The budgetary impact of this increase was neutralised again this year by making the number of days' entitlement proportional to the actual duration of the crisis. Short-lived crisis situations in three countries considered troublespots in 1998 (Indonesia, Lesotho and the Federal Republic of Yugoslavia) led to their being ineligible for rest leave in 1999.

CHAPTER 4: EMOLUMENTS AND SOCIAL ADVANTAGES

SECTION 1: EMOLUMENTS AND FAMILY ALLOWANCES

ARTICLE 10(1): ALLOWANCE FOR LIVING CONDITIONS

On 14 December 1998, the Commission fixed the living-conditions allowance rates for the year as shown in the table in Annex II.

ARTICLE 10(2): ADDITIONAL ALLOWANCE

Commission Decisions allocated additional allowances in 1999 to officials in the following posts:

Country	Date of effect beginning of	End	crisis level
Albania	March 1997 June 1997		10 % 5 %
Algeria	November 1993		10 %
Congo (Brazzaville)	February 1999	April 1999	10 %
Eritrea	June 1998 July 1998		10 % 5 %
Guinea-Bissau	June 1998	October 1999	10 %
FRY (Belgrade)	March 1999 September 1999	 October 1999	10 % 5 %
FRY (Pristina)	July 1999		5 %
Sierra Leone	July 1997 August 1998 December 1998 November 1999		10 % 5 % 10 % 5 %

ARTICLES 11 AND 12: ARRANGEMENTS FOR THE PAYMENT OF REMUNERATION

The currency in which officials' remuneration was paid in 1999 breaks down as follows in percentage terms:

– 82% opted to have their salaries paid in Belgian francs under Article 11 of Annex X to the Staff Regulations;

– 14% requested payment of part of their remuneration in local currency. Of these, 73% asked for the maximum allowed by the internal directives relating to Article 12 of Annex X (80%) and the remainder opted for percentages varying between 11% and 76%;

In 1999, a 90% ceiling continued to apply in Japan under the second paragraph of Article 1 of the internal directives relating to Article 12 of Annex X to the Staff Regulations;

– lastly, under the second paragraph of Article 12 of Annex X, 4% requested payment of part of their remuneration in a currency other than that of their place of employment (Russia, Ukraine and Kazakhstan), on the basis of the necessary supporting documents.

ARTICLE 13: WEIGHTINGS

On 5 February 1999, the Commission approved Decision 185[1] adjusting the weightings applicable from 1 February, 1 March, 1 April, 1 May and 1 June 1998 to the remuneration of officials of the European Communities serving in third countries.

On 15 February 1999, the Council adopted Regulation 342/99[2] laying down the weightings applicable from 1 July 1998 to the remuneration of officials of the European Communities serving in third countries.

On 18 August 1999, the Commission approved Decision 703[3] adjusting the weightings applicable from 1 August, 1 September, 1 October, 1 November and 1 December 1998 to the remuneration of officials of the European Communities serving in third countries.

Previous years' efforts by DG Relex to cut the costs of statistics paid off in the autumn of 1999.

The new procedures adopted halved costs, but maintained quality.

From April 2000, statistical work will be undertaken by Air Inc., a new subcontractor to Eurostat (replacing EuroCost).

ARTICLE 15: EDUCATION ALLOWANCE

A total of € 2 750 787 was paid in education allowances in the year 1998/99.

The system of paying advances on education allowances to staff incurring particularly high costs was retained. All the advances granted for the 98/99 school year were settled within the prescribed deadlines.

As in previous years, the relatively high exchange rate for the yen prompted the Commission to allow the annual ceiling for reimbursement to be exceeded for the 98/99 school year in the case of officials serving in Japan whose children attended an international school there.

ARTICLE 16: INSTALLATION AND RESETTLEMENT ALLOWANCES

Officials posted to a delegation receive an installation allowance. Officials permanently leaving employment receive a resettlement allowance.

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1 OJ L 60, 9.3.1999, p. 83.
2 OJ L 43, 17.2.1999, p. 1.
3 OJ L 277, 28.10.1999, p. 37.

In 1998/99, 346 installation-allowance cases and 8 resettlement allowance cases were processed in Belgian francs (total EUR 3 472 944), and 28 installation-allowance cases and 16 resettlement allowance cases were processed in local currency (total EUR 639 772).

SECTION 2: RULES RELATING TO REIMBURSEMENT OF EXPENSES

ARTICLE 17: REIMBURSEMENT OF EXPENSES INCURRED IN RESPECT OF REMOVAL OF FURNITURE AND ACTUAL INSTALLATION ALLOWANCES FOR OFFICIALS NOT IN FURNISHED ACCOMMODATION PROVIDED BY THE INSTITUTION

There was no need to use this Article in 1999.

ARTICLE 18: TEMPORARY ACCOMMODATION

163 decisions authorising temporary accommodation were taken in 1999 (compared to 166 in 1997 and 187 in 1998).

ARTICLE 19 STAFF CARS/MILEAGE ALLOWANCE

The rules for the use of private cars for the purposes of work and vice versa have applied since June 1996. The rules were reworded at the end of 1998, and the revised version distributed at the beginning of 1999. The mileage allowance referred to in Article 19 was established in accordance with practice in several Member States on the basis of average running costs. At present it stands at € 0.26 per km (€ 0.36 for 4 x 4s).

ARTICLE 20: TRAVEL EXPENSES FOR REST LEAVE

Travel expenses for rest leave were reimbursed on the basis of the distance between the place of employment and the place of leave determined by the Commission. Where the place of rest leave was disregarded, reimbursement could be claimed up to the same amount. Expenditure was ECU 221 264 in 1998 and EUR 249 499 in 1999.

ARTICLE 21: REIMBURSEMENT OF THE COST OF TRANSPORTING PERSONAL EFFECTS, REMOVALS AND STORAGE

There were no problems in connection with this Article.

There were 247 removals in 1997, 266 in 1998 and 237 in 1999.

The rules for the removal of personal effects were updated in 1997 and implemented at the beginning of 1998. An invitation to tender for the insurance of the transport of personal effects was launched in 1997 and the contract was approved by the ACPC and signed at the end of February 1998.

ARTICLE 23: REIMBURSEMENT OF RENT WHERE THE OFFICIAL IS NOT PROVIDED WITH ACCOMMODATION BY THE INSTITUTION

As stated in the comments on Article 5, Article 23 currently applies in six cases. To try and reconcile efficiency and sound budgetary management, the Commission will look at this experience to see what conclusions can be drawn on when this Article should apply.

SECTION 3: SOCIAL SECURITY

ARTICLE 24 (THIRD PARAGRAPH): REPATRIATION IN THE EVENT OF A MEDICAL EMERGENCY OR AN EXTREME MEDICAL EMERGENCY

In 1999, there were 21 medical evacuations, at a cost of around EUR 140 000, including the standby contract with SOS Ambulance.

ARTICLE 25: ACCIDENT COVER FOR DEPENDANTS

As has already been pointed out, a new contract concluded in 1999 has cut the cost of the premium, which is split between the Commission and the official.

CHAPTER 6: TRANSITIONAL PROVISIONS

ARTICLE 27: TRANSITIONAL PROVISIONS RELATING TO REMUNERATION

This article has been obsolete since October 1992.

ANNEX 1

DETERMINATION OF ENTITLEMENT TO REST LEAVE

(Article 8 of Annex X)

In force from: 1 January 1996

COUNTRY	FREQUENCY	PLACE
Albania	3 x 5 days	Rome (Italy)
Algeria	3 x 5 days	Casablanca (Morocco)
Angola	2 x 5 days	Windhoek (Namibia)
Bangladesh	3 x 5 days	Phuket (Thailand)
Bosnia – Herzegovina	2 x 5 days	Brussels (Belgium)
Burundi	3 x 5 days	Mombasa (Kenya)
Cameroon	1 x 5 days	Libreville (Gabon)
Central African Republic	3 x 5 days	Libreville (Gabon)
Comoros	1 x 5 days	Antananarivo (Madagascar)
Republic of the Congo	3 x 5 days	Libreville (Gabon)
Dem. Rep. of the Congo	3 x 5 days	Libreville (Gabon)
Eritrea	2 x 5 days	Mombasa (Kenya)
Ethiopia	1 x 5 days	Mombasa (Kenya)
Georgia	2 x 5 days	Vienna (Austria)
Guinea-Bissau	2 x 5 days	Dakar (Senegal)
Guinea	2 x 5 days	Dakar (Senegal)
Equatorial Guinea	2 x 5 days	Libreville (Gabon)
Kazakhstan	1 x 5 days	Frankfurt (Germany)
Liberia	3 x 5 days	Dakar (Senegal)
Mauritania	2 x 5 days	Casablanca (Morocco)
Niger	2 x 5 days	Libreville (Gabon)
Nigeria (Abuja)	1 x 5 days	Libreville (Gabon)
Nigeria (Lagos)	2 x 5 days	Libreville (Gabon)
Papua New Guinea	3 x 5 days	Darwin (Australia)
Rwanda	1 x 5 days	Mombasa (Kenya)
Sierra Leone	3 x 5 days	Dakar (Senegal)
Sudan	3 x 5 days	Mombasa (Kenya)
Chad	3 x 5 days	Dakar (Senegal)
Togo	1 x 5 days	Libreville (Gabon)
Vietnam	1 x 5 days	Phuket (Thailand)

ANNEX 2

LIST OF POSTS

AND LIVING-CONDITIONS ALLOWANCE RATES

(Article 10 of Annex X)

In force from: 1 January 1999 (1.7.98 for Israel)

35 %	25 %	20 %	15 %	10 %	0 %
ALBANIA	BELIZE	FYROM	SOUTH AFRICA	NETHERLANDS ANTILLES	CANADA
ALGERIA	BENIN	BOLIVIA	ANTIGUA & BARBUDA	ARGENTINA	CYPRUS
ANGOLA	BOSNIA AND HERZEGOVINA	BULGARIA	BOTSWANA	AUSTRALIA	MALTA
BANGLADESH	CAPE VERDE	FIJI	CHILE	BARBADOS	NORWAY
BURKINA FASO	CHINA	GABON	SOUTH KOREA	BRAZIL	SWITZERLAND
BURUNDI	WEST BANK/GAZA STRIP	JAPAN (NAKA)	COSTA RICA	CROATIA	USA-NEW YORK
CAMEROON	COLOMBIA	MEXICO	HONG KONG	DOMINICAN REPUBLIC	USA-SAN DIEGO
CENTRAL AFRICAN REPUBLIC	COTE D'IVOIRE	ROMANIA	ISRAEL (TEL AVIV)	ESTONIA	USA-WASHINGTON
COMOROS	EGYPT	SWAZILAND	JAMAICA	HUNGARY	
REPUBLIC OF THE CONGO	ERITREA	THAILAND	JAPAN (TOKYO)	LATVIA	
DEM. REPUBLIC OF THE CONGO	THE GAMBIA	VANUATU	JORDAN	LITHUANIA	
DJIBOUTI	GHANA	YUGOSLAVIA	LEBANON	MOROCCO	
ETHIOPIA	GUATEMALA		NEW CALEDONIA	MAURITIUS	
GEORGIA	INDIA		SENEGAL	NAMIBIA	
GUINEA	INDONESIA		SYRIA	POLAND	
GUINEA-BISSAU	KENYA		TURKEY	SLOVAKIA	
EQUAT. GUINEA	LESOTHO			SLOVENIA	
GUYANA	MADAGASCAR			CZECH REPUBLIC	
HAITI	MALAWI			TRINIDAD & TOBAGO	
KAZAKHSTAN	NICARAGUA			TUNISIA	
LIBERIA	PERU			URUGUAY	
MALI	PHILIPPINES			ZIMBABWE	
MAURITANIA	RUSSIA				
MOZAMBIQUE	SOLOMON ISLANDS				
NIGER	SAMOA				
NIGERIA (ABUJA)	SRI LANKA				
NIGERIA (LAGOS)	SURINAME				
UGANDA	TONGA				
PAKISTAN	VENEZUELA				
PAPUA NEW GUINEA	ZAMBIA				
RWANDA					
SÃO TOMÉ AND PRÍNCIPE					
SIERRA LEONE					
SUDAN					
TANZANIA					
CHAD					
TOGO					
UKRAINE					
VIETNAM					