

EUROPEAN ORGANISATION FOR THE SAFETY OF AIR NAVIGATION

EUROCONTROL

- Measure of the Permanent Commission -

MEASURE N° 86/59

amending the Staff Regulations governing Officials of the EUROCONTROL Agency.

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, as amended by the Protocol signed at Brussels on 12 February 1981, and in particular Articles 6.2 (a) and 7.2 thereof and Article 12 of Annex 1 thereto (Statute of the Agency);

In light of Decisions Nos. 71, 72 and 73 taken by the Permanent Commission on 9 December 1997;

Whereas the implementation of the above decisions requires amendment of the Staff Regulations governing Officials of the EUROCONTROL Agency, hereinafter referred to as "the Staff Regulations";

At the proposal of the Director General and the Provisional Council,

HEREBY APPROVES THE FOLLOWING AMENDMENTS TO THE STAFF REGULATIONS:

Article I

In Articles 1, 3, 7, 13, 15, 22, 25, 30, 32, 33, 34, 36, 39, 41, 45, 48, 49, 50, 51, 53, 54, 55, 55a, 67, 69a, 72, 78, 89, 91, 92, 93, 94 and in Annex II a (Article 2), and Appendix I (Article 4), the words "*the appointing authority*" shall be replaced by "*the Director General*".

Article II

Article 2 of the Staff Regulations shall be replaced by the following provisions:

"The Director General is empowered to make all appointments to all posts. However, the appointment of officials to Grades A1 and A2 are subject to adoption by the Provisional Council and approval by the Permanent Commission."

Article III

Article 3.2 of the Staff Regulations shall be abrogated and the former Article 3.3 shall become Article 3.2, worded as follows:

"2. Officials may be engaged for a limited period by the Director General. Temporary engagements shall not exceed five years. They may be renewed."

Article IV

Article 6 of the Staff Regulations shall be replaced by the following provisions:

"The list of posts appended to the budget of the Agency shall indicate, for each category and each service, the number of posts in each grade."

Article V

The third subparagraph of Article 18 of the Staff Regulations shall be replaced by the following provisions:

"The Director General may in appropriate cases award a bonus, the amount of which shall be fixed by him, to an official who is the author of a patented invention."

Article VI

Subparagraph a) of Article 28 of the Staff Regulations shall be replaced by the following provisions:

"a) he is a national of one of the signatory States of the EUROCONTROL Convention, unless within the framework of the agreements provided for in Article 2.3 of the Convention or, in exceptional cases, following a duly justified decision by the Director General, and enjoys his full rights as a citizen ;"

Article VII

Article 30.1 (first subparagraph) and 30.3 of the Staff Regulations shall be replaced by the following provisions:

"1. Before filling a vacant post, the Director General shall inform the Agency staff and the States party to the EUROCONTROL Convention."

"3. The procedure laid down in paragraphs 1 and 2 above may also be adopted with a view to constituting a reserve for future recruitment."

Article VIII

Article 31 of the Staff Regulations shall be replaced by the following provisions:

"In the event of the application of the provisions of Article 30 above not enabling the Agency to obtain a sufficient number of qualified staff to fill its needs, it may proceed to direct recruitment by means of competitions, selection being made according to a procedure similar to that described in Article 30.

For posts in Category C and the Language Service, recruitment may be made directly without prior notification of the States parties to the Convention."

Article IX

Article 32 of the Staff Regulations shall be replaced by the following provisions:

"Procedures other than by competition may be adopted by the Director General for the recruitment of officials in Grades A1 and A2."

Article X

Subparagraph a) of Article 39.2 of the Staff Regulations shall be replaced by the following provisions:

"a) the decision on secondment shall be taken by the Director General after hearing the official;"

Article XI

Subparagraph a) of Article 40.4 of the Staff Regulations shall be replaced by the following provisions:

"a) it shall be granted at the request of the official concerned by the Director General ;"

Article XII

The fourth subparagraph of Article 41.2 of the Staff Regulations shall be replaced by the following provisions:

"Officials whose names appear on this list shall be declared to have non-active status by decision of the Director General."

Article XIII

The second subparagraph of Article 41.3 of the Staff Regulations shall be replaced by the following provisions:

“For a period of two years from the date of being assigned non-active status an official shall have priority for reinstatement in any post in his category or service, corresponding to his grade which may fall vacant or be created, provided that he has the necessary qualifications.”

Article XIV

Article 48.2 of the Staff Regulations shall be abrogated.

Article XV

The first subparagraph of Article 50 of the Staff Regulations shall be replaced by the following provisions:

“An official holding a post in Grades A1 and A2 may be retired in the interests of the service by decision of the Director General, subject to approval by the Permanent Commission.”

Article XVI

The last subparagraph of Article 56 of the Staff Regulations shall be replaced by the following provisions:

“Notwithstanding the provisions of the 2nd paragraph, the working conditions including compensation or remuneration for overtime of Category A, B and C staff serving at the CFMU and who have to perform specific duties or ensure the continuous operation of certain services by a system of shifts worked in rotation, may be laid down by a Rule of the Director General, subject to the Provisional Council’s approval.”

Article XVII

The last subparagraph of Article 64 of the Staff Regulations shall be replaced by the following provisions:

“The weightings reflecting living conditions in the various countries of posting shall be fixed by the Provisional Council on the proposal of the Director General.

The procedure governing the aforesaid adjustment shall be prescribed in a rule laid down by the Director General.”

Article XVIII

Article 65 of the Staff Regulations shall be replaced by the following provisions:

“On the instigation of the Director General, the Provisional Council shall periodically examine the adjustments to salaries and allowances which it deems necessary. It shall take particular account of any variations in public service salaries in the different member countries and of the recruitment needs of the Agency.

These adjustments shall be made by modifying the basic salaries as defined in Annex III or elements of the salaries and allowances as defined in Article 62.

They shall be submitted to the Commission for approval in accordance with the provisions of Article 12, paragraph 1, of the Statute of the Agency.”

Article XIX

The second paragraph of Article 66a of the Staff Regulations shall be replaced by the following provisions:

“2. The temporary contribution rate which shall apply to the basis referred to in paragraph 3 below is fixed at 5.83 %.”

Article XX

The fourth subparagraph of Article 82.1 of the Staff Regulations shall be replaced by the following provisions:

“The weightings shall be fixed by the Provisional Council on the proposal of the Director General. The procedure governing the aforesaid adjustment shall be prescribed in a rule laid down by the Director General.”

Article XXI

The first subparagraph of Article 83.3 of the Staff Regulations shall be replaced by the following provisions:

“3. Should an actuarial assessment of the pension scheme, carried out by one or more qualified experts at the request of the Permanent Commission, show the official's contributions to be insufficient to finance one-third of the benefits payable under the pension scheme, the competent budgetary authority may, in accordance with the budgetary procedure, modify either the rate of contributions or the retirement age.”

Article XXII

The first subparagraph of Article 100 of the Staff Regulations shall be replaced by the following provisions:

"The general provisions for giving effect to these Staff Regulations shall be determined by Rules of Application, instructions and office notices of the Director General, who, in the case of Rules of Application, shall notify the Provisional Council."

Article XXIII

Article 8 of Annex IV ("Pension scheme") of the Staff Regulations shall be replaced by the following provisions:

"Actuarial equivalent of the retirement pension means the capital value of the benefits accruing to the official, calculated by reference to the latest mortality tables compiled by the Provisional Council in accordance with Article 39, the rate of interest applicable being 3.5% per annum."

Article XXIV

Article 39 of Annex IV ("Pension scheme") of the Staff Regulations shall be replaced by the following provisions:

"The Provisional Council shall, after consulting one or more qualified actuaries, lay down mortality and invalidity tables and the assumed salary increases for use in calculating the actuarial values provided for in the Staff Regulations and in this Annex."

Article XXV

The first subparagraph of Article 1 of Annex VI ("Arrangements for the adjustment of the remuneration components provided for in Articles 64 and 65 of the service regulations") of the Staff Regulations shall be replaced by the following provisions:

"The Director General shall submit to the first Provisional Council session of each year a report on remuneration trends at 1 July of the year preceding that in which the review is carried out."

Article XXVI

The second subparagraph of Article 2 of Annex VI ("Arrangements for the adjustment of the remuneration components provided for in Articles 64 and 65 of the service regulations") of the Staff Regulations shall be replaced by the following provisions:

"The Director General's report shall inform the Provisional Council of the decisions taken by the Council of the Communities and any other policy decision relating to salaries taken in the course of this periodic review at the European Communities."

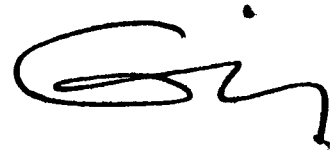
Article XXVII

The third subparagraph of Article 4.3 of Appendix I ("Co-ordinating provisions relating to the assignment of officials and servants to authorised Agency posts not falling under the staff regulations governing their original post") of the Staff Regulations shall be abrogated.

Article XXVIII

This Measure shall enter into force on the date on which it is adopted by the Permanent Commission.

Done at Brussels, on **- 8. 10. 98**

A handwritten signature in black ink, consisting of a large, stylized 'C' followed by a series of loops and a final downward stroke.

C. EINEM
President of the Commission