

LA REFORME 2014 DECODEE

Article 1

The Staff Regulations of Officials of the European Union shall be amended as follows:

1. Article 1d shall be amended as follows: **INTERDICTION DE DISCRIMINATIONS**

(a) Paragraph 4 shall be replaced by the following:

'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 according to the procedure set out in Article 33.

- 1a. In Article 1e, paragraph 1 shall be replaced by the following: **MESURES SOCIALES**

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

2. Article 5 shall be amended as follows: **GROUPE DE FONCTIONS**

(a) Paragraph 1 and 2 shall be 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 an administrators' function group (hereinafter '**AD**'), an assistants' function group (hereinafter '**AST**') and **a secretaries and clerks' function group (hereinafter 'AST/SC')**.

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

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

3. Article 6 shall be replaced by the following : '*Article 6*

1. *The establishment plan appended to the section of the budget related to each institution shall indicate the number of posts in each grade and function group.*

2. Without prejudice to the principle of promotion based on merit as laid down in Article 45, this plan shall ensure that for each institution, the number of vacant positions at every grade of the establishment plan on 1 January of each year corresponds to the number of officials in the lower grade in active employment on 1 January of the preceding year, multiplied by the rates laid down in Annex I, Section B, for that grade. These rates shall be applied on a five-year average basis as from 1 January 2014.

Le principe d'équivalence des carrières pré et post 2004 disparaît.

3. The implementation of the provisions concerning the function group AST/SC and of the transitional provisions laid down in Article 31 of Annex XIII, taking into account the evolution of the need for staff carrying out secretarial and clerical tasks in all institutions and the evolution of permanent and temporary posts in function groups AST and AST/SC shall form part of the report referred to in Article 110c.

6b. In Article 21a, the following paragraph shall be inserted after paragraph 2: **DROITS ET OBLIGATIONS**

'2a. An official who informs his superiors of orders which he considered to be irregular or likely to give rise to serious difficulties shall not suffer any prejudice on this account.'

7. Article 27 shall be replaced by the following: **RECRUTEMENT-EQUILIBRE GEOGRAPHIQUE**

'Article 27

Recruitment shall be directed to securing for the institution the services of officials of the highest standard of ability, efficiency and integrity, recruited on the broadest possible geographical basis from among nationals of Member States of the 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 each institution to adopt appropriate measures following the observation of a significant imbalance between nationalities among officials which is not justified by objective criteria. These appropriate measures must be justified and shall never result in recruitment criteria other than those based on merit.

9. In Article 29, paragraph 1 – **POURVOI DES POSTES VACANTS** - shall be replaced by the following:

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

- (a) whether the post can be filled by:
 - (i) transfer, or
 - (ii) appointment in accordance with Article 45a, or
 - (iii) promotion within the institution;

While maintaining the principle that the vast majority of officials shall be recruited on the basis of open competitions, the appointing authority may decide, by way of derogation from point (b) **and only in exceptional cases, to hold a competition internal to the institution which shall also be open to contract staff** as defined in Articles 3 a and 3b of the Conditions of Employment of Other Servants of the European Union. This latter category of staff shall be subject to **restrictions** with regard to this possibility as defined in Article 82 paragraph 6a of the Conditions of Employment of Other Servants and with regard to the specific tasks it was entitled to perform as contractual agents.'

10. The first sentence of Article **31(2) – NIVEAU DES RECRUTEMENTS** - shall be replaced by the following:

'Without prejudice to Article 29(2), officials shall be recruited only at grades SC 1 to SC 2, AST 1 to AST 4 or AD 5 to AD 8.'

11a. Article **34 – STAGE** - shall be replaced by the following:

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

La nomination est subordonnée également au respect des droits et obligations incombant à l'agent.

11b. In Article **35 – POSITIONS ADMINISTRATIVES** -, the following point shall be inserted after point (f):

' leave in the interests of the service';

12a. Article **40 – CONGE DE CONVENANCE PERSONNELLE** - shall be amended as follows:

(a) The following paragraph shall be inserted after paragraph 1:

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

(b) **In the second subparagraph of paragraph 2 the words '15 years' shall be replaced by '12 years'**

The following Section shall be inserted after Section 6: **Section 6a**

Leave in the interests of the service';

13b. The following article shall be inserted after Section 6a:

'Article 42c

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

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

(a) **another official may be appointed to the post** occupied by the official;

(b) an official on leave in the interests of the service shall not be entitled to advancement to a higher step or promotion in grade.

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

On the request of the official, the allowance shall be subject to contributions to the **pension scheme**, calculated on the basis of that allowance. In such case, the period of service as an official on leave in the interests of the service shall be taken into account for the purpose of calculating years of pensionable service within the meaning of Article 2 of Annex VIII.

14. Article **43 – EVALUATION** -shall be replaced by the following:

Article 43

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

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

'Article 44 - AVANCEMENT D'ECHELON CONDITIONNEL

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

15. Article **45 – PROMOTION (SUR POSTE VACANT DANS LE GRADE SUPERIEUR)** shall be amended as follows:

(a) Paragraph 1 shall be replaced by the following:

'1. Promotion shall be by decision of the appointing authority in the light of Article 6(2). **Unless the procedure laid down in Articles 4 and 29(1) is applied, officials may only be promoted if they occupy a post which corresponds to one of the types of post set out in Annex I, Section A, for the next higher grade. It shall be effected by appointment of the official to the next higher grade in the function group to which he belongs.**

16. Article **51- INSUFFISANCE PROFESSIONNELLE** - shall be replaced by the following:

Article 51

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

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

(a) **an official who, on the basis of three consecutive unsatisfactory annual reports referred to in Article 43, still shows no progress in his professional competence shall be downgraded by one grade. If the following two annual reports still show unsatisfactory performance, the official shall be dismissed;**

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

2. An official dismissed for incompetence shall, for the period defined in next paragraph be entitled to a monthly dismissal allowance equal to the basic monthly salary of an official in the first step of grade AST 1. The official shall also be entitled during the same period to the family allowances provided for in Article 67. Article 52 shall be replaced by the following:

'Article 52 –MISE A LA RETRAITE

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

- (a) either automatically on the last day of the month in which he reaches **the age of 66**, or
- (b) **at his own request on the last day of the month in respect of which the request was submitted where he has reached the pensionable age or where he is between 58 and pensionable age and satisfies the requirements for immediate payment of a pension in accordance with Article 9 of Annex VIII. The second sentence of the second paragraph of Article 48 shall apply by analogy.**

However, an official may at his own request and where the appointing authority considers it justified **in the interest of the service**, carry on working until the age of **67**, or on an exceptional basis, 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.

The decision of the appointing authority to authorise an official to remain into service beyond the age of 66 shall be granted for a maximum duration of one year. It may be renewed at the official's request.'

17. Article **55 – DUREE DU TRAVAIL** -shall be amended as follows:

- (a) The paragraphs shall be numbered;
- (b) The first sentence of paragraph 2 shall be replaced by the following:
'The normal working week shall range from **40 to 42 hours**, the hours of the working day to be determined by the appointing authority';
- (c) The following paragraph shall be added : **FLEXITIME**

'4. The appointing authority of each institution may introduce flexible working- time arrangements. Under these arrangements, entire working days shall not be granted for officials in grade AD/AST9 or higher. These arrangements shall not be applicable to officials to whom the provisions of the second paragraph of Article 44 apply. These officials shall manage their working time in agreement with their superiors.'

18. The third paragraph of Article **56 – HEURES SUPPLEMENTAIRES** - shall be replaced by the following:

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

19. The second paragraph of Article **56a – SERVICE CONTINU OU PAR TOUR** -, the second paragraph of Article **56b – ASTREINTES** – and the second paragraph of Article **56c – CONDITIONS PENIBLES DE TRAVAIL** - shall be replaced by the following:

'After consulting the Staff Regulations Committee, the **Commission shall determine, by means of **delegated acts** in accordance with Articles 110a and 110b, the categories of officials entitled to such allowances, the conditions for granting the allowances and the rates thereof.'**

20. Article 63 – REMUNERATION - shall be replaced by the following:

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

The correction coefficients shall be created, withdrawn as well as annually updated in accordance with Annex XI. With respect to the update, all values shall be understood as reference values.

No correction coefficient shall be applicable in Belgium and Luxembourg with regard to the special role as referential of these places of employment as principal and original seats of most of the European Institutions.';

30. Article 65 – REVISION ANNUELLE DE LA REMUNERATION - shall be replaced by the following:

1. The remuneration of the officials and other servants of the European Union shall be updated every year by taking into account the economic and social policy of the Union. Particular account shall be taken of any salary increases in the civil service of the Member States and the needs of recruitment. **The update of salaries shall be implemented in accordance with Annex XI. This update shall take place before the end of each year in the light of a report by the Commission based on statistical data prepared by the Statistical Office of the European Union**

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

3. . Article 66 – TABLEAU DES REMUNERATIONS - shall be amended as follows:

(a) The following shall be added:

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

Grade	Step				
	1	2	3	4	5
SC 6	4.349,59	4.532,36	4.722,82	4.854,21	4.921,28
SC 5	3.844,31	4.005,85	4.174,78	4.290,31	4.349,59
SC 4	3.397,73	3.540,50	3.689,28	3.791,92	3.844,31
SC 3	3.003,02	3.129,21	3.260,71	3.351,42	3.397,73
SC 2	2.654,17	2.765,70	2.881,92	2.962,10	3.003,02
SC 1	2.345,84	2.444,41	2.547,14	2.617,99	2.654,17

32. Article **66a – PRELEVEMENT DE SOLIDARITE** - shall be replaced by the following:

Article 66a

1. By way of derogation from Article 3(1) of Council Regulation (EEC, Euratom, ECSC) No 260/68¹ and in order to take account, without prejudice to Article 65(3), of the application of the method for updating the remuneration and pensions of officials, a **temporary measure regarding remuneration paid by the Union to staff in active employment, to be known as the 'solidarity levy', shall be applied from 1 January 2014 to 31 December 2023.**

2. **The rate of this solidarity levy, which shall apply to the base defined in paragraph**

3. **shall be 6 %. The rate shall however be 7% for officials as of grade AD 15, step 2 and above.**

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

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

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

33. Article **77 – PENSIONS ET ALLOCATION D'INVALIDITE** - shall be replaced by the following :

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

The **maximum** retirement pension shall be **70 %** of the final basic salary carried by the last grade in which the official was classified for at least one year. **1,80 % of this final basic salary shall be payable to an official 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 pensionable age shall be assessed every five years starting on 1 January 2014 on the basis of a report by the Commission to the European Parliament and to the Council. The report shall examine notably the evolution of pensionable age for staff in the civil services of the Member States and the evolution of life expectancy of officials of the European Institutions.

34. Article 83a – EQUILIBRE REGIME DE PENSIONS - shall be amended as follows:

(a) Paragraph 2 shall be replaced by the following:

'2. Agencies which do not receive a subsidy from the general budget of the European Union shall pay into that budget the entire amount of the contributions needed to finance the scheme. **From 1 January 2016 agencies which are partially financed from that budget shall pay the part of the employers' contributions which corresponds to the proportion between the agency's revenues without the subsidy from the general budget of the European Union and its total revenues.'**;

(b) Paragraph 3 shall be replaced by the following:

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

(c) Paragraph 4 shall be replaced by the following:

'4. Each year the Commission shall update the actuarial assessment referred to in paragraph 3, in accordance with Article 1(2) of Annex XII. **Where it is shown that there is a gap of at least 0,25 points between the rate of contribution currently applied and the rate required to maintain actuarial balance,** the rate shall be updated, in accordance with the arrangements laid down in Annex XII.';

(d) Paragraph 5 shall be replaced by the following:

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

35. Article 110 – DISPOSITIONS GENERALES D'EXECUTION - shall be replaced by the following:

'Article 110

1. The general provisions implementing these Staff Regulations shall be adopted by the appointing authority of each institution after consulting the Staff Committee and the Staff Regulations Committee.

2. Implementing rules adopted by the Commission to give effect to these Staff Regulations, including the general implementing provisions referred to in paragraph 1, shall apply by analogy to the agencies. To this end, the Commission shall inform the agencies of any such implementing rule without delay after adoption.

The Court of Justice of the European Union shall administer a register of the rules adopted by the appointing authority of each institution to give effect to these Staff Regulations,

42. The following Articles shall be inserted after Article 110:

'Article 110a

The Commission shall be empowered to adopt delegated acts in accordance with Article 110b concerning certain aspects of working conditions, certain aspects of the implementation of the rules on remuneration and social security scheme.

43. **Annex I** shall be amended as follows:

(a) **Section A** shall be replaced by the following:

'A. TYPES OF POSTS IN EACH FUNCTION GROUP, AS PROVIDED FOR IN ARTICLE 5(4)

1. Function Group AD

Director-General	AD 15 - AD 16
Director	AD 14 - AD 15
Adviser or equivalent	AD 13- AD 14
Head of Unit or equivalent	AD 9 - AD 14
Administrator	AD 5 - AD 12

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, budget implementation or political coordination	AST 10 - AST 11
Assistant Carrying out administrative, technical or training activities requiring a certain degree of autonomy, notably with regard to the implementation of rules and regulations or general instructions or as personal assistant of a Member of the institution, of the Head of a Member's private office or of a (Deputy) Director-General or an equivalent senior manager	AST 1 - AST 9

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 ²	SC 1 - SC 6
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Section B – TAUX DE PROMOTION - shall be amended as follows:

'1. Multiplication rates for guiding average career equivalence in function groups AST and AD:'

- (i) In point 1, the term **'20 %' set out in the table for grade 9 of function group AST shall be replaced by '8%'**;
- (ii) In point 1, the term **'25%' set out in the table for grade 12 of function group AD shall be replaced by '15%'**;
- (iii) In point 1, the term **'20 %' set out in the table for grade 13 of function group AD shall be replaced by '15%'**;
- (iv) In point 1, the terms **'33 %' set out in the table for grades 5, 6 and 7 of function group AD shall be replaced by '36 %'**

(v) The following shall be added:

The number of posts of Parliamentary ushers in the European Parliament shall not exceed 85.

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%

45. **Annex V – CONGES** - shall be amended as follows:

(a) Article 6 shall be replaced by the following:

Officials 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 officials whose place of employment is within the territories of the Member States. If the place of employment is outside these territories, the duration of the home leave shall be fixed by special decision taking into account particular needs.;

Il s'agit d'une conversion du délai de route en congés, avec une distribution fortement criticable.

48. **Annex VI – COMPENSATION/REMUNERATION DES HEURES SUPPLEMENTAIRES** - shall be amended as follow:

(a) Article 1 shall be replaced by the following:

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

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 2200 hours and 0700 hours or on a Sunday or on a public holiday, the entitlement to compensatory leave shall be two hours off;

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

(b) Article 3 shall be replaced by the following:

'Notwithstanding the foregoing provisions of this Annex remuneration for overtime worked by certain groups of officials 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.'**

49. **Annex VII – ALLOCATIONS ET FRAIS** - shall be amended as follows:

(c) Article 8 shall be replaced by the following:

'Article 8 – FRAIS DE VOYAGE ANNUELS

'1. Officials 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 the place of employment 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.

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 official's place of employment and his place of origin.

The kilometric allowance shall be:

EUR 0 for every km from	0 to 200 km
EUR 0,3790 for every km from	201 to 1000 km
EUR 0,6316 for every km from	1001 to 2000 km
EUR 0,3790 for every km from	2001 to 3000 km
EUR 0,1262 for every km from	3001 to 4000 km
EUR 0,0609 for every km from	4001 to 10000 km
EUR 0 for every km over	10000 km.

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

- EUR 189,48 if the geographical distance between the place of employment and the place of origin is between 600 km and 1200 km,
- EUR 378,93 if the geographical distance between the place of employment and the place of origin is greater than 1200 km.
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The above kilometric allowances and flat-rate supplements shall be updated every year in the same proportion as remuneration.

Annex VIII – REGIME DE PENSIONS - shall be amended as follows:

(c) Article 5 shall be replaced by the following:

'Notwithstanding the provisions of Article 2 of this Annex, officials who remain in service after the 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 proviso that the total of their pension plus the increase does not exceed 70 % of their final basic salary

51. **Annex X – FONCTIONNAIRES AFFECTES HORS UE** - shall be amended as follows:

An official shall, per calendar year, be entitled to annual leave of two working days for each month of service.

Notwithstanding the above, officials posted in a third country on [the date of entry into force of this Regulation] shall be entitled to:

- **three** working days from 1 January 2014 until 31 December **2014**;
- **two and half** working days from 1 January 2015 until 31 December **2015**.'
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Annex XI – EXAMEN ANNUEL DES REMUNERATIONS - shall be replaced by the following:

FACTORS DETERMINING ANNUAL UPDATES

Article 1

1. *Report from the Statistical Office of the European Union (Eurostat)*

For the purposes of the update provided for in Article 65(1) of the Staff Regulations and in Article 13 of Annex X, Eurostat shall draw up every year before the end of October a report on **changes in the cost of living in Belgium and Luxembourg, the economic parities between Brussels and certain places in the Member States** and in third countries where necessary, and changes in the purchasing power of salaries in national civil services in central government.

2. *Changes in the cost of living Belgium and Luxembourg*

Eurostat shall draw up an index to measure changes in the cost of living for officials of the Union in Belgium and Luxembourg. This index (hereinafter the "**Joint Index**") shall be calculated by weighting national inflation (HICP in the case of Belgium and CPI in the case of Luxembourg) between June of the previous year and June of the current year according to the distribution of the staff serving in those countries.

3. *Changes in the cost of living outside Brussels (economic parities)*

- (a) Eurostat shall, in agreement with national statistical institutes or other appropriate authorities in the Member States, calculate the economic parities which establish the equivalence of purchasing power:
- (i) of the salaries of officials of the Union serving in the capitals of the Member States, except for the Netherlands where The Hague is used instead of Amsterdam, and in certain other places of employment with reference to Brussels,
 - (ii) of the pensions of officials paid in the Member States with reference to Belgium.

To establish the gross and net indicators for the European Union total, Eurostat shall **use a sample composed by the following Member States: Belgium, Germany, Spain, France, Italy, Luxembourg, Netherlands, Austria, Poland, Sweden and United Kingdom.**

ARRANGEMENTS FOR THE ANNUAL UPDATE OF REMUNERATION AND PENSIONS

ARTICLE 3

1. Under Article 65 of the Staff Regulations, on the basis of the criteria set out in Section 1 of this Annex, **the remuneration and pensions shall be updated before the end of each year, with effect from 1 July.**
2. **The amount of the update shall be obtained by multiplying the Joint Index by the specific indicator. The update shall be in net terms** as a uniform across-the-board percentage.

3. The amount of the update thus fixed shall be incorporated, in accordance with the following method, in the basic salary tables

4. **No correction coefficient shall be applicable in Belgium and Luxembourg.**

CREATION AND WITHDRAWAL OF CORRECTION COEFFICIENTS (ARTICLE 64 OF THE STAFF REGULATIONS)

Article 9

1. *The appropriate authorities of the Member States concerned, the administration of an institution of the European Union or the representatives of officials of the European Union in a given place of employment can request the creation of a correction coefficient specific to that place.*

MODERATION CLAUSE : ARTICLE 10

The value of the specific indicator used for the annual update shall be subject to an upper limit of 2% and a lower limit of -2%. If the value of the specific indicator exceeds the upper limit or is below the lower limit, then the value of the limit shall be used to calculate the update value.

The preceding paragraph shall not apply when Article 11 applies.

The remainder of the annual update resulting from the difference between the update value calculated with the specific indicator and the update value calculated with the limit shall be applied as from 1 April of the following year.

EXCEPTION CLAUSE :ARTICLE 11

1. **If there is a decrease in the real gross domestic product of the European Union for the current year as forecast by the Commission and the specific indicator is positive, only part of the specific indicator shall be used to calculate the value of the update. The remainder of the update value corresponding to the remainder of the specific indicator shall be applied as from a later date in the following year. This remainder of the update value shall not be taken into account for the purpose of Article 10. The value of the gross domestic product, the consequences in terms of split of the specific indicator, and the application date are defined in accordance with the following table:**

Gross Domestic Product	Consequences on the specific indicator	Date of payment of the second part
[-0,1 % ; -1 %]	33 % ; 67 %	1 April of year n + 1
] -1 % ; -3 %]	0%;100 %	1 April of year n + 1
below -3 %	0 %	-

2. In case there is a gap between the forecast mentioned in the table under paragraph 1 and the final data on gross domestic product made available by the Commission and these final data would modify the consequences as laid down in that table, **the necessary corrections**, including retroactive adjustments, either positive or negative, shall take place in accordance with the same table.

3. When the application of paragraph 1 has led to the fact that the value of the specific indicator did not serve the update of the remunerations and the pensions, this latter value shall form the basis of the calculation of a future update once the cumulative increase of gross domestic product in the Union measured from the year where paragraph 1 was applied becomes positive

FINAL PROVISION AND REVIEW CLAUSE

Article 15

1. The provisions of this Annex shall apply from 1 January 2014 to 31 December 2023.

2. Before 31 March 2022 the Commission shall submit a **report** to the European Parliament and the Council. The report shall have regard to the survey conducted under Article 2 of this Annex and assess whether, in particular, the evolution of purchasing power of remuneration and pensions of EU officials is in accordance with the changes of the purchasing power of salaries in national civil services in central governments. **On the basis of this report, if appropriate, the Commission shall submit a proposal to amend this Annex** as well as Article 66a on the basis of Article 336 of the Treaty on the Functioning of the European Union.

3. As long as the European Parliament and the Council have not adopted a Regulation on a Commission proposal, this Annex and Article 66a shall continue to apply provisionally beyond the expiry dates laid down in paragraph 1 of this Article and in Article 66a of the Staff Regulations.

4. At the end of 2018 the Commission shall submit an interim report to the European Parliament and the Council on the application of this Annex and Article 66a of the Staff Regulations.';

Annex XII – EQUILIBRE REGIME DE PENSIONS - shall be amended as follows:

(a) Article 2 shall be replaced by the following:

Article 2

1. Any update of the contribution rate shall take effect on 1 July at the same time as the annual update of remuneration 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 adjustment of the contribution rate which would have resulted from the actuarial calculation and the update resulting from the variation referred to in last sentence on paragraph 1 shall not be recovered at any time, or, consequently, taken into account in subsequent actuarial calculations.

(b) **In Article 4(6), - TAUX D'INTERET - the words '12-year' shall be replaced by '30-year'; (Progressivement sur 8 ans)**

Annex XIII – DISPOSITIONS TRANSITOIRES - shall be amended as follows:

Article 21 shall be replaced by the following:

Article 21

Notwithstanding the second sentence of the second paragraph of Article 77 of the Staff Regulations, officials who entered the service before 1 May 2004 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.

Officials who entered the service from 1 May 2004 until 31 December 2013 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.'

(a) Article 22 shall be replaced by the following:

Article 22

1. *Officials with 20 or more years' service on 1 May 2004 shall become entitled to a retirement pension when they reach the age of 60.*

Officials aged 35 years or more on 1 May 2014 and who entered the service before 1 January 2014 shall become entitled to a retirement pension at the age shown in the table below:

Age on 1 May 2014	Pensionable age	Age on 1 May 2014	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

Officials aged less than 35 years on 1 May 2014 shall become entitled to a retirement pension at the age of 65 years.

However, for officials aged 45 years or more on 1 May 2014 who entered the service between 1 May 2004 and 31 December 2013, the pensionable age shall remain 63 years.

Notwithstanding Article 2 of Annex VIII, officials **who enter the service before 1 January 2014** 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 or third paragraph of Article 77 of the Staff Regulations, as the case may be.

However, for officials aged 50 years or over or with 20 or more years' service on 1 May 2004, 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.

2. If the official retires before reaching the pensionable age as laid down in this Article, only half of the reduction laid down in Article 9(1)(b) of Annex VIII, shall be applied for the period between the age of 60 and the pensionable age.

Article 30

1. By way of derogation from Annex I, Section A, point 2, the following table of types of posts in function group AD shall apply to officials in service on 31 December 2013:

Director-General	AD 15 - AD 16
Director	AD 14 - AD 15
Head of Unit or equivalent	AD 9 - AD 14
Adviser or equivalent	AD 13 - AD 14
Senior Administrator in transition	AD 14
Administrator in transition	AD 13
Administrator	AD 5 - AD 12

1. **By derogation , officials in grades AD 9 to AD 14 holding special responsibilities may be assigned by the appointing authority before 31 December 2015 to the type of post "Head of Unit or equivalent" or "Adviser or equivalent".***Each appointing authority shall lay down provisions to give effect to this Article. However, the total number of officials benefiting from this provision shall not exceed 5% of the officials in function group AD on 31 December 2013.*

2. **Provided they satisfy the conditions laid down in the first paragraph of Article 44, officials in grade AD12, step 5, holding a post of Administrator shall, as from 1 January 2016, receive an increase in basic salary equivalent to the difference between the salary corresponding to grade AD12, step 4, and grade AD12, step 3.**

8. **Provided they satisfy the conditions laid down in the first paragraph of Article 44, officials in grade AD13, step 5, holding a post of Administrator in transition shall, as from 1 January 2016, receive an increase in basic salary equivalent to the difference between the salary corresponding to grade AD13, step 4, and grade AD13, step 3.**

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 officials in service on 31 December 2013:

Senior Assistant in transition	AST 10 - AST 11
Assistant in transition	AST 1 - AST 9
Administrative Assistant in transition	AST 1 - AST 7
Support Agent in transition	AST 1 - AST 5

3. With effect from 1 January 2014, the appointing authority shall classify officials in service on 31 December 2013 in function group AST in types of posts as follows:

- (a) **Officials who were in grade AST 10 or AST 11 on 31 December 2013 shall be assigned to the type of post "Senior Assistant in transition".**
- (b) **Officials not covered by point (a) who were before 1 May 2004 in the former category B or who were before 1 May 2004 in the former category C or D and have become member of function group AST without restriction as well as AST officials recruited since 1 May 2004 shall be assigned to the type of post "Assistant in transition".**
- (c) **Officials not covered by points (a) and (b) who were before 1 May 2004 in the former category C shall be assigned to the type of post "Administrative Assistant in transition".**
- (d) **Officials not covered by points (a) and (b) who were before 1 May 2004 in the former category D shall be assigned to the type of post "Support Agent in transition".**

4. The assignment to a type of post shall be valid until the official 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

5. 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 officials of the same grade and classification.

The Conditions of Employment of Other Servants of the European Union shall be amended as follows:

1. The following point shall be added to **Article 2**:

'(f) staff engaged to fill a post which is included in the list of posts appended to the section of the budget relating to an agency as referred to in Article 1a(2) of the Staff Regulations and which the budgetary authorities have classified as temporary, except heads of agencies and deputy heads of agencies as referred to in the European Union act establishing the agency and officials seconded in the interests of the service to an agency.';

20. Article 82 shall be amended as follows:
 - (a) The following paragraph shall be inserted after paragraph 6:

'Contract staff in function groups II, III and IV may be authorised to take part in internal competitions only after having completed 3 years of service in the institution. Contract staff in function group II may have access only to competitions at grades SC 1 to 2, in function group III at grades AST 1 to 2 and in function group IV at grades AST1 to 4 or at grades AD 5 to 6. The total number of candidates member of the contract staff appointed to vacant posts at any of these grades shall never exceed 5% of the total number of appointments to these function groups made per year in accordance with the second paragraph of Article 30 of the Staff Regulations.';

27. Paragraph 1 of Article 86 shall be amended as follows:
- (a) The following sentence shall be added to the second subparagraph:
- 'However, the second paragraph of Article 32 – BONIFICATION DE 1 ECHELON - of the Staff Regulations shall apply by analogy to contract staff recruited in grade 1.'**
28. In point (b) of the first subparagraph of Article 88, the terms 'three years' shall be replaced by the terms '**six years**';
29. . Article 91 shall be replaced by the following:
- 'Article 91*
- Under the conditions laid down in Annex VI to the Staff Regulations, overtime worked by contract agents 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.'**

The following Article shall be added:

With effect from 1 January 2014, contracts of temporary staff to whom Article 2(a) of the Conditions of Employment of Other Servants applies and who are in service on 31 December 2013 in an agency shall be transformed, without selection procedure, into contracts under point (f) of these Conditions of Employment.

Article 3

1. This Regulation shall enter into force on the third day following its publication in the Official Journal of the European Union.
2. It shall apply as from 1 January 2014 except for Article 65 of the Staff Regulations, which shall apply, without prejudice to Article 19 of Annex XIII, as from the date of entry into force of this Regulation.

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

Done at Brussels,

For the European Parliament
The President

For the Council
The President