

EUROPEAN ORGANISATION FOR THE SAFETY OF AIR NAVIGATION

EUROCONTROL

- Measures of the Permanent Commission -

MEASURE No.10/159

approving temporary provisions of the service regulations relating to an early termination of service scheme

THE PERMANENT COMMISSION FOR THE SAFETY OF AIR NAVIGATION,

having regard to the EUROCONTROL International Convention relating to Co-operation for the Safety of Air Navigation of 13 December 1960, as amended by the Protocol signed in Brussels on 12 February 1981, and in particular Articles 6.2 a) and 7.2 thereof;

considering that it is necessary to reduce staff costs, and that the introduction of a temporary early termination of service scheme on a voluntary basis is an appropriate means of so doing;

on a proposal from the Provisional Council,

HEREBY TAKES THE FOLLOWING MEASURE:

Article 1

The attached temporary provisions of the service regulations relating to an early termination of service scheme are hereby approved, and shall constitute Annex XVI to the Staff Regulations.

Article 2

The present Measure shall take effect as of 10 May 2010.

Done at Brussels on 6.5.2010.



G. TONELLI
President of the Commission

ANNEX XVI TO THE STAFF REGULATIONS

Temporary provisions of the service regulations relating to an early termination of service scheme

Preamble

The following provisions of the service regulations shall constitute a temporary derogation from the provisions of the Staff Regulations or, where necessary, supplement them. They shall apply solely to officials meeting the criteria set out below for a period of two years commencing on 1.1.11.

Article 1

In order to qualify for the early termination of service scheme, officials appointed to an established post for an unlimited period or those appointed for an undetermined period must be at least 55 years of age on 1.1.11 or reach the age of 55 during the period between 1.1.11 and 31.12.12.

Article 2

The early termination of service scheme shall be applied on a voluntary basis. Officials meeting the criteria set out in Article 1 above and wishing to take advantage of the provisions of the scheme must indicate their intention to volunteer, by letter addressed to the Director General in the period between 1 June and 15 September 2010 inclusive. The application must also specify the date on which the official concerned wishes to take advantage of the scheme.

Article 3

Having obtained the opinion of the relevant line managers, and in the light of the requirements of the service, the Director General shall, not later than 15 October 2010, draw up, from among the officials who have volunteered for the scheme, a list of those to whom the measure is to be applied, taking into consideration the selection criteria laid down in an Office Notice issued by the Director General.

Officials whose names appear on this list shall be subject to early termination of service by decision of the Director General.

The effective date of the early termination of service decision shall be set by the Director General, and shall be between 1.1.11 and 31.12.12, in the light of requirements and the interests of the service, and if possible in accordance with the wishes of the official concerned. It must not precede the last day of the month in which the official concerned reaches the age of 55. If the official concerned does not agree with the date set by the Director General, he or she shall remain in post and may not take advantage of the scheme.

Article 4

Officials who are the subject of a termination of service decision within the meaning of Article 3 above shall stop working for the Agency and cease to enjoy rights to remuneration. They shall be paid a transitional allowance subject to the conditions laid down in the Appendix to these provisions.

APPENDIX TO ANNEX XVI TO THE STAFF REGULATIONS
RELATING TO THE TRANSITIONAL ALLOWANCE PAYABLE IN THE EVENT OF EARLY
TERMINATION OF SERVICE
AND TO THE SUBSEQUENT RETIREMENT PENSION

Article 1

1. An official subject to early termination of service in line with the temporary provisions of the Staff Regulations shall cease to enjoy rights to remuneration but shall be paid a transitional allowance as provided for below. He or she may nevertheless acquire, on a transitional basis and until no later than 31 December 2012, the next step in the grade he or she held at the time of early termination of service.

The transitional allowance shall be equal to 70% of the amount of the basic salary for:

- the grade held by the person concerned at the time of early termination of service, and
- the step held by the person concerned at the time of early termination of service or the step acquired during the early termination of service period as defined in the previous paragraph.

The basic salary shall be determined in accordance with the provisions of Article 66 of, and of Part 2 of Annex XIII to, the Staff Regulations. The basic salary shall be increased, where applicable, by the allowance referred to in Article 69b of the Staff Regulations payable to the official concerned at the time of early termination of service.

2. The allowance shall cease to be payable no later than the last day of the month in which the official:
 - reaches the age of 65, if he or she has been appointed for an unlimited period;
 - reaches the age of 63, if he or she has been appointed for an undetermined period.

Entitlement to the allowance shall cease when the person concerned meets, prior to attaining the said ages, the conditions giving entitlement to the maximum retirement pension (70%). However, the recipient of the early termination of service allowance may, at any time, request that his or her allowance be converted into a retirement pension calculated on the basis of the pension rights acquired in the EUROCONTROL pension scheme at the date of effect of his or her request.

At that point the official shall automatically receive a retirement pension, which shall take effect on the first day of the month following the month in which the allowance was paid for the last time.

3. The calculation and payment of this pension, or of any other amount provided for in Annex IV, shall be governed by the provisions of the Staff Regulations, including the provisions relating to the transfer of rights from other schemes and to increased pension rights pursuant to Article 5 of Annex IV and Article 3.2 of Part 1 of Annex XIII.

Article 2

1. The allowance provided for above shall be subject to the adjustment laid down in Article 64 of the Staff Regulations, applicable by analogy, except for the weightings reflecting living conditions which are fixed under the provisions of the Staff Regulations applicable to pensions paid by the Agency.

The allowance shall be expressed in euros and shall be paid in the currency laid down in the provisions of the Staff Regulations applicable to pensions paid by the Agency.

Gross income accruing to the former official from any new employment shall be deducted from the allowance provided for above, insofar as that income plus the allowance exceed the total gross remuneration last received by the official concerned, determined by reference to the salary scales in force on the first day of the month for which the allowance is payable. That remuneration shall be weighted as provided for above.

Gross income and total gross remuneration last received, as referred to above, shall mean the sums paid after deduction of social security contributions and before deduction of tax.

The former official shall provide the written proof required by the Agency when the annual return of gross income accruing to him or her from any new employment is requested and shall in the interval between annual requests notify the Agency of any factor which may affect his or her right to the allowance.

2. Under the conditions referred to in Article 67 of the Staff Regulations and Articles 1, 2 and 3 of Rule of Application No. 7 thereof, an official entitled to an allowance shall receive family allowances. The part of the household allowance which is not fixed shall be calculated by reference to the former allowance. He or she shall not be entitled to the expatriation or foreign residence allowance.
3. The allowance referred to above shall be subject to the internal tax provided for in Annex V to the Staff Regulations and Rule of Application No. 27, which shall be applicable by analogy.

Article 3

1. Recipients of the allowance shall be entitled, in respect of themselves and persons covered by their insurance, to benefits under the sickness and accident insurance scheme provided for in Articles 72 and 73 of the Staff Regulations on condition that they are not gainfully employed and pay the relevant contributions, calculated on the basis of the allowance. For the purposes of Article 72, the official shall be treated in the same way as an official who has remained in service until the retirement age applicable to him or her under the provisions of the Staff Regulations.
2. During the period for which he or she is entitled to receive the allowance, the official shall continue to acquire rights to retirement pension based on the salary attaching to his or her grade and step, plus the allowance referred to in Article 69b of the Staff Regulations, where applicable, if this allowance is being paid to him or her at the time of early termination of service, under the provision that the contribution provided for in the Staff

Regulations by reference to that salary and that allowance is paid during that period and provided that the total amount of pension rights does not exceed 70%.

Article 4

1. Subject to Articles 1 and 22 of Annex IV to the Staff Regulations, the surviving spouse of a former official who dies while in receipt of the provisional allowance provided for in Article 1 above shall be entitled, provided that they had been married for at least one year when the former official left the service of the Agency, to a survivor's pension equal to 60% of the retirement pension which, irrespective of length of service or age, would have been payable to the former official if he or she had qualified for it at the time of death.
2. The amount of the survivor's pension referred to in the previous subparagraph shall not be less than the amounts specified in the second paragraph of Article 79 of the Staff Regulations. However, in no case may the total amount payable to the widow, or widower and other entitled persons by way of survivor's pension, plus family allowances less a sum equivalent to the tax applicable at the European Communities and other compulsory deductions under the Staff Regulations, exceed the amount of the retirement pension to which the former official would have been entitled had he or she survived and been granted a retirement pension when he or she ceased to be eligible for the allowance referred to in Article 1, subject to the allowances and deductions mentioned above.
3. The duration of the marriage referred to in the first subparagraph shall not be taken into account if there are one or more children of a previous marriage contracted by the former official before he or she left the service provided that the surviving spouse maintains or has maintained those children, or if the former official's death resulted either from disability or sickness contracted in the performance of his or her duties or from an accident.
4. On the death of the former official in receipt of the allowance provided for in Article 1, dependent children within the meaning of Article 2 of Rule of Application No. 7 shall be entitled to an orphan's pension under the conditions set out in Article 80 of the Staff Regulations and in Article 21 of Annex IV to