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COM (75)545

Vol. 1975/0205

Historical Archives of the European Commission

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In Übereinstimmung mit der Verordnung (EWG, Euratom) Nr. 354/83 des Rates vom 1. Februar 1983 über die Freigabe der historischen Archive der Europäischen Wirtschaftsgemeinschaft und der Europäischen Atomgemeinschaft (ABl. L 43 vom 15.2.1983, S. 1), geändert durch die Verordnung (EG, Euratom) Nr. 1700/2003 vom 22. September 2003 (ABl. L 243 vom 27.9.2003, S. 1), ist diese Datei der Öffentlichkeit zugänglich. Soweit erforderlich, wurden die Verschlusssachen in dieser Datei in Übereinstimmung mit Artikel 5 der genannten Verordnung freigegeben.

COMMISSION OF THE EUROPEAN COMMUNITIES

COM (75) 545 final.
Brussels, 31 October 1975.

PROPOSAL

for a

COUNCIL REGULATION

amending Council Regulation No 259/68 laying down the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Communities

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(presented by the Commission to the Council)

EXPLANATORY MEMORANDUM

In 1971 the Commission presented a proposal to the Council to introduce new conditions of employment for staff paid from the research and investment appropriations.

Although the proposal was examined in detail at all levels within the Council, it proved impossible to reach agreement on all points.

The new proposal takes account of the main views emerging from these discussions and attempts to reconcile the need to guarantee satisfactory operation of the research departments with the desire to retain the legal framework of the Conditions of Employment of Other Servants of the Communities while respecting acquired rights.

The new provisions are explained below.

I. ARTICLE 1 of the proposal

Article 1 (Conditions of Employment)

This Article abolishes the category of establishment staff of the JRC. The purpose of the Commission's proposal is to extend the conditions of employment of temporary staff to include establishment staff paid from the research appropriations, with allowance made for certain special provisions.

The reason for abolishing this category is the need to put an end to the most serious forms of discrimination they suffer, which have often had an adverse effect on the working atmosphere and hence on the efficient operation of the Centre.

The solution proposed also affects local staff paid from the research appropriations, who must be considered together with establishment staff as regards both the duties they perform and the salary arrangements currently applying to them.

Article 2

The new paragraph (d) is designed to make it possible to fill a permanent post temporarily - but for a period long enough to meet research requirements.

Article 4

Deletion of the final paragraph of this Article is consequential upon the removal of the establishment staff category from Article 1.

Article 8

The proposal here is to lay down the maximum period of employment of temporary staff paid from the research and investment appropriations.

The first indent applies to Category A or B staff engaged to perform scientific or technical duties. Since the maximum period of employment at present under the second paragraph of Article 8 of the Conditions of Employment of Other Servants is three years, provision must be made for a longer period to take account of the duration of the programmes involved and at the same time ensure that temporary staff can have their contracts renewed in the interests of the service.

The second indent will make it possible to conclude contracts for an indefinite period with Category A or B staff performing administrative duties and with Category C or D staff. The nature of the duties involved (they are not affected by changes of substance in the programmes) justifies this measure.

Article 16

The second and third paragraphs of this Article limit paid sick leave to the length of time worked by the servant. This is not compatible with periods of employment which may be considerably longer than those envisaged by the authors of the present text.

Article 20

This Article will continue to apply, except as regards basic salary, where there is to be a special scale under which Category A and B salaries will be the same as those of officials in these categories, while Category C and D salaries will be 5% lower than those of officials in these categories.

Article 28

At present, sickness insurance for temporary staff is provided only during their period of service. Since it is proposed to grant pension rights to research staff covered by this proposal, sickness cover should also be provided for those in receipt of retirement pension.

Articles 34 and 39

In Article 39 it is proposed that the right to retirement pension already enjoyed by one category of temporary staff be extended to research staff as well. If we are to be in a position to recruit high-quality staff who will have to withdraw from their own national social security schemes, we must be able to give them pension rights for their period of service with the Commission. Consequently, as their contracts may be relatively short, the requirement of ten years' service should be abolished for this category of staff.

It would therefore be logical to grant the survivor's pension to persons entitled under a deceased servant who was in receipt of retirement pension or had asked for his pension to be deferred until the age of sixty. This is the reasoning behind the proposed amendment to Article 34 of the Conditions of Employment.

Article 47

It has become clear that the provisions relating to the period of notice for contracts of indefinite duration are not adequate for the staff covered by this proposal. Contrary to what is provided for in the current provisions, this category of staff may remain in service for long periods; they may even spend their whole career in the service of the institution. These are adequate grounds for extending the periods of notice.

Articles 84 to 98

In the light of Article 1 above, the current provisions for establishment staff should be deleted.

II. ARTICLE 2 (of the proposal)

This transitional provision lays down the measures needed for local and establishment staff currently employed to change over to the new contract arrangements so that the rules applying to this category of staff can be standardized and the discrimination which exists at present can be brought to an end.

PROPOSAL FOR REGULATION No OF THE COUNCIL
amending Council Regulation No 259/68 laying down the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the Communities

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing a Single Council and a Single Commission of the European Communities, and in particular Article 24 thereof;

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

Having regard to the Opinion of the European Parliament;

Having regard to the Opinion of the Court of Justice;

Whereas Articles 2 and 3 of Council Regulation (EEC, Euratom, ECSC) No 259/68[1] of 29 February 1968, as last amended by Regulation (EEC, Euratom, ECSC) No 1601/75[2], lay down the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the Communities respectively; whereas it is for the Council, acting by a qualified majority on a proposal from the Commission after consulting the institutions concerned, to amend the said Staff Regulations and Conditions of Employment;

Whereas certain amendments should be made to the Conditions of Employment of Other Servants of the European Communities so that they can more aptly be applied to staff paid from the research and investment appropriations;

HAS ADOPTED THIS REGULATION:

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[1] OJ No L 56, 4 March 1968, p.1.
[2] OJ No L 164, 27 June 1975, p.1.

CHAPTER I

AMENDMENT OF THE CONDITIONS OF EMPLOYMENT OF OTHER SERVANTS OF THE COMMUNITIES

Article 1

The Conditions of Employment of Other Servants of the Communities are amended as follows:

1. Article 1

The last indent is deleted.

2. Article 2

There is added a new paragraph (d):

"(d) staff engaged to fill temporarily a permanent post paid from the research and investment appropriations and included in the list of posts appended to the budget relating to the institution concerned."

3. Article 4

The last paragraph is deleted.

4. Article 8

There is added a further paragraph:

"Temporary staff to whom Article 2(d) applies shall be engaged on the following conditions:

- temporary staff in Category A or B required to perform duties requiring scientific or technical qualifications shall be engaged for not more than five years; their contracts may be renewed.

- temporary staff in Category A or B required to perform administrative duties, and temporary staff in Category C or D, shall be engaged for an indefinite period."

5. Article 16

The following paragraph is inserted after the third paragraph:

"The provisions of the second and third paragraphs of this Article shall not apply to staff to whom Article 2(d) applies."

6. Article 20

There is added a further paragraph:

"However, basic monthly salaries of staff to whom Article 2(d) applies are determined for each grade and step as provided in the following table:

GRADE	STEPS							
	1	2	3	4	5	6	7	8
A 1	105 887	111 748	117 609	123 470	129 331	135 192	-	-
A 2	93 469	99 061	104 653	110 245	115 837	121 429	-	-
A 3 L/A 3	76 640	81 533	86 426	91 319	96 212	101 105	105 998	110 891
A 4 L/A 4	63 679	67 497	71 315	75 133	78 951	82 769	86 587	90 405
A 5 L/A 5	52 068	55 348	58 628	61 908	65 188	68 468	71 748	75 028
A 6 L/A 6	44 538	47 120	49 702	52 284	54 866	57 448	60 030	62 612
A 7 L/A 7	37 926	39 969	42 012	44 055	46 098	48 141	-	-
A 8 L/A 8	33 193	34 644	-	-	-	-	-	-
B 1	44 538	47 120	49 702	52 284	54 866	57 448	60 030	62 612
B 2	38 197	40 132	42 067	44 002	45 937	47 872	49 807	51 742
B 3	31 528	33 141	34 754	36 367	37 980	39 593	41 206	42 819
B 4	26 851	28 249	29 647	31 045	32 443	33 841	35 239	36 637
B 5	23 675	24 805	25 935	27 065	-	-	-	-
C 1	26 071	27 245	28 419	29 593	30 768	31 942	33 116	34 290
C 2	22 287	23 361	24 434	25 508	26 581	27 655	28 728	29 820
C 3	20 603	21 522	22 442	23 361	24 281	25 201	26 120	27 040
C 4	18 306	19 174	20 042	20 910	21 779	22 647	23 515	24 384
C 5	16 617	17 435	18 253	19 071	-	-	-	-
D 1	19 222	20 193	21 164	22 135	23 106	24 077	25 048	26 019
D 2	17 233	18 101	18 970	19 838	20 706	21 575	22 443	23 311
D 3	15 804	16 621	17 438	18 255	19 072	19 889	20 706	21 523
D 4	14 780	15 495	16 209	16 923	-	-	-	-

7. Article 28

The following sentence is added to the first paragraph:

"Article 72 shall also apply to staff as referred to in Article 39(2) who are in receipt of retirement pension."

8. Article 34

There is added a paragraph 2:

"2. Where a former servant within the meaning of Article 2(c) or (d) who was in receipt of retirement pension or who left the service before reaching the age of sixty years and requested that his retirement pension be deferred until the first day of the month following that during which he reached the age of sixty years 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 in that Annex."

9. Article 39

In paragraph 2 the words "or (d)" are inserted after the words "Article 2(c)"

There is added to paragraph 2 a further subparagraph:

"A servant within the meaning of Article 2(d) shall be entitled to a retirement pension irrespective of whether he satisfies the requirement laid down in Article 77 of the Staff Regulations regarding length of service."

10. Article 47

The following sentence is inserted after the first sentence of paragraph 2(a):

"In the case of a servant within the meaning of Article 2(d) 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 ten months."

11. Articles 84 to 98

Articles 84 to 98 are repealed.

CHAPTER II

Transitional provisions

Article 2

1. A member of the establishment or locan staff paid from the research and investment appropriations who is in service on the date on which this Regulation comes into force shall be offered a contract by the authority referred to in the first paragraph of Article 6 of the Conditions of Employment in accordance with Title II of these Conditions of Employment.

The contract shall take effect on the said date of entry into force.

2. The person concerned shall be assigned to a post in accordance with Article 10 of the Conditions of Employment.

He shall receive a basic salary such as will ensure that his net remuneration is at least equal to the net remuneration which he received before the new contract was concluded.

For the purposes of these provisions the remuneration which the person concerned would have been entitled under the former conditions of employment shall be one twelfth of the total annual remuneration, less Community tax and his contributions to national pension and social security schemes.

The family allowances which are taken into account for the purposes of the above provisions shall be those which the servant would have received under the former conditions of remuneration in respect of the first month following the conclusion of the new contract if his situation as to dependants has been the same at that time as during the month in question.

3. Establishment and local staff engaged by virtue of this Article as temporary staff under Article 2(d) of the Conditions of Employment shall not be required to serve the probationary period referred to in Article 14 of the Conditions of Employment.

4. The contract of any member of the establishment or local staff who does not accept the offer made under paragraph 1 within six months shall be terminated. In this event the person in question shall be entitled to the period of notice specified in Article 98(2) of the Conditions of Employment or in the Rules governing the Conditions of Employment of Local Staff, whichever is applicable.

CHAPTER III

Final provision

Article 3

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

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

FINANCIAL ASPECTS

Particular mention needs to be made of the financial aspect of integrating establishment and local staff of the JRC (Article 2 of the proposal) into the new Community framework created by this proposal.

Given the basic premise used to determine the scale for Category C and D staff (5% lower than the scale for C/D officials), the planned changes could be made without any additional financial burden on the research appropriations.

The salary increases provided for in the new Community framework would be more than offset[1] by the considerable reduction in employers' contributions and costs compared to those currently paid at national level.

Since pension rights are included in the Community budget, no annual payment would be made by the institution for provident fund purposes because funds from the Community budget (excluding transfers to maintain pension rights in original pension plans) would only be disbursed when the corresponding payments were made to the staff concerned.

Furthermore, the national income tax paid by local staff[2] would become Community revenue since the salaries of all new staff would be subject to Community tax.

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[1] The scale is highly variable since estimates of the differential costs are constantly affected by the trend of salaries in the various national reference schemes and officials' salaries.

[2] The only local staff currently liable to Community tax are establishment staff.