

**EUROPEAN ORGANISATION FOR THE SAFETY OF AIR NAVIGATION**

**EUROCONTROL**

- Measure of the Permanent Commission -

**MEASURE N° 86/60**

amending the General Conditions of Employment governing Servants at the EUROCONTROL Maastricht Centre.

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 General Conditions of Employment governing Servants at the EUROCONTROL Maastricht Centre, hereinafter referred to as "the General Conditions of Employment";

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

HEREBY APPROVES THE FOLLOWING AMENDMENTS TO THE GENERAL CONDITIONS OF EMPLOYMENT:

**Article I**

In Articles 54, 72.1 and at Appendix I (Article 4.3) of the General Conditions of Employment, the words "*Appointing Authority*" shall be replaced by "*Director General*".

**Article II**

Article 6 of the General Conditions of Employment shall be replaced by the following provisions:

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

### Article III

The third subparagraph of Article 18 of the General Conditions of Employment 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 a servant who is the author of a patented invention."*

### Article IV

Subparagraph a) of Article 28 of the General Conditions of Employment shall be replaced by the following provisions:

*"a) he is a national of one of the signatory States of the EUROCONTROL Convention, unless, in exceptional cases, following a duly justified decision by the Director General, and enjoys his full rights as a citizen;"*

### Article V

Article 30.1 (first subparagraph) and 30.3 of the General Conditions of Employment 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 likewise be followed for the purpose of constituting a reserve for future recruitment."*

### Article VI

Article 31 of the General Conditions of Employment shall be replaced by the following provisions:

*"If the application of the provisions of Article 30 above does not enable the Agency to obtain a sufficient number of qualified staff to meet its requirements, it may proceed with direct recruitment by selection tests. Grade-C posts may be filled directly without prior notification of the States parties to the Convention."*

*Selection shall be made in accordance with a similar procedure to the one described in the previous Article."*

### Article VII

Subparagraph a) of Article 39.2 of the General Conditions of Employment shall be replaced by the following provisions:

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

### Article VIII

Subparagraph a) of Article 40.4 of the General Conditions of Employment shall be replaced by the following provisions:

*“a) it shall be granted at the request of the servant concerned by the Director General;”*

### Article IX

The fourth subparagraph of Article 41.2 of the General Conditions of Employment shall be replaced by the following provisions:

*“Servants whose names appear on this list shall be assigned to non-active status by decision of the Director General.”*

### Article X

The second subparagraph of Article 41.3 of the General Conditions of Employment shall be replaced by the following provisions:

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

### Article XI

Article 49.2 of the General Conditions of Employment shall be abrogated.

### Article XII

The first subparagraph of Article 56.3 of the General Conditions of Employment shall be replaced by the following provisions:

*“3. The working conditions of staff who have to perform specific duties or ensure the continuous operation of certain services by a system of shifts worked in rotation, shall be laid down in a ruling by the Director General subject to the approval of the Provisional Council.”*

### Article XIII

The last subparagraph of Article 64 of the General Conditions of Employment 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 XIV**

Article 65 of the General Conditions of Employment shall be replaced by the following provisions:

*“On proposal 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 XV**

The second paragraph of Article 66a of the General Conditions of Employment 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 XVI**

The fourth subparagraph of Article 82.1 of the General Conditions of Employment 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 XVII**

The first subparagraph of Article 83.3 of the General Conditions of Employment 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 servant'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 XVIII**

The first subparagraph of Article 95 of the General Conditions of Employment shall be replaced by the following provisions:

*“The general provisions for giving effect to these Conditions of Employment shall be determined by Rules of Application, instructions and office notices issued by the Director General. The Director General shall notify the Provisional Council of the Rules of Application adopted.”*

### **Article XIX**

Article 8 of Annex IV (“Pension scheme”) of the General Conditions of Employment shall be replaced by the following provisions:

*“Actuarial equivalent of the retirement pension” means the capital value of the benefits accruing to the servant, 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 XX**

Article 39 of Annex IV (“Pension scheme”) of the General Conditions of Employment 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 General Conditions of Employment and in this Annex.”*

### **Article XXI**

Article 28 of Annex V (“Special conditions governing the recruitment, professional training, adaptation and qualification of technical staff, as provided in Article 32 of the General Conditions of Employment”) of the General Conditions of Employment shall be replaced by the following provisions:

*“The Provisional Council shall be notified of the Rules of Application to be issued by the Director General, as provided in the present Annex.”*

### **Article XXII**

The first subparagraph of Article 1 of Annex VII (“Arrangements for the adjustment of the remuneration components provided for in Articles 64 and 65 of the service regulations”) of the General Conditions of Employment 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 XXIII

The second subparagraph of Article 2 of Annex VII ("Arrangements for the adjustment of the remuneration components provided for in Articles 64 and 65 of the service regulations") of the General Conditions of Employment 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 XXIV

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 General Conditions of Employment shall be abrogated.

### Article XXV

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**



C. EINEM  
President of the Commission