

EUROCONTROL

European Organisation for the Safety of Air Navigation

Conditions of Employment

of staff exclusively seconded to the ECAC Secretariat

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NB: The references made in the text to the provisions of "the EUROCONTROL Convention" and the "Statute of the Agency" relate to the text:

- of the "EUROCONTROL International Convention relating to Co-operation for the Safety of Air Navigation as amended at Brussels in 1981"
- and "the Statute of the Agency", constituting Annex I thereto.

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TITLE I - GENERAL PROVISIONS

Article 1

1. The following provisions shall apply to officials who are exclusively seconded to the European Civil Aviation Conference Secretariat ('ECAC official') in accordance with the Agreement signed between EUROCONTROL and ECAC on 26.03.2020, with effect as from 01.04.2020 concerning the provision by EUROCONTROL of administrative services to ECAC (called hereunder 'the Agreement').
2. For the purpose of these Conditions of Employment, 'ECAC official ' means:
 - a)
 - i) any ICAO staff working in the ECAC Secretariat who, at the time of conclusion of the Agreement held a permanent/continuous work contract, who is appointed in accordance with Article 25, paragraph 1 of these Conditions of Employment and who is exclusively seconded to the ECAC Secretariat; and
 - ii) any ICAO staff working in the ECAC Secretariat who, at the time of conclusion of the Agreement, held a fixed-term work contract , who is appointed in accordance with Article 25, paragraph 1 and who is exclusively seconded to the ECAC Secretariat;
 - b) any person who was not an ICAO staff working in the ECAC Secretariat at the time of conclusion of the Agreement, who is recruited after the date of entry into force of these Conditions of Employment in accordance with their Article 25, paragraph 2 and who is exclusively seconded to the ECAC Secretariat.

Article 1a

Any reference in these Conditions of Employment to a person of the male sex shall be deemed also to constitute a reference to a person of the female sex, and vice versa, unless the context clearly indicates otherwise.

Article 1b

1. In the application of these Conditions of Employment, any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age, or sexual orientation shall be prohibited.

For the purposes of these Conditions of Employment, non-marital partnerships shall be treated as marriage provided that all the conditions listed in Article 1(2)(c) of Rule of Application No. 7 are fulfilled.

2. With a view to ensuring full equality in practice between men and women in working life, which shall be an essential element to be considered in the implementation of all aspects of these Conditions of Employment, the principle of equal treatment shall not prevent the Agency from maintaining or adopting measures providing for specific advantages in order to make it easier for the underrepresented sex to pursue a vocational activity or to prevent or compensate for disadvantages in professional careers.

3. The Director General shall determine, by agreement, after consulting the Staff Committee, measures and actions to promote equal opportunities for men and women in the areas covered by these Conditions of Employment, and shall adopt the appropriate provisions notably to redress such de facto inequalities as hamper opportunities for women in these areas.
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.

A person with a disability meets the conditions laid down in Article 27(e) if he can perform the essential functions of the job when reasonable accommodation is made.

“Reasonable accommodation”, in relation to the essential functions of the job, shall mean appropriate measures, where needed, to enable a person with a disability to have access to, participate in, or advance in employment, or to undergo training, unless such measures would impose a disproportionate burden on the Agency.

The principle of equal treatment shall not prevent the Director General from maintaining or adopting measures providing for specific advantages in order to make it easier for persons with disabilities to pursue a vocational activity or in order to prevent or compensate for disadvantages in their professional careers.

5. Where persons covered by these Conditions of Employment, who consider themselves wronged because the principle of equal treatment as set out above has not been applied to them, establish facts from which it may be presumed that there has been direct or indirect discrimination, the onus shall be on the Agency to prove that there has been no breach of the principle of equal treatment. This provision shall not apply in disciplinary proceedings.
6. While respecting the principle of non-discrimination and the principle of proportionality, any limitation of their application must be justified on objective and reasonable grounds and must be aimed at legitimate objectives in the general interest in the framework of staff policy. Such objectives may in particular justify stipulating a mandatory retirement age and a minimum age for drawing a retirement pension.

Article 1c

1. ECAC 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 Agency and to services provided by the social welfare bodies referred to in Article 8.

Former ECAC officials may have access to limited specific measures of a social nature.

2. ECAC officials in active employment shall be accorded working conditions complying with appropriate health and safety standards at least equivalent to the minimum requirements applicable under measures adopted in the relevant Member States.
3. Measures of a social nature adopted in accordance with this Article shall be implemented by the Agency in close co-operation with the Staff Committee. These proposed actions shall be transmitted each year to the budgetary authority in the framework of the budget procedure.

Article 2

The Director General is empowered to make all appointments to all posts.

Article 3

1. The instrument appointing an ECAC official shall state the date on which the appointment takes effect; this date shall not be prior to the date on which the ECAC official takes up his duties.
2. No appointment or promotion of ECAC officials shall be made for any purpose other than that of filling a vacant post as provided in these Conditions of Employment.
3. Vacant posts in the Agency reserved for officials seconded exclusively to the ECAC Secretariat (hereunder called "ECAC posts") shall be notified to the staff once the Director General decides that the vacancy is to be filled.

Article 4

1. The ECAC posts covered by these Conditions of Employment shall be classified, according to the nature and importance of the duties to which they relate, in a function group for administrators (hereinafter "ECAC AD"), a function group for assistants (hereinafter "ECAC AST") and a secretaries and clerks function group (hereinafter "ECAC AST/SC"), referred to in Annex I to these Conditions of Employment.
2. Function group ECAC AD shall comprise ten grades, corresponding to administrative, advisory, executive and management duties, as well as to linguistic duties. Function group ECAC AST shall comprise eleven grades, corresponding to duties involving the application, supervision and execution of technical or operational tasks. Function group ECAC AST/SC shall comprise six grades, corresponding to clerical and secretarial duties.
3. Appointment shall require at least:
 - a) in function group ECAC AST and function group ECAC AST/SC:
 - i) a level of post-secondary education attested by a diploma, or
 - ii) a level of secondary education attested by a diploma giving access to post-secondary education, and appropriate professional experience of at least three years, or
 - iii) where justified in the interests of the service, professional training of an equivalent level.
 - b) in function group ECAC AD for grades 5 and 6:
 - i) a level of education which corresponds to completed university studies of at least three years attested by a diploma, or
 - ii) where justified in the interests of the service, professional training of an equivalent level.
 - c) in function group ECAC AD for grades 7 to 14:
 - i) a level of education which corresponds to completed university studies attested by a diploma when the normal period of university education is four years or more, or;

- ii) a level of education which corresponds to completed university studies attested by a diploma and appropriate professional experience of at least one year when the normal period of university education is at least three years or;
- iii) where justified in the interests of the service, professional training of an equivalent level.

For the application of the present paragraph 3, points (a)(iii), (b)(ii) and (c)(iii), regarding the internal candidates, professional experience in the Agency structure of an equivalent level to the required educational level may be considered.

This equivalence is defined by a Rule of Application of the Director General.

4. Identical conditions of recruitment and service career shall apply to all ECAC officials belonging to the same function group.
5. The Rule of Application mentioned in paragraph 7 shall describe in particular the rules relating to:
 - advice on organisational changes in the Agency (for example, following a reorganisation, development of a new activity or major changes in the role and objectives of an organisational unit);
 - analysis of the level, in terms of function group and type of post as laid down in Annex I, Table I, and in terms of the duties and tasks of the reviewed or newly created jobs within an organisational structure;
 - determination of the grades for publication of the various types of post;
 - the possibility to consider, for specific posts and for internal candidates, professional experience within the Agency structure as equivalent to the required level of education;
6. The rule of access to ECAC posts is established in a separate Rule of Application of the Director General provided for under Articles 7, 29 30 and 31.

Article 4a

The list of ECAC posts appended to the budget of the Agency shall indicate the number of posts for each function group.

A ceiling of appropriations available for the financing of such posts shall be determined in an Annex to the annual budget.

This Annex to the annual budget shall furthermore contain a provision on availability of financial means for the annual updating of ECAC officials remunerations and for career advancements (promotions and step advancements).

Article 5

1. The Director General shall, acting solely in the interest of the service and without regard to nationality, assign each ECAC official by appointment or transfer to an ECAC post in his function group which corresponds to his grade and his type of post for the posts mentioned in Annex I, Table I.

2. An ECAC official may ask to be transferred to an ECAC post corresponding to his function group, at the same grade and within the same type of post governed by these Conditions of Employment.

Article 6

An ECAC official may be called upon to occupy temporarily another type of ECAC post, as defined in Annex I, Table I, in a grade in his function group which is higher than his substantive grade. From the beginning of the fourth month of such temporary posting, he shall receive a differential allowance equal to the difference between the remuneration carried by his substantive grade and step, and the remuneration he would receive in respect of the grade and of the step at which he would be classified if he were appointed to the grade of his temporary posting.

The provisions above do not apply to an ECAC official who occupies a “support staff” type of post defined in Annex I, Table I.

The implementing provisions are defined in a Rule of Application of the Director General.

The duration of a temporary posting shall not exceed one year, except where, directly or indirectly, the posting is to replace an ECAC official who is seconded to another post in the interests of the service, called up for military service or absent on protracted sick leave.

The Director General may decide in other exceptional and duly substantiated cases to extend the temporary posting. The total period may not exceed two years.

Article 7

1. The Committees and Boards created Agency-wide and defined below and in Article 8 shall also deal with all matters concerning ECAC officials.

There shall be set up:

- a Staff Committee, which may be organised in sections for the different places of employment;
- a Joint Committee;
- a Disciplinary Board;
- an Invalidity Committee;
- a Joint Reports Committee;
- a Just Culture Committee.

The composition, competences and procedure of these bodies shall be determined by Rules of Application of the Director General.

2. A list of the members of these bodies shall be published by the Agency.

Article 8

1. The Staff Committee shall represent the interests of the staff vis-à-vis the Agency and maintain continuous contact between the latter and the staff. It shall contribute to the smooth running of the

service by providing a channel for the expression of opinion by the staff. It shall also represent ECAC officials.

It shall bring to the notice of the Director General any difficulty having general implications concerning the interpretation and application of these Staff Regulations. It may be consulted on any difficulty of this kind.

The Committee shall submit to the Director General suggestions concerning the organisation and operation of the service and proposals for the improvement of staff working conditions or general living conditions.

The Committee shall participate in the management and supervision of social welfare bodies set up by the Director General in the interests of the staff. It may, with the consent of the Director General, set up such welfare services.

2. In addition to the functions assigned to it by these Conditions of Employment and under the Rules for their application, the Joint Committee may be consulted by the Director General or by the Staff Committee on questions of a general nature which either of the latter thinks fit to submit.
3. In addition to its intervention in disciplinary matters, the opinion of the Disciplinary Board shall be sought in the cases provided for in Article 20.
4. The Invalidity Committee shall exercise the powers conferred on it by these Conditions of Employment and the Rules of Application laid down for their application.
5. The opinion of the Joint Reports Committee shall be sought:
 - a) on actions following completion of probationary service regarding Articles 34 and 34a;
 - b) on the actions to be taken in connection with appraisal reports pursuant to Article 41;
 - c) on the dismissal measures provided for in Article 48;
 - d) on the termination of service measures provided for in Annex VIII to these Conditions of Employment.

It may be instructed by the Director General to ensure that the periodic reports on staff members are made in a uniform manner within the Agency pursuant to Article 41.

6. The opinion of the Just Culture Committee shall be sought in the case provided for in Article 20d of these Conditions of Employment.

Article 9

The Agency shall fix the time-limit within which the Staff Committee or the Joint Committee must give the opinions requested of them. This time-limit may not be less than fifteen working days. If the comments are not given within the time-limit, the Agency shall issue its decision.

TITLE II - RIGHTS AND OBLIGATIONS OF ECAC OFFICIALS

Article 10

An ECAC official shall carry out his duties and conduct himself solely with the interests of the Agency in mind; he shall neither seek nor take instructions from any government, authority, organisation or person outside the Agency. He shall carry out the duties assigned to him objectively, impartially and in keeping with his duty of loyalty to the Agency.

On accepting service with the Agency, an ECAC official shall undertake, unconditionally, to refrain from any act which might jeopardise the safety of air navigation; he shall be bound to ensure the continuity of the service and shall not cease to exercise his functions without previous authorisation.

An ECAC official shall not without the permission of the Director General accept from any government or from any source outside the Agency any honour, decoration, favour, gift or payment of any kind whatever, except for services rendered either before his appointment or during special leave for military or other national service and in respect of such service.

Before recruiting or appointing an ECAC official in accordance with, respectively, Article 25 or Article 26 of these Conditions of Employment, the Director General shall examine whether the candidate has any personal interest such as to impair his independence or any other conflict of interest. To that end, the candidate, using a specific form, shall inform the Director General of any actual or potential conflict of interest. In such cases, the Director General shall take this into account in a duly reasoned opinion. If necessary, the Director General shall take the measures referred to in paragraph 2 of Article 10a.

This Article shall apply by analogy to ECAC officials returning from leave on personal grounds.

Article 10a

1. An ECAC official shall not, in the performance of his duties and save as hereinafter provided, deal with a matter in which, directly or indirectly, he has any personal interest such as to impair his independence, and, in particular, family and financial interests, subject to paragraph 2.
2. Any ECAC official to whom it falls, in the performance of his duties, to deal with a matter referred to in paragraph 1 shall immediately inform the Director General. The Director General shall take any appropriate measure, and may in particular relieve the ECAC official from responsibility in this matter.
3. An ECAC official may neither keep nor acquire, directly or indirectly, in undertakings which are subject to the authority of the Organisation or which have dealings with it, any interest of such kind or magnitude as might impair his independence in the performance of his duties.

Article 11

An ECAC official shall refrain from any action or behaviour which might reflect adversely upon his position.

Article 11a

1. ECAC officials shall refrain from any form of psychological or sexual harassment.
2. An ECAC official who has been the victim of psychological or sexual harassment shall not suffer any prejudicial effects on the part of the Agency. An ECAC official who has given evidence on

psychological or sexual harassment shall not suffer any prejudicial effects on the part of the Agency, provided the ECAC official has acted honestly.

3. "Psychological harassment" means any improper conduct that takes place over a period, is repetitive or systematic and involves physical behaviour, spoken and/or written language, gestures or other acts and that may undermine the personality, dignity or physical or psychological integrity of any person.
4. "Sexual harassment" means conduct relating to sex which is unwanted by the person to whom it is directed and which has the purpose or effect of offending that person or creating an intimidating, hostile, offensive or disturbing environment. Sexual harassment shall be treated as discrimination based on gender.
5. The Director General shall lay down in a Rule of Application the implementing provisions for the above regulations.

Article 11b

1. Subject to Article 13, an ECAC official wishing to engage in an outside activity, whether paid or unpaid, or to carry out any assignment outside the Agency, shall first obtain the permission of the Director General. Permission shall be refused only if the activity or assignment in question is such as to interfere with the performance of the ECAC official's duties or is incompatible with the interests of the Agency.
2. An ECAC official shall notify the Director General of any changes in a permitted outside activity or assignment, which occur after the ECAC official has sought the permission of the Director General under paragraph 1. Permission may be withdrawn if the activity or assignment no longer meets the conditions referred to in the last sentence of paragraph 1.

Article 12

If the spouse of an ECAC official is in gainful employment, the ECAC official shall inform the Director General. Should the nature of the employment prove to be incompatible with that of the ECAC official and if the ECAC official is unable to give an undertaking that it will cease within a specified period, the Director General shall, after consulting the Joint Committee, decide whether the ECAC official shall continue in his post or be transferred to another post.

Article 13

1. An ECAC official who intends to stand for public office shall notify the Director General. The Director General shall decide, in the light of the interests of the service, whether the ECAC official concerned:
 - a) should be required to apply for leave on personal grounds, or
 - b) should be granted annual leave, or
 - c) may be authorised to discharge his duties on a part-time basis, or
 - d) may continue to discharge his duties as before.

2. An ECAC official elected or appointed to public office shall immediately inform the Director General. The Director General shall, having regard to the interests of the service, the importance of the office, the duties it entails and the remuneration and reimbursement of expenses incurred in carrying out those duties, take one of the decisions referred to in paragraph 1. If the ECAC official is required to take leave on personal grounds or is authorised to discharge his duties on a part-time basis, the period of such leave or part-time working shall correspond to the ECAC official's term of office.

Article 14

An ECAC official shall, after leaving the service, continue to be bound by the duty to behave with integrity and discretion as regards the acceptance of certain appointments or benefits.

ECAC officials intending to engage in an occupational activity, whether gainful or not, within two years of leaving the service shall inform the Agency thereof. If that activity is related to the work carried out by the ECAC official during the last three years of service and could lead to a conflict with the essential interests of the Agency, the Director General may, having regard to the interests of the service, either forbid him from undertaking it or give his approval subject to any conditions he thinks fit.

The Director General shall, having obtained if he deems it necessary the opinion of the Joint Committee, notify his decision within 30 working days of receipt of the declaration of being so informed. If no such notification has been made by the end of that period, this shall be deemed to constitute implicit acceptance.

In compliance with the Data Protection Regulation published by Office Notice, the Agency shall publish, annually, a list of the explicit or implicit decisions concerned.

In the case of former members of the ECAC AD function group, the Director General shall, in principle, prohibit them, during the 12 months after leaving the service, from engaging in an activity associated with a committee or any body involved in the governance of the Agency, or advocacy vis-à-vis Agency staff, including on behalf of their business, clients or employers. Former officials may, however, be members of the Sickness Insurance Management Committee as referred to in Article 38 of Rule of Application No 10.

Article 15

1. An ECAC official shall refrain from any unauthorised disclosure of information received in the line of duty, unless that information has already been made public or is accessible to the public.
2. An ECAC official shall continue to be bound by this obligation after leaving the service.

Article 15a

1. An ECAC official has the right to freedom of expression, with due respect to the principles of loyalty and impartiality.
2. Without prejudice to Articles 11 and 15, an ECAC official who intends to publish or cause to be published, whether alone or with others, any matter dealing with the work of the Agency shall inform the Director General in advance.

Where the Director General is able to demonstrate that the matter is liable seriously to prejudice the legitimate interests of the Agency, the Director General shall inform the ECAC official of its decision in writing within 30 working days. If no such decision is notified within the specified period, the Director General shall be deemed to have had no objections.

Article 16

All rights in any writings or other work done by an ECAC official in the performance of his duties shall be the property of the Agency where such writings or works relate to his activities.

The Agency shall have the right to acquire compulsorily the copyright in such works.

Any invention made by an ECAC official in the course of or in connection with the performance of his duties shall be the undisputed property of the Agency. The Agency may, at its expense and in its name, apply for and obtain patents therefore in all countries.

Any invention dealing with the work of the Agency made by an ECAC official during the year following the expiration of his term of duty shall, unless proved otherwise, be deemed to have been made in the course of, or in connection with, the performance of his duties.

Where inventions are the subject of patents, the name of the inventor or inventors(s) shall be stated.

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

Article 17

An ECAC official shall not, without permission from the Director General, disclose on any grounds whatever, in any legal proceedings information of which he has knowledge by reason of his duties. Permission shall be refused only when the interests of the Agency so require and such refusal would not entail criminal consequences as far as the ECAC official is concerned. An ECAC official shall continue to be bound by this obligation after leaving the service.

The provisions of the preceding paragraph shall not apply to an ECAC official or former ECAC official giving evidence before the Disciplinary Board of the Agency or in a law suit opposing the Agency to a person governed by these Conditions of Employment.

Article 18

An ECAC official shall reside either in the place where he is employed or at no greater distance therefrom as is compatible with the proper performance of his duties. The ECAC official shall immediately notify the Director General of his address and inform him of any change of address.

Article 19

An ECAC official shall, whatever his rank, assist and tender advice to his superiors; he shall be responsible for the performance of the duties assigned to him.

An ECAC official in charge of any branch of the service shall be responsible to his superiors in respect of the authority conferred on him and for the carrying out of instructions given by him. The responsibility of his subordinates shall in no way release him from his own responsibilities.

Article 19a

1. An ECAC official who receives orders which he considers to be irregular or likely to give rise to serious difficulties shall inform his immediate superior, who shall, if the information is given in writing, reply in

writing. Subject to paragraph 2, if the immediate superior confirms the orders and the ECAC official believes that such confirmation does not constitute a reasonable response to the grounds of his concern, the ECAC official shall refer the question in writing to the hierarchical authority immediately above.

If the latter confirms the orders in writing, the ECAC official shall carry them out unless they are manifestly illegal or constitute a breach of the relevant safety standards.

2. If the immediate superior considers that the orders must be executed promptly, the ECAC official shall carry them out unless they are manifestly illegal or constitute a breach of the relevant safety standards. At the request of the ECAC official, the immediate superior shall be obliged to give such orders in writing.
3. An ECAC 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 that account.

Article 20

1. The Agency shall cover an ECAC official for damage to third parties caused through his fault in the course of or in connection with the performance of his duties.
2. An ECAC official may be required to make good, in whole or in part, any damage suffered by the Agency as a result of serious misconduct on his part in the course of or in connection with the performance of his duties.

A reasoned decision shall be given by the Director General in accordance with the procedure laid down in regard to disciplinary matters.

3. In view of the financial responsibility assumed by the Authorising Officers, Accountants and Treasurers, as defined in the Financial Regulations of the Agency, they may be required to take out insurance policies to cover the risks inherent in this responsibility. The Agency budget shall bear the costs associated with these insurance policies.

Article 20a

1. Any ECAC official who, in the course of or in connection with the performance of his duties, becomes aware of facts which give rise to a presumption of the existence of possible illegal activity, including fraud or corruption, detrimental to the interests of the Agency, or of conduct relating to the discharge of professional duties which may constitute a serious failure to comply with the obligations of ECAC officials of the Agency shall without delay inform either his immediate superior or the Director General or the body constituted for this purpose direct.

Information mentioned in the first subparagraph shall be given in writing.

This paragraph shall also apply in the event of serious failure to comply with a similar obligation on the part of a member of a body of the Organisation or any other person in the service of the Organisation or carrying out work for the Agency.

2. Any ECAC official receiving the information referred to in paragraph 1 shall without delay transmit to the body referred to in paragraph 1 above any evidence of which he is aware from which the existence of the irregularities referred to in paragraph 1 may be presumed.

3. An ECAC official shall not suffer any prejudicial effects on the part of the Agency as a result of having communicated the information referred to in paragraphs 1 and 2, provided that he acted reasonably and honestly.
4. Paragraphs 1 to 3 shall not apply to documents, deeds, reports, notes or information in any form whatsoever held for the purposes of, or created or disclosed to the ECAC official in the course of, proceedings in legal cases, whether pending or closed.

Article 20b

1. An ECAC official who further discloses information as defined in Article 20a to the President of the Commission or of the Audit Board or of the Provisional Council or to an Ombudsman, shall not suffer any prejudicial effects on the part of the Agency to which he belongs provided that both of the following conditions are met:
 - a) the ECAC official honestly and reasonably believes that the information disclosed, and any allegation contained in it, are substantially true; and
 - b) the ECAC official has previously disclosed the same information to the body referred to in paragraph 1 of Article 20a or to the Director General and has allowed that body or the Director General a reasonable period of time, given the complexity of the case, to take appropriate action. The ECAC official shall be duly informed of that period of time within 60 days.
2. The period referred to in paragraph 1 shall not apply where the ECAC official can demonstrate that it is unreasonable having regard to all the circumstances of the case.
3. Paragraphs 1 and 2 shall not apply to documents, deeds, reports, notes or information in any form whatsoever held for the purposes of, or created or disclosed to the ECAC official in the course of, proceedings in legal cases, whether pending or closed.

Article 20c

In accordance with Articles 22 and 84, the Agency shall put in place a procedure for the handling of complaints made by ECAC officials concerning the way in which they were treated after or in consequence of the fulfilment by them of their obligations under Article 20a or 20b. The Agency shall ensure that such complaints are handled confidentially and, where warranted by the circumstances, before the expiry of the deadlines set out in Article 84.

The Director General shall lay down internal rules on inter alia:

- the provision to ECAC officials referred to in Article 20a(1) or Article 20b of information on the handling of the matters reported by them,
- the protection of the legitimate interests of these ECAC officials and of their privacy, and
- the procedure for the handling of complaints referred to in the first paragraph of this Article.

Article 20d

1. The Agency shall apply Just Culture principles.

2. A Just Culture involves a culture in which frontline operators and other persons are not punished for actions, omissions or decisions that are commensurate with their experience and training, unless they involve gross negligence, wilful violations or destructive acts.
3. The scope of application of a Just Culture is all (operational and non-operational) staff involved in air navigation safety critical activities. Other staff may also be included, as appropriate. The implementing provisions shall be defined by the Director General in a Rule of Application, including any body which may be needed to deal with this matter.

Article 21

The privileges and immunities enjoyed by ECAC officials in pursuance of the provisions of Article 22 of the EUROCONTROL Convention are accorded solely in the interests of the Organisation. Subject to these provisions, ECAC officials shall not be exempt from fulfilling their private obligations or from complying with the laws and police regulations in force.

When privileges and immunities are in dispute, the ECAC official concerned shall immediately inform the Director General.

Article 22

The Agency shall assist any ECAC official, in particular in proceedings against any person perpetrating threats, insulting or defamatory acts or utterances or any attack to person or property to which he or a member of his family is subjected by reason of his position and duties.

It shall compensate the ECAC official for damage suffered in such cases, in so far as the ECAC official did not either intentionally or through grave negligence cause the damage and has been unable to obtain compensation from the person who did cause it.

The Agency shall facilitate such further training and instruction for staff as is compatible with the proper functioning of the services and is in accordance with their own interests.

Such training and instruction shall be taken into account for purposes of promotion in their careers.

Article 22a

ECAC officials shall be entitled to exercise the right of association; they may in particular be members of trade unions or staff associations of European officials.

Article 23

1. ECAC officials may submit requests to the Director General in respect of matters relating to these Conditions of Employment.
2. Any decision relating to a specific individual which is taken under these Conditions of Employment shall at once be communicated in writing to the ECAC official concerned. Any decision adversely affecting an ECAC official shall state the grounds on which it is based.
3. Specific decisions regarding appointment, establishment, promotion, transfer, determination of administrative status and termination of service of an ECAC official shall be published by the Agency. The publication shall be accessible to all staff for an appropriate period of time.

Article 24

The personal file of an ECAC official shall contain:

- a) all documents concerning his administrative status all reports relating to his ability, efficiency and conduct;
- b) any comments by the ECAC official on such documents.

Documents shall be registered, numbered and filed in serial order; the documents referred to in subparagraph a) may not be used or cited by the Agency against an ECAC official unless they were communicated to him before they were filed.

The communication of any document to an ECAC official shall be evidenced by his signing it or, failing that, shall be effected by registered letter to the last address communicated by the ECAC official.

An ECAC official's personal file shall contain no reference to his political, trade union, philosophical or religious activities and views, or to his racial or ethnic origin or sexual orientation.

The preceding paragraph shall not, however, prohibit the insertion in the file of administrative acts and documents known to the ECAC official which are necessary for the application of these Conditions of Employment.

There shall be only one personal file for each ECAC official.

An ECAC official shall have the right, even after leaving the service, to acquaint himself with all the documents in his file and to take copies of them.

The personal file shall be confidential and may be consulted only in the offices of the Agency or on a secure electronic medium. It shall, however, be forwarded to a Tribunal called upon to decide in a law-suit between the ECAC official and the Agency.

Article 24a

ECAC officials shall have the right to acquaint themselves with their medical files, in accordance with arrangements to be laid down by the Director General.

TITLE III - CAREER OF ECAC OFFICIALS

CHAPTER 1 - ECAC OFFICIALS APPOINTED AT AND AFTER THE ENTRY INTO FORCE OF THESE CONDITIONS OF EMPLOYMENT

Article 25

1. The provisions related to recruitment referred to in Articles 27 b), c) and d), 29, 30, 31 and Article 32 and the corresponding Rule of Application shall not be applicable with respect to ECAC officials referred to in Article 1.2 a). These ECAC officials are appointed at a grade and step based on a Director General decision taking into account their functions and seniority.
2. All provisions related to recruitment referred to in Articles 26 to Article 33 and the corresponding Rule of Application shall be applicable to ECAC officials referred to in Article 1.2 b) .
3. ECAC officials are subject to the appointment and termination of service provisions of Annex VIII.

CHAPTER 2 – RECRUITMENT

Article 26

Recruitment shall be directed to securing for the Agency services of ECAC officials of the highest standard of ability, efficiency and integrity, recruited on the broadest possible geographical basis from among nationals of signatory States of the EUROCONTROL Convention.

No ECAC posts shall be reserved for nationals of any specific Member State.

Article 27

An ECAC official may be appointed only on condition that:

- a) he is a national of one of the signatory States of the EUROCONTROL Convention, unless an exception is authorised by the Director General, and enjoys his full rights as a citizen;
- b) he has fulfilled any obligations imposed on him by the laws concerning military service;
- c) he produces the appropriate character references as to his suitability for the performance of his duties;
- d) he has, subject to Article 29 and Article 30, passed a competition as provided in a Rule of Application of the Director General;
- e) he is physically fit to perform his duties;
- f) the government of the country of which he is a national is able to provide, on request, a security clearance certificate issued in his name;
- g) he accepts, in writing, the terms of a letter of appointment; and
- h) he produces evidence of a thorough knowledge of one of the working languages of the Agency and of a satisfactory knowledge of the other language to the extent necessary for the performance of his duties.

Article 27a

1. Expatriated ECAC officials shall be those:
 - a) who are not and have never been nationals of the State in whose territory the place where they are employed is situated;
 - b) who, during the five years ending six months before they entered the service did not habitually reside or carry on their main occupation within the European territory of that State. For the purposes of this provision, circumstances arising from work done for another State or for an international organisation shall not be taken into account;
 - c) who are or have been nationals of the State in whose territory the place where they are employed is situated but who during the ten years ending at the date of their entering the service habitually resided outside the European territory of that State for reasons other than the performance of duties in the service of a State or of an international organisation.
2. For the purposes of paragraphs 1, an ECAC official who has by marriage automatically acquired and cannot renounce the nationality of the State in whose territory he or she is employed shall be treated in the same way as an ECAC official covered by the first indent of paragraph 1a) and b).

Article 27b

1. For an ECAC official recruited on the basis of Article 1, paragraph 2 b), his place of origin shall be determined upon recruitment, as defined in a Rule of Application of the Director General.
2. For an ECAC official appointed on the basis of Article 1, paragraph 2 (a), his place of origin shall be fixed in his appointment decision by the Director General.

Article 28

The letter of appointment shall specify that the appointment made is subject to the provisions of these Conditions of Employment and the Rules of Application which complete them, including any amendment which may be made to them. It shall be of a standard type and shall state in particular:

- a) the function group, the service and basic post into which the candidate is recruited, the grade to which he is appointed, his salary step and the monthly monetary value of this step;
- b) the length of the probationary period if the establishment is to be dependent on one and also the compensation to be paid in the event of non-establishment;
- c) the special security conditions resulting from the nature of the public service provided by the Agency and which every ECAC official is required to observe.

Article 29

Before filling a vacant ECAC post, the Director General shall consider the possibilities to appoint a candidate by

- i) transfer, or

- ii) (repealed)
- iii) promotion, or
- iv) opening an internal competition at the Agency, or
- v) opening an internal and external competition simultaneously.

In case of equal qualification or merit, the internal candidate shall be chosen.

Article 30

The procedure regarding the examination of applications for assignment to an ECAC post under the conditions referred to in paragraph 1 of Article 29 shall be defined in a Rule of Application of the Director General. This Rule of Application shall also lay down the appointment rules and in particular the conditions for constituting a reserve for future recruitment.

For each competition, a selection board shall be appointed by the Director General. This Board shall draw up a list of suitable candidates.

The Director General shall decide which of these candidates to appoint to the vacant posts.

These candidates shall have access to adequate information on appropriate vacancies published by the Agency.

Article 31

1. Candidates selected shall be appointed to the grade set out in the vacancy notice, or, if a group of grades has been published, in principle referring to the lowest grade.
2. Without prejudice to Article 29 and Article 30, ECAC officials shall be recruited only at grades ECAC AST/SC1 to ECAC AST/SC2 for the type of post "Support staff", at grades ECAC AST1 to ECAC AST5 for the type of post "Assistant", at grades ECAC AD5 to ECAC AD8 for the type of post "Administrator" and at the basic grade for the other types of posts. The grade(s) of the vacancy notice shall be determined by the Director General, in accordance with the following criteria:
 - a) the objective of recruiting ECAC officials of the highest standard as defined in Article 26;
 - b) the level of the duties and tasks and the quality of the professional experience required.

To address specific needs of the Agency, labour market conditions may also be taken into account when recruiting ECAC officials.

3. A recruitment to a higher grade than the published basic grade, while remaining in the group of grades published, may be considered by the Director General, subject to a justification with regard to the market needs, job needs or qualifications of the candidate. The Director General shall inform the Staff Committee of his duly justified decision.
4. Notwithstanding paragraph 2, the Director General may, where appropriate, authorise the organisation of a competition at grade ECAC AD9, ECAC AD10, ECAC AD11 or, on an exceptional

basis, at grade ECAC AD12 for the ECAC types of post of Administrator and Head of Unit or equivalent.

Article 32

1. An ECAC official appointed by way of a competition shall be placed at the first step in his grade.
2. However, the Director General may allow additional seniority up to a maximum of 24 months to take account of his professional experience. The appointment decision shall be substantiated accordingly.

Article 33

Before appointment, a successful candidate shall be medically examined by one of the Agency's medical officers in order that the Agency may be satisfied that he fulfils the requirements of Article 27(e).

Where a negative medical opinion is given as a result of the medical examination provided for in the first paragraph, the candidate may, within 20 days of being notified of this opinion, request that his case be submitted for the opinion of a medical committee composed of three doctors chosen by the Agency.

The medical officer responsible for the initial negative opinion shall be heard by the medical committee. The candidate may refer the opinion of a doctor of his choice to the medical committee. Where the opinion of the medical committee confirms the conclusions of the medical examination provided for in the first paragraph, the candidate shall pay 50% of the fees and of the incidental costs.

Article 34

1. ECAC officials shall serve a nine-month probationary period before they can be established. The decision to establish an ECAC official shall be taken on the basis of the report referred to in paragraph 3 as well as on the basis of elements available to the Director General relating to the probationer's conduct with regard to Title II.

Where, during his probationary period, an ECAC official is prevented, by sickness, maternity leave under Article 55, or accident, from performing his duties for a continuous period of at least one month, the Director General may extend his probationary period by the corresponding length of time.

2. A report on the probationer may be made at any time during the probationary period if his work is proving obviously inadequate.

This report shall be communicated to the person concerned, who shall have the right to submit his comments in writing within a period of eight working days. The report and the comments shall be transmitted forthwith by the probationer's immediate superior to the Director General, which shall, within a period of three weeks, obtain the opinion of the Joint Reports Committee on the action to be taken. The Director General may decide to dismiss the probationer before the end of the probationary period, giving him one month's notice; the period of service may not, however, exceed the normal probationary period.

However, the Director General may, in exceptional circumstances, authorise continuation of the probationary period and assign the ECAC official to another department. In this case the new assignment must be for at least six months; it shall be subject to the limits set out in paragraph 4.

3. One month at the latest before the expiry of the probationary period, a report shall be made on the ability of the probationer to perform the duties pertaining to his post and also on his efficiency and conduct in the service. This report shall be communicated to the probationer, who shall have the right to submit his comments in writing within a period of eight working days.

Should it recommend dismissal or, in exceptional circumstances, extension of the probationary period, the report and the comments shall be transmitted immediately by the probationer's immediate superior to the Director General, which shall, within a period of three weeks, consult the Joint Reports Committee on the action to be taken.

A probationer whose work or conduct has not proved adequate for establishment in his post shall be dismissed. However, the Director General may, in exceptional circumstances, extend the probationary period for a maximum of six months, and possibly assign the probationer to another department.

4. The total length of the probationary period shall in no circumstances exceed 15 months.
5. Except where he is in a position forthwith to resume employment elsewhere, a dismissed probationer shall receive compensation equal to three months' basic salary if he has completed more than one year's service, two months' basic salary if he has completed at least six months' service and one months' basic salary if he has completed less than six months' service.
6. Paragraphs 2, 3, 4 and 5 shall not apply to ECAC officials who resign before the end of their probationary period.

Article 34a

1. Established ECAC officials who are appointed to an ECAC post entailing management functions following a competition in accordance with Article 29, paragraph 1 of these Conditions of Employment shall be appointed subject to a confirmation period of a maximum duration of nine months to verify their aptitude for the post. This period may be shortened if the ECAC official is appointed following a competition preceded by a previous temporary assignment to the ECAC post for which he was selected. In such cases, the period shall be at least six months. The duration of the period shall be communicated to the ECAC official prior to his appointment.
2. The ECAC posts entailing management activities which are governed by the present provisions shall be the types of posts Advisor, Head of Unit and Administrator in the ECAC AD function group, and Senior Assistant in the ECAC AST function group, as defined in Annex I, Table I.

Moreover, the vacancy notice published pursuant to Article 29 and Article 30 must stipulate management responsibilities in order for these provisions to apply.

3. ECAC officials shall be appointed to the grade and step corresponding to their new ECAC post in accordance with the provisions of the Rule of Application mentioned in Article 30.
4. A report on the ability of the ECAC official to perform the duties pertaining to the new post and also on his efficiency and conduct in the service shall be drawn up every three months by the ECAC official's immediate superior. If his work is proving obviously inadequate, that report shall be communicated to the person concerned, who shall have the right to submit his comments in writing within eight working days. The report and the comments shall be transmitted forthwith by the ECAC

official's immediate superior to the Director General, who shall, within a period of three weeks, obtain the opinion of the Joint Reports Committee on the action to be taken with regard to the appointment.

The Director General may decide, before the expiry of the nine-month period referred to in paragraph 1, to reassign the ECAC official to another ECAC post in the same function group with the same grade and step as he held prior to the appointment referred to in paragraph 1.

5. One month at the latest before the expiry of the nine-month period referred to in paragraph 1, a report shall be made on the ability of the ECAC official to perform the duties pertaining to his new ECAC post and also on his efficiency and conduct in the service. This report shall be communicated to the ECAC official, who shall have the right to submit his comments in writing within a period of eight working days:
 - a) Where the report confirms the aptitude of the ECAC official, his appointment shall be confirmed on the date of the initial appointment referred to in paragraph 1.
 - b) Where the report concludes that the ECAC official's work is proving obviously inadequate, it and the ECAC official's comments shall be transmitted forthwith by the ECAC official's immediate superior to the Director General, who shall, within a period of three weeks, obtain the opinion of the Joint Reports Committee on the action to be taken with regard to the appointment. The Director General may decide, on expiry of the nine-month period referred to in paragraph 1, to reassign the ECAC official to another ECAC post in the same function group with the same grade and step as he held prior to the appointment referred to in paragraph 1.
6. Where, on the basis of paragraph 4 or paragraph 5b), an ECAC official is reassigned to a new ECAC post because his appointment has not been confirmed, the period spent in the ECAC post for which the appointment was not confirmed shall be taken into account in order to calculate his seniority in the step at which he is reassigned.

Pension contributions paid during the period referred to above and calculated on the basis of a higher grade and step shall be reimbursed for the part exceeding the pension contributions calculated on the basis of the grade and step of the ECAC post to which the ECAC official is reassigned.

CHAPTER 3 - ADMINISTRATIVE STATUS

Article 35

ECAC officials shall be assigned one of the following administrative statuses:

- a) active employment;
- b) leave on personal grounds;
- c) leave for military service;
- d) parental leave or family leave;

Section 1 - ACTIVE EMPLOYMENT

Article 36

An ECAC official in active employment is one who is performing the duties pertaining to the ECAC post to which he has been appointed or temporarily assigned as provided in Title IV.

Section 2 – OUTBOUND DETACHMENT

Article 37

Repealed

Section 3- LEAVE ON PERSONAL GROUNDS

Article 38

1. An established ECAC official may, in exceptional circumstances and at his own request, be granted unpaid leave on personal grounds.
 - 1a. Article 11b shall continue to apply during the period of leave on personal grounds. The permission under Article 11b shall not be granted to an ECAC official for the purpose of his engaging in an occupational activity, whether gainful or not, which involves activity which could lead to the existence or possibility of a conflict with the legitimate interests of the Agency.
2. Without prejudice to the provisions of Article 13, the duration of such leave shall not exceed one year. Leave may be extended for further periods. Extensions may be for periods not exceeding one year.

The total length of leave on personal grounds may not exceed 12 years in the course of the official's entire career.

If, however, an official applies for such leave in order to be able:

- to bring up a child considered as a dependant of the ECAC official within the meaning of Article 2(2) of Rule of Application No. 7 and who suffers from a serious mental or physical handicap recognised by the medical officer of the Agency and who requires constant care or supervision; or
- to follow his or her spouse, the latter also being an ECAC official, official or servant required in the course of his or her duties to establish his or her habitual residence at such a distance from the place of employment of the applicant official that the establishment of their conjugal home in such a place would inconvenience the applicant official in the performance of his or her duties,
- to assist his spouse, a relative in the ascending line, a relative in the descending line, a brother or a sister in the case of medically certified serious illness or disability,

The leave may be extended without limit, provided that, at the time of each extension, the conditions which warranted the grant of the leave continue to be fulfilled.

3. During leave, an ECAC official shall not be entitled to advancement to a higher step or promotion in grade; his membership of the social security scheme provided for in Articles 67 and 68 and cover for risks under the scheme shall be suspended.

However, an ECAC official who is not engaged in a gainful activity may, not later than one month following that in which the leave on personal grounds begins, apply to continue to be covered in accordance with those Articles, provided that he bears half the cost of the contributions required to cover the risks referred to in Articles 67(1) and 68(1) for the first year of the leave on personal grounds and the full cost during the remainder of such leave. Cover in accordance with Article 68 shall be available only if cover has been obtained in accordance with Article 67. The contributions shall be calculated by reference to the official's last basic salary.

Moreover, the ECAC official who proves that he cannot acquire pension rights in another Agency pension scheme may apply to continue to acquire further pension rights for a maximum of one year, provided that he bears the cost of the contribution equal to three times the rate laid down in Article 78(2); the contributions shall be calculated by reference to the basic salary for the official's grade and step.

4. Leave on personal grounds shall be governed by the following rules:
 - a) it shall be granted at the request of the ECAC official concerned by the Director General;
 - b) application for extension shall be made two months before the leave expires;
 - c) another person may be appointed to the post occupied by the ECAC official;
 - d) on the expiry of his leave of less than 12 consecutive years, an ECAC official must be reinstated in the first ECAC post corresponding to his grade which falls vacant in his function group, provided that he satisfies the requirements for that post. If he declines the post offered to him, he shall retain his right to reinstatement when the next ECAC vacancy corresponding to his grade occurs in his function group, subject to the same proviso. If the official declines a second time, he may be required to resign after the Joint Committee has been consulted. Until effectively reinstated or placed on secondment, he shall remain on unpaid leave on personal grounds;
 - e) on the expiry of his leave of 12 consecutive years, and if there is no communication by the ECAC official concerned at the latest by the month preceding the end of such leave, he shall be required to resign.

Section 4 - LEAVE FOR MILITARY SERVICE

Article 39

1. An ECAC official who is called up for military service or for reserve training or is recalled to serve in the armed forces shall be assigned the special status of "leave for military service".
2. An ECAC official who is called up for military service shall cease to receive his remuneration but shall retain his right to advancement to a higher step and promotion under these Conditions of Employment. He shall also retain his right to enjoy retirement pension if, after completing his military service, he pays up his pension contributions retroactively.

3. An ECAC official who is called up for reserve training or recalled to serve in the armed forces shall, during the period of training or recall, continue to receive his remuneration subject to deduction of an amount equal to his pay.

Section 5 - PARENTAL OR FAMILY LEAVE

Article 40 (1)

An ECAC official shall be entitled to up to six months of parental leave without basic salary for every child, to be taken during the first twelve years after the birth or adoption of the child. The duration of the leave may be doubled for single parents recognised under general implementing provisions adopted by the Director General and for parents of dependent children with a disability or a severe illness recognised by the Agency's Medical Adviser. The minimum leave taken at any one time shall not be less than one month.

During parental leave, the ECAC official's membership of the social security scheme shall continue; the acquisition of pension rights, dependent child allowance and education allowance shall be maintained. The ECAC official shall retain his post, and continue to be entitled to advancement to a higher step or promotion in grade. The leave may be taken as full-time or half-time leave. Where parental leave is taken in the form of half-time leave, the maximum period provided for in the first paragraph shall be doubled. During parental leave, the ECAC official shall be entitled to an allowance of EUR 1081.96 per month or 50% of such sum if on half-time leave but may not engage in any other gainful employment. The full contribution to the social security scheme provided for in Articles 67 and 68 shall be borne by the Agency and calculated on the basis of the basic salary of the ECAC official. However, in the case of half-time leave this provision shall apply only to the difference between the full basic salary and the proportionally reduced basic salary. For the part of the basic salary actually received, the ECAC official's contribution shall be calculated by using the same percentages as if he were in full-time employment.

The allowance shall be EUR 1442.62 per month, or 50% of such sum if the ECAC official is on half time leave, for the single parents and parents of dependent children with a disability or a severe illness recognised by the Medical Adviser referred to in the first paragraph and during the first three months of parental leave where such leave is taken by the father during maternity leave or by either parent immediately after maternity leave or during or immediately after adoption leave.

Parental leave may, on the basis of a decision of the Director General, be extended for a further six months with an allowance limited to 50% of the amount referred to in the second paragraph. For single parents as referred to in the first paragraph, parental leave may, on the basis of a decision of the Director General, be extended for a further twelve months with an allowance limited to 50% of the amount referred to in the third paragraph.

The amounts mentioned in this Article shall be updated in line with remuneration.

Article 40a

In the case of medically certified serious illness or disability of an ECAC official's spouse, relative in the ascending line, relative in the descending line, brother or sister, the ECAC official shall be entitled to a period of family leave without basic salary. The total period of such leave shall not exceed nine months over the ECAC official's entire career.

The second paragraph of Article 40 shall apply.

CHAPTER 4 - APPRAISALS, ADVANCEMENT TO A HIGHER STEP AND PROMOTION

Article 41

The ability, efficiency and conduct in the service of each ECAC official shall be the subject of an annual report as provided for by a Rule of Application of the Director General. That report shall state whether the performance level of the ECAC official has been satisfactory or not.

If the ECAC official has a negative report, then the following reports shall mention if he has reached again or not a satisfactory level of performance.

The aforementioned Rule of Application of the Director General shall lay down in particular the 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 84(2).

As of grade ECAC AST5, the report of ECAC officials may also contain an opinion as to whether the ECAC official, on the basis of his performance, has the potential to carry out an administrator's function. The implementing provisions of this paragraph are set out in the aforementioned Rule of Application of the Director General.

The report shall be communicated to the ECAC official. He shall be entitled to make any comments thereon which he considers relevant.

Article 42

1. An ECAC official who has been at one step in his grade for two years shall 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 41. An ECAC official shall advance to the next step in his grade after no later than four years, unless the procedure laid down in Article 48(1), is applied.
2. The Director General may grant specific rewards, including anticipation of the next step, subject to availability of budgetary funds.

Such rewards shall be awarded to recompense the special efforts of ECAC officials who have achieved, alone or within a team, outstanding results in the performance of their tasks.

3. The conditions of application of the paragraphs above are set out in a Rule of Application of the Director General.

Article 43

Promotion shall be by decision of the Director General subject to availability of budgetary funds. Unless the procedure laid down in Articles 3, paragraph 2 and Article 29 is applied, ECAC officials may only be promoted if they occupy an ECAC post which corresponds to one of the types of posts set out in Annex I for the next higher grade.

Promotion shall be effective by appointment of the ECAC official to the next higher grade in the function group and type of post to which he belongs.

Promotion shall be exclusively by selection from among ECAC officials who have completed a minimum period of two years in their grade, after consideration of the comparative merits of the ECAC officials eligible for promotion. Merit shall be understood as e.g. performance and long-standing commitment.

When considering comparative merits, the Director General shall take account of the appraisal reports on the ECAC officials concerned and the level of responsibilities exercised by them.

A Rule of Application of the Director General shall lay down the criteria and processes applicable for promotion.

Article 44

An ECAC official appointed to a higher grade in accordance with Article 43 shall be placed in the initial step in that grade.

CHAPTER 5 - TERMINATION OF SERVICE

Article 45

Service shall be terminated by:

- a) resignation;
- b) compulsory resignation;
- c) dismissal for incompetence;
- d) removal from post;
- e) retirement; or
- f) death.

Section 1 - RESIGNATION

Article 46

An ECAC official who wishes to resign shall state unequivocally in writing his intention to leave the service of the Agency definitively.

The Director General shall take his decision confirming the resignation within one month of receiving the letter of resignation. The Director General may, however, refuse to accept the resignation if a disciplinary procedure has been initiated against the ECAC official before the date on which the letter of resignation is received or if such a procedure is initiated within thirty days following receipt.

Resignation shall take effect on the date specified by the Director General; that date shall not be more than three months after the date proposed by the ECAC official in his letter of resignation in the case of ECAC officials in function group ECAC AD, and not more than one month in the case of ECAC officials in function groups ECAC AST and ECAC AST/SC.

Section 2 - COMPULSORY RESIGNATION

Article 47

An ECAC official shall be required to resign in the cases covered by Articles 27(a), Articles 12, 38, and by Article 13 second subparagraph of Annex IV.

Reasoned decisions requiring ECAC officials to resign shall be taken by the Director General after consulting the Joint Committee and hearing the ECAC official concerned.

Section 3 - PROCEDURES FOR DEALING WITH INCOMPETENCE

Article 48

1. The Director General shall define procedures to identify, deal with and remedy cases of incompetence in a timely and appropriate fashion in accordance with the rules set out below:
 - a) An ECAC official who, on the basis of three consecutive unsatisfactory annual reports as referred to in Article 41, still shows no progress in his professional competence shall be downgraded by one grade.

If the two following consecutive annual reports still show unsatisfactory performance, the ECAC official shall be dismissed.
 - b) Any proposal to downgrade or dismiss an ECAC official shall set out the reasons on which it is based and shall be communicated to the ECAC official concerned. The Director General's proposal shall be referred to the Joint Reports Committee provided for in Article 7.
2. The ECAC official shall have the right to obtain his complete personal file and to take copies of all documents relating to the procedure. He shall have at least 15 days, but no more than 30 days, from the date of receipt of the proposal to prepare a defence. He may be assisted by a person of his choice. The ECAC official may submit written comments. He shall be heard by the Joint Reports Committee. The ECAC official may also call witnesses.
3. The Director General shall be represented before the Joint Reports Committee by an ECAC official designated for that purpose. That official shall have the same rights as the ECAC official concerned.
4. In the light of the proposal under paragraph 1 point b) and any written and verbal statements from the ECAC official concerned or from witnesses, the Joint Reports Committee shall deliver by a majority a reasoned opinion stating the measure which it considers appropriate in the light of the facts established at its request. It shall forward that opinion to the Director General and to the ECAC official concerned within two months of the date on which the matter is referred to it. The Chairperson shall not vote on decisions of the Joint Reports Committee, except in procedural matters and where votes are tied.
5. An ECAC official dismissed for incompetence shall, for the period defined in paragraph 6, be entitled to a monthly dismissal allowance equal to the basic monthly salary of an ECAC official in the first step of grade ECAC AST1. The ECAC official shall also be entitled during the same period to the family allowances provided for in Article 64. The household allowance shall be calculated on the basis of the basic monthly salary of an official in grade ECAC AST1 in accordance with Article 1 of Annex VII.

The allowance shall not be paid if the ECAC official resigns after the start of the procedure referred to in paragraphs 1 and 2 or if he is entitled to the immediate payment of a full pension. If he is entitled to unemployment benefit under a national unemployment scheme, the amount of that benefit shall be deducted from the above allowance.

6. The period during which the payments referred to in paragraph 5 shall be made is to be calculated as follows:
 - a) three months where the ECAC official has completed less than five years' service at the date on which the dismissal decision is taken;
 - b) six months where the ECAC official has completed at least five years' service but less than ten;
 - c) nine months where the ECAC official has completed at least ten years' service but less than twenty;
 - d) twelve months where the ECAC official has completed over twenty years' service.
7. ECAC officials who are downgraded on grounds of incompetence may after a period of six years ask for all references to that measure to be deleted from their personal files.
8. ECAC officials shall be entitled to reimbursement of reasonable expenses incurred on their initiative in the course of the proceedings, including fees payable to a defending adviser not belonging to the Agency, where the proceedings provided for in this Article end without any decision being taken to dismiss or downgrade.
9. Annex IX and a Rule of Application of the Director General set out the arrangements for the application of this Article.

Section 4 - RETIREMENT

Article 49

An ECAC official, referred to in Article 1.2 a) shall be retired:

- either automatically on the last day of the month in which he reaches the age of 65,
- or 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 fixed in his appointment decision by the Director General,
- or where he is between 58 and pensionable age and satisfies the requirements for immediate payment of a pension in accordance with Article 8 of Annex IV.

An ECAC official, referred to in Article 1.2 b), shall be retired:

- either automatically on the last day of the month in which he reaches the age of 66,
- or at his own request where he is between 58 and 66 and satisfies the requirements for immediate payment of a pension in accordance with Article 8 of Annex IV.

The second sentence of the second subparagraph of Article 46(1) shall apply by analogy.

However, on an exceptional basis, an ECAC official may at his own request and only in the case where the Director General considers it justified in the interest of the service, carry on working until the age of 67, or exceptionally, 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.

Where the Director General decides to authorise an ECAC official to remain into service beyond the age of 66, that authorisation shall be granted for a maximum duration of one year. It may be renewed at the ECAC official's request.

Article 50

An ECAC official to whom the Invalidity Committee finds that the provisions of Article 73 apply shall automatically be retired on the last day of the month in which the Director General recognises his permanent incapacity to perform his duties.

Section 5 - HONORARY RANK

Article 51

On termination of service an ECAC official may be given an honorary rank either in his grade or in the next higher grade, by decision of the Director General.

No pecuniary benefits shall attach to such honorary rank.

TITLE IV - WORKING CONDITIONS OF ECAC OFFICIALS

CHAPTER 1 - HOURS OF WORK

Article 52

1. ECAC officials in active employment shall at all times be at the disposal of the Agency.
2. However, the normal working week shall not exceed forty-two hours per week, the hours of the working day to be determined by the Director General. Within the same limits, the Director General may, after consulting the Staff Committee, determine the hours to be worked by certain groups of ECAC officials engaged on particular duties.
3. The Director General shall introduce flexible working-time arrangements in an Office Notice.

Article 52a

1. An ECAC official may request authorisation to work part-time.

The Director General may grant such authorisation if this is compatible with the interests of the service.

The Director General shall reply to the ECAC official request within 60 days.

2. The rules governing part-time work and the procedure for granting authorisation are laid down in Annex II.
3. The Director General may define in a Rule of Application ECAC job functions for which, independent of the previous provisions, part-time arrangements may be offered. Part-time work may not be less than half the normal working time.
4. The Director General may furthermore define conditions for teleworking in the Rule of Application mentioned above.

Article 52b

An ECAC official may request authorisation to work half-time in the form of job-sharing in an ECAC post identified by the Director General as appropriate for that purpose. The authorisation to work half-time by job-sharing shall not be limited in time. It may, however, be withdrawn by the Director General in the interests of the service giving the ECAC official six months' notice. Likewise, the Director General may, on application of the ECAC official concerned and giving him at least six months' notice, withdraw the authorisation. In this case, the ECAC official may be transferred to a different ECAC post.

Article 3, except for the last sentence of subparagraph 2, of Annex II and Article 56a shall apply.

The Director General may lay down detailed rules for the application of these provisions in the Rule of Application mentioned at Article 52a above.

Article 53

An ECAC official may not be required to work overtime except in cases of urgency or exceptional pressure of work; night work and all work on Sundays or public holidays, may be authorised only in accordance with

the procedure laid down by the Director General. The total overtime, which an ECAC official may be asked to work, shall not exceed 150 hours in any six months.

Overtime worked by ECAC officials in function group ECAC AD and in function group ECAC AST, grade 5 to 11, shall carry no right to compensation or remuneration.

As provided in a Rule of Application of the Director General, overtime worked by ECAC officials in grades ECAC AST/SC1 to EACC AST/SC6 and grades ECAC AST1 to ECAC AST4 shall entitle them either to compensatory leave or remuneration where requirements of the service do not allow compensatory leave during the two months following that in which the overtime was worked.

CHAPTER 2 - LEAVE

Article 54

ECAC officials shall be entitled to annual leave of not less than twenty four working days nor more than thirty working days per calendar year.

Apart from this annual leave an ECAC official, on application, may exceptionally be granted special leave.

The rules relating to granting such leave are laid down in a Rule of Application of the Director General.

Article 55

Pregnant women shall, in addition to the leave provided for in Article 54, be entitled on production of a medical certificate to 20 weeks of leave. The leave shall start not earlier than 6 weeks before the expected date of confinement shown in the certificate and end not earlier than 14 weeks after the date of confinement. In the case of multiple or premature birth or the birth of a child with a disability or serious illness, the duration shall be of 24 weeks. Premature birth for the purposes of this provision is a birth taking place before the end of the 34th week of pregnancy.

Article 56

1. An ECAC official who provides evidence of incapacity to perform his duties because of sickness or accident shall automatically be entitled to sick leave.

The ECAC official concerned shall notify the Agency of his incapacity, as soon as possible and at the same time state his present address. He shall produce a medical certificate if he is absent for more than three days. This certificate must be sent on the fifth day of absence at the latest, as evidenced by the date as postmarked. Failing this, and unless failure to send the certificate is due to reasons beyond his control, the ECAC official's absence shall be considered as unauthorised.

An ECAC official on sick leave may at any time be required to undergo a medical examination arranged by the Agency. If the examination cannot take place for reasons attributable to the ECAC official, his absence shall be considered as unauthorised as from the date that the examination is due to take place.

If the finding made in the examination is that the ECAC official is able to carry out his duties, his absence shall, subject to the following subparagraph, be regarded as unjustified from the date of the examination.

If the ECAC official considers the conclusions of the medical examination arranged by the Agency to be unjustified on medical grounds he may, within two working days of receipt of the decision declaring his absence unauthorised, submit to the Director General a request that the matter be referred to an independent doctor for an opinion.

The Director General shall immediately transmit the request to another doctor agreed upon by the ECAC official's doctor and the Agency's medical officer. Failing such agreement within five days of the request, the Director General shall select a person from a list of independent doctors to be established for this purpose each year by common consent of the Director General and the Staff Committee. The ECAC official may, within two working days, object to the Director General's choice, whereupon he may choose another person from the list, which choice shall be final.

The independent doctor's opinion given after consultation of the ECAC official's doctor and the Agency's medical officer shall be binding.

Where the independent doctor's opinion confirms the conclusion of the examination arranged by the Agency, the absence shall be treated as unjustified from the date of that examination. Where the independent doctor's opinion does not confirm the conclusion of that examination, the absence shall be treated for all purposes as having been justified.

2. If, over a period of twelve months, an ECAC official is absent for up to three days because of sickness without a medical certificate for a total of more than seven days, he shall produce a medical certificate for any further absence because of sickness. His absence shall be considered to be unjustified as from the eighth day of absence on account of sickness without a medical certificate.
3. Without prejudice to the application of the rules on disciplinary proceedings, where appropriate, any absence considered to be unjustified under paragraphs 1 and 2 shall be deducted from the annual leave of the ECAC official concerned. In the event that the ECAC official has no outstanding leave entitlement, he shall lose the benefit of his remuneration for the corresponding period.
4. With a view to reintegrating an ECAC official into full-time work following an illness or accident, the Agency's Medical Adviser may, on the basis of a medical certificate, authorise him to work part-time on medical grounds for a maximum of 12 months over a three-year period. The Director General may, in line with an opinion from the Agency's Medical Adviser, derogate from this limitation if the reintegration of the ECAC official into full-time work requires more than 12 months. However, the maximum period of part-time working on medical grounds may not exceed 24 months.

The time worked part-time on medical grounds may not be less than 50% of the time worked by a full-time ECAC official.

At the end of the 12-month period of part-time work on medical grounds, which may be extended by decision of the Director General, the ECAC official is obliged to resume working full-time. If he is not deemed fit to work full-time by the Agency's Medical Adviser, on the basis of a medical certificate, the Director General shall refer the ECAC official's case to the Invalidity Committee to consider partial permanent invalidity subject to the conditions of Article 6 of Annex II.

5. The Director General may refer to the Invalidity Committee the case of any ECAC official whose sick leave totals more than twelve months in any period of three years to consider total permanent invalidity subject to the conditions of Article 73.

Such referral shall only be optional and shall not constitute a right for the ECAC official.

6. An ECAC official may be required to take leave after examination by the Agency's Medical Officer if his state of health so requires or if a member of his household is suffering from a contagious disease.

In cases of dispute, the procedure laid down in the fifth to seventh subparagraph of paragraph 1 shall apply.

7. ECAC officials shall undergo a medical check-up required by the Agency, to be carried out either by a medical officer designated by the Agency or by a medical practitioner chosen by the ECAC official concerned.

In the latter case, the practitioner's fees shall be reimbursable by the Agency up to a maximum amount fixed for a period of no more than three years by the Director General.

Article 56a

The annual leave of an ECAC official working part-time, shall, for as long as he is so authorised, be reduced proportionately.

Article 57

Except in case of sickness or accident, an ECAC official may not be absent without prior permission from his immediate superior. Without prejudice to any disciplinary measures that may apply, any unauthorised absence which is duly established shall be deducted from the annual leave of the ECAC official concerned. If he has used up his annual leave, he shall forfeit his remuneration for an equivalent period.

If an ECAC official wishes to spend sick leave elsewhere than at the place where he is employed he shall obtain prior permission from the Director General.

CHAPTER 3 - PUBLIC HOLIDAYS

Article 58

A list of public holidays shall be drawn up by the Director General for each service country.

TITLE V - EMOLUMENTS AND SOCIAL SECURITY BENEFITS OF ECAC OFFICIALS

CHAPTER 1 - EMOLUMENTS

Section 1 - REMUNERATION

Article 59

In accordance with a Rule of Application of the Director General and save as otherwise expressly provided, an ECAC official who is duly appointed shall be entitled to the remuneration carried by his grade and step.

An ECAC official may not waive his entitlement to remuneration.

Remuneration shall comprise:

- a) basic salary;
- b) family allowances.

Article 59a

An ECAC official's remuneration shall be subject to an internal tax for the benefit of the Organisation pursuant to the provisions of Annex V.

Article 60

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

Remuneration paid in a currency other than the euro shall be calculated on the basis of the exchange rates, as published in the Official Journal of the European Union on 1 July of each year.

Every year the exchange rates shall be updated retroactively at the time of the annual remuneration update provided for in Article 62.

Article 61

An ECAC official's remuneration expressed in euros shall, after the compulsory deductions set out in these Conditions of Employment or in any Rule of Application of the Director General have been made, be subject to adjustment to take account of the taxation system applicable and be weighted at a rate above, below or equal to 100%, depending on the living conditions in the relevant country of posting.

The weightings (correction coefficients) shall be set or withdrawn and annually updated in accordance with Annex VI at the time of the annual remuneration update provided for in Article 62.

No weighting shall be applicable in Belgium or Luxembourg, which shall serve as the reference places of employment.

Article 62

1. The remuneration of ECAC officials shall be updated every year in accordance to Annex VI up to a ceiling of 2%, including the weightings referred to in Article 61. In case of application of the ceiling of 2%, a priority is given to the update of the salary grid compared to the weighting.

Particular account shall be taken of any civil service salary increases in the Member States and the recruitment needs of the Agency

The remuneration update shall be implemented by the Director General in accordance with Annex VI.

EUROCONTROL services shall carry out the annual updating of remuneration and pension components at the end of the third month following publication in the official Journal of the European Union of the remuneration and pension update at the European Union.

These updates shall be made by modifying the basic salaries as defined in Annex III or elements of the salaries and allowances as defined in Article 59.

2. In the event of any substantial change in the cost of living, the amounts referred to in paragraph 1 and the weightings referred to in Article 61 shall be updated in accordance with Article 4 of Annex VI,
 - 2a. The amounts referred to in paragraphs 1 and 2 shall be understood to be amounts and the weightings, the actual value of which at any given point in time shall be subject to update without the intervention of any other legal act.

Article 62a

The rules for implementing Articles 61 and 62 shall be as defined in Annex VI.

Article 63

Basic monthly salaries in function groups ECAC AD, ECAC AST shall be determined for each grade and step and in a separate table as laid down for function group ECAC AST/SC.

There shall be steps for each salary level in accordance with the scales given in Annex III.

Article 63a

1. By way of derogation from Article 59a and Annex V of these Conditions of Employment and in order to take account of the application of the method for updating the remuneration and pensions provided for in Article 62 and Annex VI, a temporary measure regarding remuneration paid by the Agency to ECAC officials in active employment, to be known as a "solidarity levy", shall be applied from the entry into force of these Conditions of Employment to 31 December 2023.
2. The rate of this solidarity levy, which shall apply to the base defined in paragraph 3 below, shall be 6%.
3. a) The basis for the solidarity levy shall be the basic salary used to calculate remuneration, minus:

- social security and pension contributions and a sum equivalent to the tax applicable at the European Union, before deduction of the solidarity levy, payable by an ECAC official in the same grade and step without dependants entitling him to the allowance provided for by paragraph 1b) of Article 64 of these Conditions of Employment;
 - an amount equal to the basic salary in grade ECAC AST1, step 1, of the scale set out in Annex III.
- b) The components used to determine the base for the solidarity levy shall be expressed in euros and weighted at 100.
4. The solidarity levy shall be deducted monthly at source and the proceeds entered as revenue in the Agency's budget

Article 64

1. Family allowances shall comprise:
- a) the household allowance;
 - b) the dependent child allowance.
2. ECAC officials in receipt of family allowances specified in this Article shall declare allowances of like nature paid from other sources; such latter allowances shall be deducted from those paid under the provisions of these Conditions of Employment.
3. The dependent child allowance may be doubled by special reasoned decision of the Director General based on medical documents establishing that the child concerned has a disability or a long-term illness which involves the ECAC official in heavy expenditure.
4. Where such family allowances are paid to a person other than the ECAC official, these allowances shall be paid in the currency of the country in which that person is resident, calculated where applicable on the basis of the exchange rates referred to in the second paragraph of Article 60. They shall be subject to the weighting for the country in question or, in the absence of such a weighting, a weighting of 100.

Paragraphs 2 and 3 shall apply where family allowances are paid to such a person.

Article 64a

An ECAC official working part-time shall be entitled to remuneration calculated as provided for in Annex II and the implementing provisions adopted by the Director General.

Article 65

In the event of an ECAC official's death, the surviving spouse or dependent children shall receive the deceased's full remuneration until the end of the third month after the month in which the death occurred.

In the event of the death of a person entitled to a pension or an invalidity allowance, the above provisions shall apply in respect of the deceased's pension or allowance.

Section 2 - EXPENSES

Article 66

An ECAC official shall be entitled, in accordance with a Rule of Application of the Director General, to reimbursement of expenses incurred by him on taking up appointment, transfer, or leaving the service, and also to expenses incurred by him in the course of or in connection with the performance of his duties.

CHAPTER 2 - SOCIAL BENEFITS

Section 1 - SOCIAL SECURITY BENEFITS

Article 67

1. An ECAC official, his spouse, where such spouse is not eligible for benefits of the same nature and of the same level by virtue of any other legal provision or regulations, his children and other dependants within the meaning of Article 2 of Rule of Application No. 7, are insured against sickness up to 80% of the expenditure incurred, pursuant to the provisions of a Rule of Application of the Director General. This rate shall be increased to 85% for the following services: consultations and visits, surgical operations, hospitalisation, pharmaceutical products, radiology, analyses, laboratory tests and prostheses on medical prescription with the exception of dental prostheses. It shall be increased to 100% in cases of tuberculosis, poliomyelitis, cancer, mental illness and other illnesses recognised by the Director General as of comparable seriousness, and for early detection screening and in cases of confinement. However, reimbursement at 100% shall not apply in the case of occupational disease or accident having given rise to the application of Article 68.

The unmarried partner of an ECAC official shall be treated as the spouse under the sickness insurance scheme, where the first three conditions in Article 1(2)(c) of Rule of Application No. 7 are met.

One-third of the contribution required to meet such insurance cover shall be charged to the ECAC official but so that the amount charged to him shall not exceed 2% of his basic salary.

- 1a. An ECAC official whose service terminates and who provides evidence that he is not in gainful employment may, not later than one month following that in which his service terminates, apply to continue, for a maximum of six months after termination of service, to be insured against sickness as provided for in paragraph 1. The contribution referred to in the previous paragraph shall be calculated by reference to the last basic salary received by the ECAC official, half the contribution being borne by him.

By decision of the Director General, taken after consulting the Agency's Medical Officer, the period of one month for making application and the six months' limit specified in the preceding paragraph shall not apply where the person concerned is suffering from a serious or protracted illness which he contracted before leaving the service and of which he notified the Agency before the end of the six months' period specified in the preceding subparagraph, provided that the person concerned undergoes a medical examination arranged by the Agency.

- 1b. Where the ex-spouse of an ECAC official, a child who ceases to be an ECAC official's dependant or a person who ceases to be treated as a dependent child within the meaning of Article 2 of Rule of Application No. 7 can provide evidence that he or she is not in gainful employment, he or she may continue for a maximum of one year to be insured against sickness as provided for in paragraph 1, in

his or her capacity as insured persons covered under that ECAC official's insurance; this cover shall not give rise to the levy of a contribution. This one year period shall commence on the date of the decree absolute of divorce or of the loss of status of dependent child or of person treated as a dependent child.

2. An ECAC official who has remained in the service of the Agency until the pensionable age, or who is in receipt of an invalidity allowance shall be entitled to the benefits provided for in paragraph 1 above after he has left the service. The amount of contribution shall be calculated by reference to the amount of his pension or allowance.

Those benefits shall also apply to the recipient of a survivor's pension following the death of an ECAC official who was in active employment or who remained in the service of the Agency until the pensionable age, or the death of a person in receipt of an invalidity allowance. The amount of contribution shall be calculated by reference to the amount of the survivor's pension.

- 2a. The following shall likewise be entitled to the benefits provided for in paragraph 1, on condition that they are not in gainful employment:
 - i) former ECAC officials entitled to retirement pensions who left the service of the Agency before reaching the pensionable age;
 - ii) persons entitled to survivor's pension as a result of the death of a former ECAC official who left the service of the Agency before reaching the pensionable age.

The contribution referred to in paragraph 1 shall be calculated by reference to the former ECAC official's pension before application, where appropriate, of the reduction coefficient provided for in Article 8 of Annex IV to these Conditions of Employment.

However, the person entitled to an orphan's pension shall not receive the benefits provided for in paragraph 1 except at his request. The contribution shall be calculated by reference to the orphan's pension.

- 2b. In the case of persons entitled to a retirement pension or a survivor's pension, the contribution referred to in paragraphs 2 and 2a may not be less than that calculated by reference to the basic salary corresponding to the first step in grade ECAC AST1 of the salary scale provided for at Annex III to the present Conditions of Employment.
- 2c. ECAC officials dismissed in accordance with Article 48 and not entitled to a retirement pension shall likewise be entitled to the benefits provided for in paragraph 1, on condition that they are not gainfully employed and that they bear half the contribution calculated by reference to their last basic salary.
3. Where the total expenditure not reimbursed for any period of twelve months exceeds half the ECAC official's basic monthly salary or pension, special reimbursement shall be allowed by the Director General, account being taken of the family circumstances of the person concerned, in the manner provided in the Rule of Application referred to in paragraph 1 above. In particular, expenses which were not reimbursed because they were deemed excessive or related to non-reimbursable products/items shall not give entitlement to special reimbursement.
4. Persons entitled to the foregoing benefits shall declare the amount of any reimbursements paid or which they can claim under any other sickness insurance scheme provided for by law or regulation for themselves or for persons covered by their insurance.

Where the total which they would receive by way of reimbursement exceeds the reimbursement provided for in paragraph 1 above, the difference shall be deducted from the amount to be reimbursed pursuant to paragraph 1, with the exception of reimbursements obtained under a private supplementary sickness insurance scheme covering that part of expenditure which is not reimbursable by the sickness insurance scheme of the Agency.

Article 68

1. An ECAC official is, from the date of his entry into the service, insured against the risk of occupational disease or accidents subject to the Rule of Application provided for in Article 67. He shall contribute to the cost of insuring against non-occupational risks up to 0.1% of his basic salary.

Such Rule of Application shall specify which risks are not covered.

2. The benefits payable shall be as follows:

a) In the event of death:

Payment to the persons listed below of a lump sum equal to five times the deceased's annual basic salary calculated by reference to the amounts of salary received during the twelve months before the accident:

- to the deceased ECAC official's spouse and children in accordance with the law of succession governing the ECAC official's estate; the amount payable to the spouse shall not, however, be less than 25% of the lump sum;
- where there are no persons of the category above, to the other descendants in accordance with the law of succession governing the ECAC official's estate;
- where there are no persons of either of the two categories above, to the relatives in the ascending line in accordance with the law of succession governing the ECAC official's estate;
- where there are no persons of any of the three categories above, to the Agency;

b) In the event of total permanent invalidity:

Payment to the ECAC official of a lump sum equal to eight times his annual basic salary calculated on the basis of the amounts of salary received during the twelve months before the accident.

c) In the event of partial permanent invalidity:

Payment to the ECAC official of a proportion of the sum provided for in subparagraph b), calculated by reference to the scale laid down in the Rule of Application referred to in paragraph 1.

As provided in the Rule of Application, an annuity may be substituted for the payments provided for above.

The benefits listed above may be paid in addition to the benefits provided for in Section 2.

3. The following shall also be covered, in the manner provided in the Rule of Application referred to in paragraph 1: medical, pharmaceutical, hospital, surgical, prosthesis, radiography, massage,

orthopaedic, clinical and transport expenses and any other similar expenditure incurred as a result of the accident or occupational disease.

Reimbursement shall, however, only be made where the amount paid to the ECAC official under Article 67 does not fully cover the expenditure incurred.

Article 69

1. On the birth of a child to an ECAC official, the person who has actual care of the child shall receive a grant of EUR 198.31.

The same grant shall be paid to an ECAC official who adopts a child who is less than five years of age and is a dependant within the meaning of Article 2.2 of the Rule of Application provided for in Article 59 of these Conditions of Employment.

2. This grant shall also be payable in the event of termination of pregnancy after not less than seven months.
3. The recipient of a grant on the birth of a child shall declare any grants of the same nature received from other sources for the same child; such grants shall be deducted from the grant provided for above. Where both parents are ECAC officials of the Agency, the grant shall be paid once only.

Article 70

In the event of the death of an ECAC official, an ECAC official's spouse or dependent child, or any other dependent person who lived as part of the ECAC official's household, the Agency shall reimburse the costs involved in transporting the body from the ECAC official's place of employment to his place of origin.

However, in the event of an ECAC official's death during a mission, the Agency shall bear the costs involved in transporting the body from the place where death occurs to the ECAC official's place of origin.

Article 71

Gifts, loans or advances may be made to ECAC officials, former ECAC officials or where an ECAC official has died, to those entitled under him who are in a particularly difficult position as a result inter alia of serious or protracted illness, or by reason of a disability or family circumstances.

Article 71a

A surviving spouse who has a serious or protracted illness or who is disabled may receive financial aid increasing the pension from the Agency for the duration of the illness or disability on the basis of an examination of the social and medical circumstances of the person concerned. Rules implementing this Article shall be fixed by the Director General in a Rule of Application.

Section 2 - PENSIONS AND INVALIDITY ALLOWANCE

Article 72

1. An ECAC official who has completed at least ten years' 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.

2. The maximum retirement pension shall be 70% of the final basic salary carried by the last grade in which the ECAC official was classified for at least one year and at the step acquired for at least one month, 1.80% of this basic pay being payable to the ECAC official for each year of service reckoned in accordance with Article 4 of Annex IV.
3. The pensionable age shall be 66 years, with the exception for those ECAC officials appointed at the entry into force of these Conditions of Employment for which the pension age is fixed in accordance with Article 49, first indent.

Article 73

An ECAC official shall be entitled, in the manner provided in Chapter 3 of Annex IV, to an invalidity allowance in the case of total permanent invalidity rendering him incapable of performing the duties corresponding to a post in his grade.

Article 49 shall apply by analogy to recipients of an invalidity allowance. If the recipient of an invalidity allowance retires before the age of 66 without having reached the maximum pension entitlement, the general rules on retirement pensions shall be applied. The amount of the retirement pension shall be based on the salary for the grade and step occupied by the ECAC official when he became an invalid.

The invalidity allowance shall be equal to 70% of the ECAC official's last basic salary. However, it may not be less than the minimum subsistence figure.

The invalidity allowance shall be subject to contributions to the Agency pension scheme calculated on the basis of that allowance.

Where the invalidity arises from an accident in the course of or in connection with the performance of an ECAC official's duties, from an occupational disease, from a public-spirited act or from risking his life to save another human being, the invalidity allowance may not be less than 120% of the minimum subsistence figure. In such cases, moreover, contributions to the Agency pension scheme shall be paid in full from the budget of the Organisation.

Article 74

The surviving spouse of an ECAC official or former ECAC official shall be entitled, in the manner provided in Chapter 4 of Annex IV, to a survivor's pension equal to 60% of the retirement pension or invalidity allowance which was paid to the deceased spouse, or which, irrespective of length of service or of age, would have been payable to him if he had qualified for it at the time of death.

The amount of the survivor's pension payable to the surviving spouse of an ECAC official who has died while in one of the administrative statuses specified in Article 35 shall be neither less than the minimum subsistence rate nor less than 35% of the last basic salary received by the ECAC official.

This amount shall not be less than 42% of the final basic salary received by the ECAC official where death is due to one of the circumstances set out in the last paragraph of Article 73.

Article 75

Where an ECAC official or the person entitled to a retirement pension or invalidity allowance dies leaving no spouse entitled to a survivor's pension, the children dependent on the deceased within the meaning of Article 2 of Rule of Application No. 7 at the time of his death shall be entitled to an orphan's pension in accordance with Article 19 of Annex IV.

The same pension entitlement shall apply to children who fulfil the above conditions in the event of the death or remarriage of the spouse in receipt of a survivor's pension.

Where an ECAC official or the person entitled to a retirement pension or invalidity allowance dies but the conditions set out in the first paragraph are not satisfied, the dependent children within the meaning of Article 2 of Rule of Application No. 7 shall be entitled to an orphan's pension in accordance with Article 19 of Annex IV; the pension shall, however, be equal to half the pension calculated in accordance with that Article.

For persons treated as dependent children within the meaning of Article 2.4 of Rule of Application No. 7, the orphan's pension may not exceed an amount equal to twice the dependent child allowance.

Where a child has been adopted, the death of the natural parent who has been replaced by the adoptive parent shall not give rise to payment of an orphan's pension.

Entitlement as provided for in the first, second and third paragraphs shall apply in the event of the death of a former ECAC official who left the service before reaching pensionable age and requested that his retirement pension be deferred until the first day of the calendar month following that in which he reached pensionable age.

Persons in receipt of an orphan's pension may not receive more than one such pension under these regulations. In such an eventuality, he shall be paid the highest pension.

Article 76

A person entitled to a retirement pension, or to an invalidity allowance, or to a survivor's pension shall be entitled, subject to the conditions laid down in Rule of Application No. 7, to the family allowances specified in Article 64; the household allowance shall be calculated by reference to the pension or the allowance of the recipient.

These allowances shall be paid to recipients of a survivor's pension only in respect of the children dependent on the deceased ECAC official or former ECAC official at the time of death.

The amount of the dependent child allowance payable to the person entitled to a survivor's pension shall, however, be twice the amount of the allowance provided for in Article 64(1)(b).

Article 76a

1. Notwithstanding any other provisions, notably those concerning the minimum amounts payable to persons entitled to a survivor's pension, the total amount payable by way of survivor's pension plus family allowances less a sum equivalent to the tax applicable to officials of the European Union and other compulsory deductions under these Conditions of Employment to the surviving spouse and other entitled persons may not exceed the following:

- a) in the event of the death of an ECAC official having one of the administrative statuses set out in Article 35, the amount of the remuneration which the ECAC official would have received in the same grade and step if he had still been in the service, plus any family allowances received by him in that case and less the sum equivalent to the tax applicable to officials of the European Union and other compulsory deductions under these Conditions of Employment;
 - b) for the period following the date on which the ECAC official referred to in (a) above would have reached the age of 66, the amount of the retirement pension to which he would have been entitled thereafter, had he been alive, based on the same grade and step at the time of death, plus any family allowances which he would have received, less a sum equivalent to the tax applicable to officials of the European Union and other compulsory deductions under these Conditions of Employment;
 - c) in the event of the death of a former ECAC official entitled to a retirement pension or to an invalidity allowance, the amount of the pension to which he would have been entitled, had he been alive, subject to the allowances and deductions referred to in (b);
 - d) in the event of the death of a former ECAC official who left the service before reaching pensionable age, and requested that his retirement pension be deferred until the first day of the calendar month following that in which he reached pensionable age, the amount of the retirement pension to which he would have been entitled at pensionable age had he been alive, subject to the allowances and deductions referred to in (b);
 - e) for the period following the date on which the former ECAC official referred to in (d) would have ceased to be entitled to the allowance, the amount of the retirement pension to which he would have been entitled on that date, had he been alive and satisfied the relevant age requirements for the grant of pension rights, subject to the allowances and deductions set out in (b).
2. For the purposes of paragraph 1, weightings shall be disregarded, which could affect the various amounts in question.
 3. The maximum amount as defined in subparagraphs (a) to (e) above shall be apportioned among the persons entitled to a survivor's pension in proportion to their respective entitlements, paragraph 1 being disregarded for this purpose.

The second and third subparagraphs of Article 77, paragraph 1, shall apply to the amounts thus apportioned.

Article 77

1. The pension provided for above shall be calculated by reference to salary scales in force on the first day of the month in which entitlement commences.

No correction coefficient shall be applicable to pensions.

A weighting equivalent to 100% shall be applied to the pension provided that the former ECAC official proves that he is liable to pay a tax on his pension in his State of residence and that this tax is deducted as a direct tax on income. Otherwise, a weighting of below 100% shall be applied so that the former ECAC official receives a pension, the amount of which expressed in euros is the same as the pension of a former ECAC official resident in a Member State who is not liable to pay national tax on his pension.

Pensions expressed in euros shall be paid in one of the currencies referred to in Article 41 of Annex IV in the manner provided for in the second paragraph of Article 60 of these Conditions of Employment.

2. Where remuneration is updated in accordance with Article 62, the same update shall be applied to pensions.
3. The provisions of paragraphs 1 and 2 shall apply by analogy to recipients of an invalidity allowance.

Article 78

1. The payment of the benefits provided for in the present Agency pension scheme shall constitute a charge on the Agency's budget. Member States shall jointly guarantee payment of such benefits.
2. Without prejudice to Article 14 of Annex X, ECAC officials shall contribute one third of the cost of financing this Agency pension scheme. The contribution shall be 8.75% of the ECAC official's basic salary, with the weightings provided for in Article 61 not being taken into account. It shall be deducted monthly from the ECAC official's salary. The contribution shall be adjusted in accordance with the rules laid down in Annex X.

Article 78a

1. The Agency scheme shall be kept in balance in accordance with the detailed rules set out in Annex X.
2. On the occasion of the five-yearly actuarial assessment in accordance with Annex X and in order to ensure the balance of the scheme, the Commission shall decide on the rate of contribution and any change to the pensionable age.
3. Each year the Director General shall present to the Commission an updated version of the actuarial assessment referred to in paragraph 2, in accordance with Article 1(2) of Annex X. 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 Commission shall consider whether the rate should be adapted, in accordance with the arrangements laid down in Annex X.

Article 79

Detailed rules governing the foregoing Agency pension scheme are contained in Annex IV.

Section 3 - APPLICATION OF NATIONAL SCHEMES

Article 80

1. The provisions of these Conditions of Employment shall in no way affect the national regulations governing the obligation or right to contribute to a national social security scheme.

Where an ECAC official is required to contribute to a national social security scheme, the contributions paid into the national scheme shall be defrayed as provided in paragraph 2 below.

An ECAC official engaged for a limited period shall have the right to request the Agency to effect the payments necessary to establish or maintain his pension rights in his country of origin or an Agency

Member State if he has acquired pension rights there. Such payments shall be defrayed as provided in paragraph 2 below.

2. The contributions paid by the Agency or by an ECAC official to a national social security scheme under paragraph 1, second and third subparagraphs, of the present Article, shall be deducted from the contributions referred to in Articles 67.1, 68.1 and 78.2.

The total amount of contributions paid to a national social security scheme may not exceed the total amount of the contributions referred to in Articles 67.1, 68.1 and 78.2.

For the purposes of this paragraph, the amount of the contribution referred to in Article 78.2 shall be increased by an amount corresponding to the Agency's contribution.

3. Any person entitled to sickness and/or accident benefits under Articles 67 and 68 of these Conditions of Employment shall be required to declare any reimbursements of expenditure from a national social security scheme to which contributions have been paid in accordance with paragraph 2 above. Where the benefits from a national scheme together with those from the Agency's scheme exceed the total benefits under Articles 67 and 68 of these Conditions of Employment, the difference shall be deducted from the amount(s) payable by the Agency under Articles 67 and 68.
4. Where an ECAC official's contributions to the Agency's pension scheme are reduced under the provisions of paragraph 2 above, the benefits or pensions under Articles 69 to 79 of these Conditions of Employment payable to the ECAC official or his dependants, who also receive, for the same period of service, benefits or pensions under a national Agency pension scheme, shall be reduced by the amount of benefit or pension received from the national scheme in respect of the same period.

Section 4 - SEVERANCE GRANT

Article 81

1. An ECAC official aged less than the pensionable age, whose service terminates otherwise than by reason of death or invalidity and who is not entitled to an immediate or deferred retirement pension, shall be entitled on leaving the service:
 - a) where he has completed less than one year's service and has not made use of the arrangement laid down in Article 11 of Annex IV, to payment of a severance grant equal to three times the amounts withheld from his basic salary in respect of his pension contributions;
 - b) in other cases, to the benefits provided under Article 10 of Annex IV or to the payment of the actuarial equivalent of such benefits to a private insurance company or pension fund of his choice, on condition that such company or fund guarantees that:
 - i) the capital shall not be repaid;
 - ii) a monthly income will be paid from age 60 at the earliest, and the age of 66 at the latest;
 - iii) provisions are included for reversion or survivor's pensions;
 - iv) transfer to another insurance company or other fund shall be authorised only if such fund fulfils the conditions laid down in points i) to iii) above.

2. By way of derogation from paragraph 1(b), ECAC officials under the pensionable age who, since taking up their duties, have, in order to establish or maintain pension rights, paid into a national pension scheme, a private insurance scheme or a pension fund of their choice which satisfies the requirements set out in paragraph 1, and whose service terminates for reasons other than death or invalidity without their qualifying for an immediate or deferred retirement pension, shall be entitled, on leaving the service, to a severance grant equal to the actuarial value of their pension rights acquired during his service for the Agency.

The above payments shall be reduced by the amount of the contributions paid into a national pension scheme in accordance with Article 80.2 and deducted from contributions to the Agency's pension scheme or borne by the Agency.

3. Where an ECAC official's service has been terminated by removal from his post, the severance grant to be paid or, as the case may be, the actuarial equivalent to be transferred shall be determined by reference to the decision taken in accordance with Article 4, paragraph 1.h) of Annex XI to these Conditions of Employment.

CHAPTER 3 - RECOVERY OF UNDUE PAYMENT

Article 82

Any sum overpaid shall be recovered if the recipient was aware that there was no due reason for the payment or if the fact of the overpayment was patently such that he could not have been unaware of it.

The request for recovery must be made no later than five years from the date on which the sum was paid. Where the Agency is able to establish that the recipient deliberately misled the administration with a view to obtaining the sum concerned, the request for recovery shall not be invalidated even if this period has elapsed.

CHAPTER 4 - SUBROGATION IN FAVOUR OF THE AGENCY

Article 82a

1. Where the death, accidental injury or sickness of a person covered by these Conditions of Employment is caused by a third party, the Agency shall, in respect of the obligations incumbent upon it under these Conditions of Employment consequent upon the event causing such death, injury or sickness, stand subrogated to the rights, including rights of action, of the victim or of those entitled under him against the third party.
2. The subrogation provided for by paragraph 1 shall extend inter alia to the following:
 - continued payment of remuneration of the ECAC official in accordance with Article 56 during the period when he is temporarily unfit to work,
 - payments effected in accordance with Article 65 following the death of an ECAC official or of a former ECAC official entitled to a pension,
 - benefits paid under Articles 67 and 68 and their implementing rules, relating to insurance against sickness and accident,
 - payment of the costs involved in transporting the body, as referred to in Article 70.

- supplementary family allowances paid in accordance with Article 64(3) and with Article 2(3) and (5) of the ruling referred to in Article 59 of these Conditions of Employment in respect of a dependent child suffering from serious illness, infirmity or handicap,
 - invalidity allowances paid in the event of accident or sickness resulting in permanent invalidity preventing the ECAC official from performing his duties,
 - survivor's pensions paid in the event of the death of an ECAC official or of a former ECAC official or the death of the spouse of an ECAC official or of a former ECAC official entitled to a pension, where the spouse is neither an ECAC official, nor an official subject to the Staff Regulations, nor a servant subject to the General Conditions of Employment,
 - orphan's pensions paid regardless of age to the child of an ECAC official or former ECAC official where that child is prevented by serious illness, infirmity or handicap from earning a livelihood after the death of the person on whom he was dependent.
3. However, the Agency shall not be subrogated to rights of compensation in respect of purely personal damage such as non-material injury, damages for pain and suffering or compensation for disfigurement and loss of amenity over and above the allowance granted for those headings under Article 68.
 4. The provisions of paragraphs 1, 2 and 3 may not be a bar to direct action by the Agency.

TITLE VI - DISCIPLINARY MEASURES

Article 83

1. Any failure by an ECAC official or former ECAC official to comply with his obligations under these Conditions of Employment, whether intentionally or through negligence on his part, shall make him liable to disciplinary action.
2. Where the Director General or the body referred to in paragraph 1 of Article 20a becomes aware of evidence of failure within the meaning of paragraph 1, they may launch administrative investigations to verify whether such failure has occurred.
3. Disciplinary rules, procedures and measures shall be laid down in Annex XI to these Conditions of Employment.

TITLE VII - APPEALS

Article 84

1. Any person to whom these Conditions of Employment apply may submit to the Director General a request that he takes a decision relating to him. The Director General shall notify the person concerned of his reasoned decision within four months from the date on which the request was made. If at the end of that period no reply to the request has been received, this shall be deemed to constitute an implied decision rejecting it, against which a complaint may be lodged in accordance with the following paragraph.
2. Any person to whom these Conditions of Employment apply may submit to the Director General a complaint against an act adversely affecting him, either where the Director General has taken a decision or where he has failed to adopt a measure prescribed by these Conditions of Employment. The complaint must be lodged within three months. The period shall start to run:
 - on the date of publication of the act if it is a measure of a general nature;
 - on the date of notification of the decision to the person concerned, but in no case later than the date on which the latter received such notification, if the measure affects a specified person; if, however, an act affecting a specified person also contains a complaint against another person, the period shall start to run in respect of that other person on the date on which he receives notification thereof but in no case later than the date of publication;
 - on the date of expiry of the period prescribed for reply where the complaint concerns an implied decision rejecting a request as provided in paragraph 1.

The Director General shall notify the person concerned of his reasoned decision within four months from the date on which the complaint was lodged. If at the end of that period no reply to the complaint has been received, this shall be deemed to constitute an implied decision rejecting it, against which an appeal may be lodged under Article 85.

3. The request or complaint by an ECAC official shall be submitted through his immediate superior, except where it concerns that person, in which case it may be submitted direct to the authority next above.

Article 85

1. Any dispute between the Agency and one of the persons referred to in these Conditions of Employment involving non observance, in substance or in form, of the provisions of these Conditions of Employment, shall be referred to the Administrative Tribunal of the International Labour Organisation, in the absence of a competent national jurisdiction.
2. An appeal to the Tribunal shall lie only if:
 - the Director General has previously had a complaint submitted to him pursuant to Article 84(2) within the period prescribed therein, and
 - the complaint has been rejected by express or by implied decision.
3. Appeals under paragraph 2 shall be filed within three months. The period shall begin:

- on the date of notification of the decision taken in response to the complaint;
 - on the date of expiry of the period prescribed for the reply, where the appeal concerns an implied decision rejecting a complaint submitted pursuant to Article 84(2); nevertheless, where a complaint is rejected by express decision, after being rejected by implied decision, but before the period for lodging an appeal has expired, the period for lodging a complaint shall start to run afresh.
4. By way of derogation from paragraph 2, the person concerned may, after submitting a complaint to the Director General pursuant to Article 84(2) immediately file an appeal with the Tribunal, provided that such appeal is accompanied by an application either for a stay of execution of the contested act or for the adoption of interim measures. The proceedings in the principal action before the Tribunal shall then be suspended until such time as an express or implied decision rejecting the complaint is taken.
 5. Appeals shall be investigated and heard as provided in the Rules of Procedure of the Tribunal.

TITLE VIII - FINAL PROVISIONS

Article 86

The general provisions for giving effect to these Conditions of Employment shall be determined by Rules of Application, implementing rules and office notices of the Director General, who, in the case of Rules of Application, shall notify the Provisional Council.

Individual provisions for giving effect to these Conditions of Employment shall be decided either by the Director General or, by delegation of powers, by the ECAC official(s) responsible for staff management.

Article 87

In the case of any inconsistency, the text in the French language shall prevail.

Article 88

These Conditions of Employment of ECAC officials can be reviewed after 5 years following their entry into force as referred to in Article 11.2 of the Agreement.

ANNEXES

**ANNEX I - TYPES OF POSTS AS PROVIDED FOR IN ARTICLE 4, PARAGRAPH 3 OF THESE
CONDITIONS OF EMPLOYMENT**

TABLE I – ECAC GENERAL DIVISION

1. Function group ECAC AD

Adviser or equivalent	13 - 14
Head of Unit or equivalent	9 - 13
Administrator	5 - 12

2. Function group ECAC AST

Senior assistant	10 – 11
Carrying out administrative, technical activities requiring a high degree of autonomy and carrying significant responsibilities in terms of staff management, budget implementation or political coordination	
Assistant	1 – 9
Carrying out administrative, technical activities requiring a certain degree of autonomy, in particular with regard to the implementation of rules and regulations or general instructions or as supervisor or as personal assistant of a Head of Unit, of an Advisor, of a Director or of the Director General.	

3. Function group ECAC AST/SC

Support Staff	1 – 6
Carry out basic administrative or technical, clerical and secretarial tasks, performed under the supervision of officials or servants.	

ANNEX II - PART-TIME WORK**Article 1**

The request for authorisation to work part-time shall be submitted by the ECAC official through the ECAC official's immediate superior at least two months before the requested date, except in duly justified urgent cases.

Authorisation may be granted for a minimum of one month and a maximum of three years, without prejudice to the case referred to in Article 13.

The authorisation may be renewed on the same terms. Applications for renewal shall be made by the ECAC official concerned at least two months before expiry of the period for which the authorisation was granted. Part-time work may not be less than half the normal working time.

A period of part-time work shall start on the first day of a month, except in duly justified cases.

Article 2

The Director General may, at the request of the ECAC official concerned, withdraw the authorisation before expiry of the period for which it is granted. The date of withdrawal may not be more than two months after the date proposed by the ECAC official or four months after that date if the part-time work was authorised for more than one year.

The Director General may, in exceptional cases and in the interests of the service, withdraw the authorisation before the expiry of a period for which it is granted, giving the ECAC official two months' notice.

Article 3

An ECAC official shall be entitled, during the period for which part-time work is authorised, to a percentage of his remuneration corresponding to the percentage of the normal time worked. However, the percentage shall not be applied to the dependent child allowance, or the household allowance. During the period of part-time work, the ECAC official may not work overtime or engage in any gainful activity, other than an activity in accordance with Article 13 of these Conditions of Employment. This last provision shall not apply where the part-time work is performed pursuant to Article 52a.3 of these Conditions of Employment.

Contributions to the sickness insurance scheme shall be calculated by reference to the basic salary payable to an ECAC official working full time. Contributions to the Agency pension scheme shall be calculated by reference to the basic salary received by an ECAC official working part-time. However, the ECAC official may also request that contributions to the Agency pension scheme be calculated by reference to the basic salary payable to an ECAC official working full time, in accordance with Article 78 of these Conditions of Employment. This provision shall not apply where the part-time work is performed pursuant to Article 52a.3 of these Conditions of Employment. Acquired pension rights, for the purposes of Articles 3, 4 and 5 of Annex IV, shall be calculated in proportion to the percentage of contributions paid.

Article 4

Permanent Invalidity considered partial

An ECAC official under 66 years of age, who, subject to the conditions provided for in paragraph 4 of Article 56 of these Conditions of Employment is recognised by the Invalidation Committee as suffering from permanent invalidity considered partial preventing him from performing full-time duties corresponding to his type of post and grade, for as long as this partial incapacity lasts, shall work part-time at a rate of 50%, 60%, 70%, 80% or 90% and shall receive a partial invalidity allowance of 70% of his basic salary corresponding to the time not worked.

The total amount received by the ECAC official, salary and invalidity allowance together, may not, however, be less than the minimum subsistence figure.

Entitlement to a partial invalidity allowance shall commence on the first day of the month following the decision of the Invalidation Committee.

Until an ECAC official drawing a partial invalidity allowance has reached his retirement age, the Agency may have him medically examined periodically to ascertain that he still satisfies the requirements for payment of the allowance.

If this is no longer the case, the ECAC official shall resume full-time work.

With regard to the application of Articles 59a to 63a of these Conditions of Employment is concerned, this partial invalidity allowance shall be treated in the same way as remuneration.

With regard to the application of these Conditions of Employment and its Rules of Application, the ECAC official shall be treated in the same way as ECAC officials working part-time at the percentage rate referred to above.

Contributions to the sickness insurance scheme shall be calculated by reference to the basic salary payable to an ECAC official working full-time. Contributions to the Agency pension scheme shall be calculated by reference to the basic salary, reduced on account of the part-time work and on the basis of the partial invalidity allowance.

The pensions rights acquired are the same as those acquired by an ECAC official working on a full-time basis.

**ANNEX III - SCALE OF BASIC MONTHLY SALARIES PROVIDED FOR IN ARTICLE 63 OF THE
CONDITIONS OF EMPLOYMENT**

(1)

(Expressed in euros)

Function groups ECAC AD and ECAC AST

Grade	Step				
	1	2	3	4	5
14	15,684.11	16,343.18	17,029.93	17,503.75	17,745.56
13	13,862.12	14,444.62	15,051.62	15,470.37	15,684.11
12	12,251.83	12,766.66	13,303.10	13,673.24	13,862.12
11	10,828.56	11,283.58	11,757.73	12,084.85	12,251.83
10	9,570.62	9,972.80	10,391.90	10,681.00	10,828.56
9	8,458.83	8,814.30	9,184.69	9,440.21	9,570.62
8	7,476.20	7,790.35	8,117.73	8,343.56	8,458.83
7	6,607.72	6,885.37	7,174.70	7,374.33	7,476.20
6	5,840.11	6,085.51	6,341.25	6,517.68	6,607.72
5	5,161.69	5,378.59	5,604.60	5,760.53	5,840.11
4	4,562.06	4,753.77	4,953.53	5,091.36	5,161.69
3	4,032.10	4,201.54	4,378.10	4,499.89	4,562.06
2	3,563.71	3,713.46	3,869.50	3,977.18	4,032.10
1	3,149.72	3,282.07	3,419.98	3,515.16	3,563.71

Function group ECAC AST/SC

Grade	Step				
	1	2	3	4	5
6	5,161.69	5,378.59	5,604.60	5,760.53	5,840.11
5	4,562.06	4,753.77	4,953.53	5,091.36	5,161.69
4	4,032.10	4,201.54	4,378.10	4,499.89	4,562.06
3	3,563.71	3,713.46	3,869.50	3,977.18	4,032.10
2	3,149.72	3,282.07	3,419.98	3,515.16	3,563.71
1	2,783.82	2,900.80	3,022.69	3,106.81	3,149.72

Note: The above scale is applicable with effect from 1 July 2020.

ANNEX IV - PENSION SCHEME

Chapters	Contents	Articles
1	General provisions	1 to 2
2	Retirement pension	3 to 11a
3	Invalidity allowance	12 to 14
4	Survivor's pension	15 to 26
5	Provisional pensions	27 to 30
6	Pension increases in respect of dependent children	31 to 32
7	Section 1: Funding of the pension scheme	33 to 35
	Section 2: Calculation of pension	36 to 40
	Section 3: Payment of benefits	41 to 42

CHAPTER 1 - GENERAL PROVISIONS**Article 1**

Where the medical examination made before an ECAC official takes up his duties shows that he is suffering from sickness or invalidity, the Director General, in so far as risks arising from such sickness or invalidity are concerned, may decide to admit that ECAC official to guaranteed benefits in respect of invalidity or death only after a period of five years from the date of his entering the service of the Agency.

The ECAC official may appeal against such decision to the Invalidity Committee.

Article 2

An ECAC official on 'leave for military service' shall cease to benefit from the guarantees in respect of invalidity or death arising directly from an accident sustained, or sickness contracted, by reason of the military service. The foregoing provisions shall not affect the entitlement of survivors to pension on the basis of rights acquired by the ECAC official on the date when he is placed on 'leave for military service'.

CHAPTER 2 - RETIREMENT PENSION**Article 3**

A retirement pension shall be payable on the basis of the total number of years of pensionable service acquired by the ECAC official. Each year of service reckoned as provided in Article 4 shall entitle him to one year of pensionable service and each complete month to one twelfth of a year of pensionable service.

The maximum number of years of pensionable service which may be taken into account for the calculation of retirement pension rights shall be the number necessary to achieve the maximum pension, within the meaning of the second paragraph of Article 72 of these Conditions of Employment.

Article 4

Provided that the ECAC officials concerned have paid their shares of the pension contributions in respect of the periods of service concerned, the following shall be taken into account for the purpose of calculating years of pensionable service within the meaning of Article 3:

- a) the period of service as an ECAC official of the Agency in one of the administrative statuses set out in Article 35(a), (b) and (d) of these Conditions of Employment and, on the conditions laid down in the last sentence of the second subparagraph of Article 38.3 of these Conditions of Employment, the administrative status referred to in Article 35(c) of these Conditions of Employment;
- b) periods of entitlement to an invalidity allowance.
- c) periods of service in any other capacity in accordance with the Conditions of Employment of Contract Staff at EUROCONTROL. However, where members of the contract staff within the meaning of those Conditions of Employment become ECAC officials, the years of pensionable service they have acquired as members of the contract staff shall, up to the number of years of actual service, entitle them to a number of years of pensionable service as ECAC officials calculated on the basis of the ratio between the last basic salary received as a member of the contract staff and the first basic salary received as an ECAC official. The surplus contributions, if any, corresponding to the difference between the number of years of pensionable service calculated and the number of years of actual service, shall be reimbursed to the person concerned on the basis of the last basic salary received as a member of the contract staff. This provision shall, with the necessary changes, apply where ECAC officials become members of the contract staff.

Article 5

Notwithstanding the provisions of Article 3 of this Annex, the ECAC official who remains in service after the pensionable age shall be entitled to an increase of his pension equal to 1.5% of the basic salary taken into account for the calculation of his pension per year worked after that age, with the proviso that the total of his pension plus the increase does not exceed 70% of his final basic salary as referred to in the second paragraph of Article 72 of these Conditions of Employment.

Such increase shall likewise be payable in the event of death of an ECAC official who has remained in the service after the pensionable age.

Article 6

The minimum subsistence figure for the purpose of calculating pension benefits shall correspond to the basic salary of an ECAC official at the first step of grade ECAC AST1 of the salary scale provided for at Annex III to these Conditions of Employment.

Article 7

"Actuarial equivalent of the retirement pension" means the capital value of the benefits accruing to the ECAC official by reference to the mortality table referred to in Article 9 of Annex X and subject to 3.1% interest per annum, which rate may be revised in accordance with the rules laid down in Article 10 of Annex X.

Article 8

An ECAC official leaving the service before reaching the pensionable age may request that his retirement pension:

- a) be deferred until the first day of the calendar month following that in which he reaches the pensionable age; or
- b) be paid immediately, provided that he is not less than 58 years of age. In this case, the retirement pension shall be reduced by an amount calculated by reference to the ECAC official's age when he starts to draw his pension.

The pension shall be reduced by 3.5% for every year before the one in which ECAC officials would become entitled to a retirement pension within the meaning of Article 72 of these Conditions of Employment. If between the age at which entitlement to a retirement pension is acquired within the meaning of Article 72 of these Conditions of Employment and the age of the person concerned at the time, the difference exceeds an exact number of years, an extra year shall be added to the reduction.

Article 8a

For the purposes of determining the reduced pension of ECAC officials who have acquired pension rights exceeding the equivalent of 70% of their final basic salary, and who request immediate payment of their retirement pension in accordance with Article 8, the reduction under Article 8 shall be applied to a notional figure corresponding to the years of pensionable service rather than to an amount capped at 70% of the final basic salary. In no case, however, may the reduced pension thus calculated exceed 70% of the last basic salary.

Article 9

The right to receive payment of a retirement pension shall have effect from the first day of the calendar month following that in which the ECAC official, whether automatically or at his own request, becomes eligible for that pension; he shall continue to receive his remuneration until his pension becomes payable.

Article 10

An ECAC official who leaves the service of the Agency to:

- enter the service of a government administration or a national or international organisation which has concluded an agreement with the Agency,
- engage in an employed or self-employed activity under which pension rights are acquired by him in a scheme whose management bodies have concluded an agreement with the Agency,

shall be entitled to have the actuarial equivalent of his retirement pension rights updated to the actual date of transfer in the Agency transferred to the pension fund of that administration or organisation, or to the pension fund under which the ECAC official acquires retirement pension rights by virtue of the activity pursued in an employed or self-employed capacity.

Article 11

1. An ECAC official who enters the service of the Agency after:

- leaving the service of a government administration or of a national or international organisation,
- or
- pursuing an activity in an employed or self-employed capacity,

shall be entitled, if the regulations or the contract to which he was subject in his previous post so allow, after establishment but before becoming eligible for payment of a retirement pension within the meaning of Article 72 of these Conditions of Employment, to have paid to the Agency the capital value updated to the date of the actual transfer of pension rights acquired by virtue of such service or activities.

In such case the Agency shall, taking into account the ECAC official's basic salary, age and exchange rate at the date of application for a transfer, determine by means of general implementing provisions the number of years of pensionable service with which he shall be credited under the Agency pension scheme in respect of the former period of service, on the basis of the capital transferred, after deducting an amount representing capital appreciation between the date of the application for a transfer and the actual date of the transfer.

ECAC officials may make use of this arrangement once only for each Member State and pension fund concerned.

2. Paragraph 1 shall also apply to an ECAC official who is reinstated following expiry of a period of leave on personal grounds under Article 38 of these Conditions of Employment.

Article 11a

For the purposes of applying the provisions of Articles 10 and 11 above relating to agreements that may be concluded between the Organisation and national pension schemes governed by Member State legislation, the provisions of agreements concluded in this regard between the European Communities and a Community Member State which is also a member of EUROCONTROL shall be applicable *mutatis mutandis* as from their date of entry into force, once the State concerned has advised EUROCONTROL of its formal acceptance of this procedure.

CHAPTER 3 - INVALIDITY ALLOWANCE

Article 12

1. Subject to the provisions of Article 1, an ECAC official aged less than sixty-six years who at any time during the period in which he is acquiring pension rights is recognised by the Invalidity Committee to be suffering from total permanent invalidity preventing him from performing the duties corresponding to a post in his grade, and who is obliged on these grounds to end his service with the Agency shall be entitled, for so long as such incapacity persists, to the invalidity allowance referred to in Article 73 of these Conditions of Employment.
2. Persons in receipt of an invalidity allowance may not engage in gainful employment without the prior authorisation of the Director General. Any income from such gainful employment which, in combination with the invalidity allowance, exceeds the final total remuneration received while in active service as determined on the basis of the salary scale in force on the first day of the month in which the allowance is to be paid, shall be deducted from the invalidity allowance.

The recipient of the allowance shall be required to provide on request any written proof which may be requested and to notify the Agency of any factor that may affect entitlement to the allowance.

Article 13

The right to receive payment of an invalidity allowance shall have effect from the first day of the calendar month following the ECAC official's retirement under Article 50 of these Conditions of Employment.

When the former ECAC official ceases to meet the requirements for payment of the allowance he must be reinstated in the first post at ECAC corresponding to his grade which falls vacant in his function group, provided that he meets the requirements for that post. If he declines the post offered to him, he shall retain his right to reinstatement, subject to the same proviso, when the next ECAC vacancy corresponding to his grade occurs in his function group; if he declines a second time, he may be required to resign.

Where a former ECAC official in receipt of an invalidity allowance dies, entitlement to the allowance shall cease at the end of the calendar month during which he died.

Article 14

While a former ECAC official drawing an invalidity allowance is aged less than the pensionable age, the Agency may have him medically examined periodically to ascertain that he still satisfies the requirements for payment of the allowance.

CHAPTER 4 - SURVIVOR'S PENSION

Article 15

Where an ECAC official dies having one of the administrative statuses set out in Article 35 of these Conditions of Employment, the surviving spouse shall be entitled, provided that the couple were married for at least one year at the time of death and subject to the provisions of Article 1 and Article 20, to a survivor's pension equal to 60% of the retirement pension which the ECAC official would have been paid if he had qualified, irrespective of length of service or of age, for such pension at the time of death.

The duration of the marriage shall not be taken into account if there are one or more children of the marriage or of a previous marriage of the ECAC official provided that the surviving spouse maintains or has maintained those children, or if the ECAC official's death resulted either from physical disability or sickness contracted in the performance of his duties or from an accident.

Article 16

Where a former ECAC official was in receipt of a retirement pension, the surviving spouse shall be entitled, provided that the couple were already married before the ECAC official left the service of the Agency and that the marriage had lasted at least one year, and subject to the provisions of Article 20, to a survivor's pension equal to 60% of the retirement pension which the spouse was receiving at the time of his death. The minimum survivor's pension shall be 35% of the last basic salary; the amount of the survivor's pension shall in no case, however, exceed the amount of the retirement pension which the spouse was receiving at the date of his death.

The duration of the marriage shall not be taken into account if there are one or more children of a marriage contracted by the ECAC official before he left the service, provided that the surviving spouse maintains or has maintained those children.

Article 16a

The surviving spouse of a former ECAC official who left the service before reaching the pensionable age and who requested that his retirement pension be deferred until the first day of the calendar month following that during which he reached the pensionable age shall be entitled, provided that the couple were already married before the ECAC official left the service of the Agency and that the marriage had lasted at least one year, and subject to the provisions of Article 20, to a survivor's pension equal to 60% of the retirement pension which would have been payable to the spouse at the pensionable age. The minimum survivor's pension shall be 35% of the last basic salary; the amount of the survivor's pension shall in no case, however, exceed the amount of the retirement pension to which the ECAC official would have been entitled at the pensionable age.

The duration of the marriage shall not be taken into account if there are one or more children of a marriage contracted by the former ECAC official before he left the service provided that the surviving spouse maintains or has maintained those children.

Article 17

Where a former ECAC official was in receipt of an invalidity allowance the surviving spouse shall be entitled subject to the provisions of Article 20, provided that the couple were married when he became eligible for the allowance, to a survivor's pension equal to 60% of the invalidity allowance which the spouse was receiving at the time of his death.

The minimum survivor's pension shall be 35% of the final basic salary; the amount of the survivor's pension shall in no case, however, exceed the amount of the invalidity allowance which the spouse was receiving at the time of his death.

Article 18

For purposes of Articles 16, 16a and 17 above, the duration of the marriage shall not be taken into account where the marriage, though contracted after termination of the ECAC official's service, has lasted at least five years.

Article 19

1. The orphan's pension provided for in Article 75 first, second and third paragraphs of these Conditions of Employment shall for the first orphan be equal to eight tenths of the survivor's pension to which the surviving spouse of an ECAC official or former ECAC official in receipt of a retirement pension or invalidity allowance would have been entitled, the reductions set out in Article 22 being disregarded.

It shall not be less than the minimum subsistence figure, subject to the provisions of Article 20.

2. The pension shall be increased, for each dependent child after the first, by an amount equal to twice the dependent child allowance.

Orphans shall be entitled to education allowance in accordance with the relevant provisions of these Conditions of Employment.

3. The total amount of pension and allowance calculated in this way shall be divided equally among the orphans entitled.

Article 20

Where an ECAC official leaves a surviving spouse and also orphans of a previous marriage or other persons entitled under him, the total pension, calculated as if for a surviving spouse having all these persons dependent on him, shall be apportioned among the various persons concerned in proportion to the pensions which would have been payable to each category of them if treated separately.

Where an ECAC official leaves orphans of different marriages, the total pension, calculated as though all the children were of the same marriage, shall be apportioned among the various persons concerned in proportion to the pensions which would have been payable to each category of them if treated separately.

For the purposes of calculating this apportionment, children of a previous marriage of either spouse who are recognised as dependants within the meaning of Article 2 of Rule of Application No. 7 of these Conditions of Employment shall be included in the category of children of the marriage to the ECAC official or former ECAC official in receipt of a retirement pension or invalidity allowance.

In the case envisaged in the second paragraph, ascendants who are recognised as being dependants as provided for in Article 2 of Rule of Application No. 7 of these Conditions of Employment shall be treated in the same way as dependent children and, for the purpose of calculating the apportionment, included in the category of descendants.

Article 21

The right to receive payment of a survivor's pension shall have effect from the first day of the calendar month following that in which the ECAC official or former ECAC official in receipt of a retirement or invalidity allowance died. However, were the payment provided for in Article 65 of these Conditions of Employment is made on the death of the ECAC official or of the person entitled to a pension, such right shall take effect on the first day of the fourth month following that in which death occurred.

The right to receive payment of survivor's pension shall cease at the end of the calendar month in which the recipient of the pension dies or ceases to satisfy the requirements for payment of the pension. Similarly the right to an orphan's pension shall cease if the recipient ceases to be regarded as a dependent child within the meaning of Article 2 of Rule of Application No. 7 of these Conditions of Employment.

Article 22

Where the difference in age between the deceased ECAC official or former ECAC official in receipt of a retirement or invalidity allowance and his surviving spouse, less the length of time they have been married, is more than ten years, the survivor's pension, calculated in accordance with the preceding provisions, shall be subject to a reduction, per full year of difference, amounting to:

- 1% for the years between ten and twenty;
- 2% for the years twenty up to but not including twenty-five;
- 3% for the years twenty-five up to but not including thirty;
- 4% for the years thirty up to but not including thirty-five;
- 5% for the years from thirty-five upwards.

Article 23

A surviving spouse's entitlement to survivor's pension shall cease on remarriage. He or she shall be entitled to immediate payment of a capital sum equal to twice the annual amount of the survivor's pension, provided that the second paragraph of Article 75 of these Conditions of Employment does not apply.

Article 24

The divorced spouse of an ECAC official or a former ECAC official shall be entitled to a survivor's pension, as defined in this Chapter, provided that, on the death of the former spouse, he or she can justify entitlement on his/her own account to receive maintenance from him by virtue of a court order or as a result of an officially registered and enforced settlement in force between himself/herself and his/her former spouse.

The survivor's pension may not, however, exceed the amount of maintenance paid at the time of death of the former spouse, the amount having been updated in accordance with the procedure laid down in Article 77 of these Conditions of Employment.

The divorced spouse's entitlement shall cease if he or she remarries before the former spouse dies. The provisions of Article 23 shall apply in the event of remarriage after the death of the former spouse.

Article 25

Where the deceased ECAC official leaves more than one divorced spouse entitled to survivor's pension or one or more divorced spouses and a surviving spouse entitled to a survivor's pension, that pension shall be divided in proportion to the respective duration of the marriages. The provisions of the second and third paragraphs of Article 24 shall apply.

If any of the persons entitled to pension dies or renounces his/her share, his/her share shall accrue to the shares of the other persons, except where there are orphans' rights under the second paragraph of Article 75 of these Conditions of Employment.

Reductions in respect of difference in age, as provided in Article 22, shall be applied separately to pensions divided in accordance with this Article.

Article 26

Where under Article 39 the divorced spouse ceases to be entitled to a pension, the total pension shall be payable to the surviving spouse, provided the second paragraph of Article 75 of these Conditions of Employment does not apply.

CHAPTER 5 - PROVISIONAL PENSIONS

Article 27

The spouse or persons recognised as dependants of an ECAC official having one of the statuses listed in Article 35 of these Conditions of Employment whose whereabouts are unknown for more than one year may provisionally receive the survivor's pension to which they would be entitled under this Annex.

Article 28

The spouse or persons recognised as dependants of a former ECAC official in receipt of a retirement or invalidity allowance whose whereabouts are unknown for more than one year may provisionally receive the survivor's pension to which they would be entitled under this Annex.

Article 28a

The spouse or persons recognised as dependants of a former ECAC official within the meaning of Article 16a of Annex IV, if the former ECAC official's whereabouts are unknown for more than one year, provisionally receive a survivor's pension to which they would be entitled under this Annex.

Article 29

The provisions of Article 28 shall apply to persons recognised as a dependant of a person in receipt of or entitled to a survivor's pension whose whereabouts are unknown for more than one year.

Article 30

Provisional pensions under Articles 27, 28, 28a and 29 shall be converted into definitive pensions when the death of the ECAC official or former ECAC official has been duly confirmed or he has been legally declared missing, presumed dead.

CHAPTER 6 - PENSION INCREASES IN RESPECT OF DEPENDENT CHILDRENArticle 31

The provisions of the second paragraph of Article 76 of these Conditions of Employment shall apply to persons in receipt of a provisional pension.

The provisions of Articles 75 and 76 of these Conditions of Employment shall also apply to children born less than 300 days after the death of the ECAC official or former ECAC official in receipt of a retirement pension or invalidity allowance.

Article 32

The award of a retirement or survivor's pension, invalidity allowance or provisional pension shall not entitle the pensioner to an expatriation allowance.

CHAPTER 7Section 1 - FUNDING OF THE PENSION SCHEMEArticle 33

Salaries and invalidity allowances shall in all cases be subject to deduction of the contribution to the Agency pension scheme provided for in Articles 72 to 79 of these Conditions of Employment.

Article 34

Article 34 is repealed

Article 35

Contributions properly deducted shall not be refunded. Contributions wrongly deducted shall not confer the right to receive a pension; they shall be reimbursed without interest at the request of the ECAC official concerned or those entitled under him.

Article 36

Article 36 is repealed.

Section 2 - CALCULATION OF PENSIONArticle 37

The Agency shall be responsible for calculating the amount of retirement, survivor's or provisional pension or invalidity allowance. A detailed statement of the calculation shall be communicated to the ECAC official or to those entitled under him at the same time as the decision awarding the pension.

A retirement pension or invalidity allowance shall not be paid concurrently with the salary payable by the Agency. Similarly, they shall be incompatible with any remuneration derived from a post within the Agency or within other bodies or undertakings created by the Organisation.

Article 38

The amount of pension may at any time be calculated afresh if there has been error or omission of any kind.

They shall be liable to modification or withdrawal if the award was contrary to the provisions of these Conditions of Employment or of this Annex.

Article 39

Where an ECAC official or former ECAC official in receipt of a retirement pension or invalidity allowance dies and those entitled under him do not apply for their pension or allowance within one year from the date of death of the ECAC official or former ECAC official in receipt of a retirement pension or invalidity allowance, they shall lose their entitlement, save where "force majeure" is duly established.

Article 40

A former ECAC official or those entitled under him in favour of whom benefits arise under this Agency pension scheme shall furnish such written proof as may be required and inform the Agency of any facts liable to affect their entitlement.

Article 41

Where an ECAC official has been deprived, in whole or in part, of his pension rights under Article 83 of these Conditions of Employment, he shall be entitled to claim reimbursement in proportion to the amount by which his pension has been reduced of the pension contributions he has paid.

Section 3 - PAYMENT OF BENEFITS

Article 42

Benefits under this Agency pension scheme shall be paid monthly in arrears.

These benefits shall be provided by the Agency.

Benefits shall be paid in euros into a bank in the country of residence.

For pensioners residing outside the euro zone, pensions may by way of exception be paid in foreign currency in the country of residence of the pensioner, converted on the basis of the quarterly exchange rates used for the implementation of the Agency budget.

This Article shall apply by analogy to the recipients of an invalidity allowance.

Article 43

Any sums due from an ECAC official or former ECAC official in receipt of a retirement or invalidity allowance to the Agency at the date when a benefit is payable under this Agency pension scheme shall be deducted from the amount of his benefit or from the benefits payable to those entitled under him. The deduction may be spread over a number of months.

**ANNEX V - DETERMINATION OF THE AMOUNT AND METHOD OF LEVY OF THE TAX ON
EUROCONTROL STAFF REMUNERATION UNTIL 31 DECEMBER 2023**

Article 1

The tax on salaries and emoluments instituted by Article 1 of the Protocol amending the Additional Protocol shall be determined and collected under the conditions and according to the procedure laid down in this Annex.

Article 2

The Director General of the Agency and the staff members of the Organisation shall be liable to tax for the benefit of the Organisation.

Article 3 (1)

1. The salaries and other emoluments subject to the tax (basic taxable amount) shall include all remuneration, benefits and allowances received by persons liable in the performance of official duties, with the exception of monies and allowances, whether lump sums or not, which represent reimbursement of expenses actually incurred in the performance of the said duties.
2. The following shall be deducted from the basic taxable amount:
 - a) contributions in respect of pensions and social security;
 - b) the following allowances and benefits:
 - i) household allowance
 - ii) dependent child allowance
 - iii) installation allowance
 - iv) resettlement allowance
 - v) birth grant.
3. The following shall not be included in the basic taxable amount:
 - a) reimbursement in respect of medical expenses and funeral expenses;
 - b) lump-sum payments in the event of death or total or partial permanent invalidity;
 - c) payments by way of compensation for damage suffered in the cases mentioned in Article 22 of these Conditions of Employment.
4. The amount obtained by applying the preceding provisions shall be subject to an abatement of 5% for occupational expenses, up to a maximum of EUR 114.19 per month.

Article 4 (1)

1. The tax shall be levied each month at source. The amount of tax shall be rounded down to the nearest whole unit of currency. The tax shall be calculated on the taxable amount obtained in pursuance of Article 3, disregarding a first slice not exceeding EUR 190.23 by applying the following rates: 10% to the slice between

10%	to the slice between	EUR 190.23	and	EUR 380.49
20%	to the slice between	EUR 380.49	and	EUR 570.73
25%	to the slice between	EUR 570.73	and	EUR 760.96
30%	to the slice between	EUR 760.96	and	EUR 1141.45
37%	to the slice between	EUR 1141.45	and	EUR 1521.92
45%	to the slice between	EUR 1521.92	and	EUR 1902.41
50%	to the slice between	EUR 1902.41	and	EUR 2473.11
52%	to the slice between	EUR 2473.11	and	EUR 3043.84
54%	to the slice between	EUR 3043.84	and	EUR 3804.79
56%	to the slice between	EUR 3804.79	and	EUR 4565.75
58%	to the slice between	EUR 4565.75	and	EUR 5326.71
60%	to amounts in excess of			EUR 5326.71

With effect from 1 July 2020, the above amounts are subject to a weighting factor of 3.001526 based on the level of remuneration at 1 July 2020.

Where salaries and emoluments are weighted for cost of living, the taxable amount referred to above shall be determined irrespective of increases or reductions due to the application of the weightings, but the amount of tax thus arrived at shall be weighted accordingly.

2. Notwithstanding the provisions of paragraph 1 above, remuneration in respect of overtime (whether lump sums or not) shall be taxed at the average rate applied to the other taxable items of remuneration paid to the person concerned in the month preceding that of payment.

Article 4a

From 1 January 2020 to 31 December 2023, the amount of the tax adjustment provided for in Article 61 of these Conditions of Employment and in Rule of Application No 27 shall for every ECAC official be reduced by 20% per annum, and shall be completely abolished with effect from 1 January 2024.

The amount of the internal tax resulting from the application of the provisions of the present Annex shall be reduced by the same amount as the one of the tax adjustment mentioned in the previous paragraph in order to maintain the same net remuneration for ECAC officials.

Article 5

Where the taxable amount relates to a period of less than one month, the rate of tax shall be that applicable to a corresponding amount for a full month.

Where the taxable amount relates to a period of more than one month, the tax shall be calculated as if this amount were spread evenly over the months to which it relates.

Corrective payments not relating to the month during which they are paid shall be subject to the tax to which they would have been subject had they been made at the proper time.

Article 6

Each person liable shall receive before 1st March each year a slip showing the amount of his taxable salary and emoluments for the past financial year and the amount of tax levied for the benefit of the Organisation. At the same time a duplicate of this slip shall be communicated by the Organisation direct to the central taxation authorities of the country of residence of each person concerned.

Article 7

The tax proceeds shall be entered as revenue in the budget of the Organisation.

**ANNEX V - DETERMINATION OF THE AMOUNT AND METHOD OF LEVY OF THE TAX ON
EUROCONTROL STAFF REMUNERATION AS FROM 1 JANUARY 2024**

Article 1

The tax on salaries and emoluments instituted by Article 1 of the Protocol amending the Additional Protocol shall be determined and collected under the conditions and according to the procedure laid down in this Annex.

Article 1a

The internal tax provided for in the present Annex shall be that applicable at the European Union, thereby ensuring compliance with the decision adopted by the Permanent Commission at its 52nd Session to the effect that net remuneration of Agency staff should remain unaffected by the introduction of an internal tax system.

The deduction of the internal tax shall be made at the rate applicable in accordance with the rules in force at the European Union, with the exception of the rate applicable to ancillary remuneration as defined in Article 4.2 of the present Annex, which shall be the average rate applicable, pursuant to Article 4.2 above.

Article 2

The Director General of the Agency and the staff members of the Organisation shall be liable to tax for the benefit of the Organisation.

Article 3

1. The salaries and other emoluments subject to the tax (basic taxable amount) shall include all remuneration, benefits and allowances received by persons liable in the performance of official duties, with the exception of monies and allowances, whether lump sums or not, which represent reimbursement of expenses actually incurred in the performance of the said duties.
2. The following shall be deducted from the basic taxable amount:
 - a) contributions in respect of pensions and social security (sickness, accident and unemployment insurance);
 - b) the following allowances and benefits:
 - i) household allowance
 - ii) dependent child allowance
 - iii) installation allowance
 - iv) resettlement allowance
 - v) birth grant.
3. The following shall not be included in the basic taxable amount:
 - a) reimbursement in respect of medical expenses and funeral expenses;
 - b) lump sum payments in the event of death or total or partial permanent invalidity;

- c) payments by way of compensation for damage suffered in the cases mentioned in Article 22 of these Conditions of Employment.
4. The amount obtained by applying the preceding provisions shall be subject to an abatement of 10% for occupational expenses.

An additional abatement equal to twice the dependent child allowance shall be applied for every dependent child of the person liable and for every person to be treated as a dependent child pursuant to Article 2.4 of Rule of Application No 7.

Article 4 (1)

1. The tax shall be levied each month at source. The amount of tax shall be rounded down to the nearest whole unit of currency. The tax shall be calculated on the taxable amount obtained in pursuance of Article 3, disregarding a first slice not exceeding EUR 19.91 by applying the following rates: 10% to the slice between

8.0%	to the slice between	EUR 19.91	and	EUR 351.46
10.0%	to the slice between	EUR 351.47	and	EUR 484.09
12.5%	to the slice between	EUR 484.10	and	EUR 554.80
15.0%	to the slice between	EUR 554.80	and	EUR 629.97
17.5%	to the slice between	EUR 629.98	and	EUR 700.67
20.0%	to the slice between	EUR 700.68	and	EUR 769.21
22.5%	to the slice between	EUR 769.22	and	EUR 839.94
25.0%	to the slice between	EUR 839.95	and	EUR 908.48
27.5%	to the slice between	EUR 908.49	and	EUR 979.18
30.0%	to the slice between	EUR 979.19	and	EUR 1047.72
32.5%	to the slice between	EUR 1047.73	and	EUR 1118.45
35.0%	to the slice between	EUR 1118.46	and	EUR 1186.99
40.0%	to the slice between	EUR 1187.00	and	EUR 1257.69
45.0%	to amounts in excess of			EUR 1257.69

Based on the level of remuneration at 1 July 2020, the above amounts are subject to a weighting factor of 6.546789. This factor is subject to Article 62 of these Conditions of Employment.

Where salaries and emoluments are weighted for cost of living, the taxable amount referred to above shall be determined irrespective of increases or reductions due to the application of the weightings, but the amount of tax thus arrived at shall be weighted accordingly.

2. Notwithstanding the provisions of paragraph 1 above, remuneration in respect of overtime (whether lump sums or not) shall be taxed at the average rate applied to the other taxable items of remuneration paid to the person concerned.

The payments made by reason of termination of service shall be taxed, following application of an abatement of 10% for occupational expenses, at a rate equal to two thirds of the average tax rate applicable to the other components of the remuneration paid to the persons concerned in the month preceding their termination of service.

Article 5

Where the taxable amount relates to a period of less than one month, the rate of tax shall be that applicable to a corresponding amount for a full month.

Where the taxable amount relates to a period of more than one month, the tax shall be calculated as if this amount were spread evenly over the months to which it relates.

Corrective payments not relating to the month during which they are paid shall be subject to the tax to which they would have been subject had they been made at the proper time.

Article 5a

Application of the present provisions shall not reduce the salaries and emoluments of any kind to an amount which is lower than the minimum subsistence figure applicable.

Article 6

Each person liable shall receive before 1st May each year, and according to the established schedule taking into account the obligations of each Member State, a slip showing the information to be declared to the national authorities for the past financial year. At the same time, a duplicate of this slip shall be communicated by the Organisation direct to the central taxation authorities of the country of residence of each person concerned.

Article 7

The tax proceeds shall be entered as revenue in the budget of the Organisation.

Article 8

These provisions shall enter into force on 1 January 2024.

ANNEX VI - ARRANGEMENTS FOR THE ADJUSTMENT OF THE REMUNERATION AND PENSION COMPONENTS AS FROM 1 JANUARY 2014

Article 1

The Director General shall send to the Provisional Council each year, once the annual update of remuneration and pensions at the European Union has been published in the Official Journal of the European Union and not later than the end of the second month following this publication, an information report on the European Union remuneration and pension update with effect from 1 July of the previous year. (*)

The reference period for the updating of the components shall comprise the twelve months preceding the 1 July from which the update takes effect.

Article 2

The trend in the remuneration and pension update criteria for the reference period defined above shall comprise the trend in the cost of living in each country of posting (Article 61) or country of residence (Article 77), the trend in purchasing power in the national public services (Article 62) and the economic parities between the different countries of posting or country of residence.

The trend in the remuneration and pension update criteria for the reference period defined above shall be determined according to the remuneration and pension update method which is the subject of Article 61 of these Conditions of Employment and of Annex IX of the Staff Regulations of Officials of the European Union, applicable as from 1 January 2014.

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

Article 3

The Director General shall implement the annual update of remuneration and pensions as described in Articles 1 and 2 of the present Annex and in accordance with Articles 61, 62 and 77 of these Conditions of Employment.

The annual updating of remuneration and pension components shall be due at the end of the third month following its publication in the official Journal of the European Union.

Article 4

Interim remuneration and pension updates shall be implemented *mutatis mutandis* and as provided in Article 4 of the aforementioned Annex IX.

Article 5

This Annex shall enter into force on 1 April 2020 for a period expiring on 31 December 2023.

* The publication of the annual update in the ECAC official Journal of the European Union normally takes place every year in December. The report of the Director General to the Provisional Council is therefore sent at the beginning of the year following this publication.

ANNEX VII - TEMPORARY SOCIAL ALLOWANCE

Sole Article

1. A former ECAC official appointed for a limited or undetermined period who is unemployed when his service has been terminated either pursuant to the provisions of Article 48 or pursuant to the provisions of Annex VIII to these Conditions of Employment:

- who is not in receipt of a retirement pension or invalidity allowance from EUROCONTROL;
- who has been established following a probationary period, and;
- who is resident in a EUROCONTROL Member State or in the State of which he is a national,

shall be eligible for a temporary social allowance under the conditions laid down below.

Where he/she is entitled to unemployment benefits under a national scheme, he/she shall be obliged to declare this to EUROCONTROL. In such cases, the amount of those benefits shall be deducted from the allowance paid under paragraph 3 of the present Article.

2. To be eligible for this temporary social allowance, a former ECAC official shall:
 - a) be registered as seeking employment with the employment authorities of the Member State (or of the State of which he/she is a national) in which he/she establishes his/her residence, subject to the provisions of the penultimate subparagraph of this paragraph;
 - b) fulfil the obligations laid down by the law of that State for persons seeking employment or those in receipt of unemployment benefits under that law;
 - c) forward every month to the Agency a certificate issued by the competent national employment authority stating whether or not he/she has fulfilled the obligations and conditions referred to in a) and b).

The allowance shall nevertheless be granted if the former ECAC official is unable to register as seeking employment in the absence of any competent national authority or if his/her application is rejected by a national authority. In such cases, he/she shall not be required to forward every month the certificates referred to under c). The allowance may also be granted or maintained, even where the national obligations referred to under b) have not been fulfilled, in cases of illness, accident, maternity, invalidity or a situation recognised as being similar or where the national authority, competent to meet those obligations, has given a dispensation.

3. The Director General shall lay down in a Rule of Application such provisions as he deems necessary for applying this paragraph.

The temporary social allowance shall be fixed with reference to the basic salary reached by the former ECAC official at the time of the termination of service. This allowance shall be fixed at:

- 60% of the basic salary for an initial period of 12 months;
- 45% of the basic salary from the 13th to the 18th month;
- 30% of the basic salary from the 19th to the 24th month.

Other than during an initial six-month period, in which the lower limit specified below is applicable but the upper limit is not, the amounts thus defined shall not be lower than 50% of the minimum subsistence figure provided for in Article 6 of Annex IV, or higher than that figure.

4. The temporary social allowance shall be paid to the former ECAC official for a maximum of 24 months from the date of termination of service. If, however, during that period the former ECAC official ceases to fulfil the conditions laid down in paragraphs 1 and 2 of the present Article, payment of the temporary social allowance shall be suspended. Payment shall be resumed if before the expiry of that period the former ECAC official again fulfils the said conditions and has not acquired the right to national unemployment benefit.
5. A former ECAC official who is eligible for the temporary social allowance shall be entitled to the family allowances provided for in Article 64 of these Conditions of Employment.

The household allowance shall be calculated on the basis of the temporary social allowance; the minimum amount provided for in Article 1 of Rule of Application No. 7 shall still apply.

The person concerned shall be obliged to declare any allowances of the same kind paid from other sources to himself/herself or to his/her spouse; such allowances shall be deducted from those to be paid on the basis of this Article.

A former ECAC official who is eligible for the temporary social allowance shall be entitled, as provided for in Article 67 of these Conditions of Employment, to insurance cover against sickness without having to make any contribution.

6. The pension weighting for the Organisation Member State or other State in which a former ECAC official proves that he/she is resident shall be applied to the temporary social allowance and the family allowances.

If the recipient of the allowance establishes residence in a country for which no weighting has been fixed, the weighting shall be equal to 100.

The allowance shall be expressed in euros. It shall be paid in the currency of the country of residence of the recipient.

Allowances paid in a currency other than the euro shall be calculated at the exchange rates referred to in the second paragraph of Article 60 of these Conditions of Employment.

7. The temporary social allowance paid to a former ECAC official who is unemployed shall be subject to the provisions of Annex V to these Conditions of Employment relating to "the determination of the amount and method of levy of the tax on EUROCONTROL staff remuneration".
8. The national departments with responsibility for employment and unemployment, acting in accordance with their national legislation, and the Agency shall cooperate with each other in an effective manner in order to ensure that the present provisions are properly applied.
9. One year after the introduction of this unemployment insurance scheme and every two years thereafter, the Director General shall submit a report on the financial situation of the scheme to the Permanent Commission. Independently of this report, the Director General may submit to the Permanent Commission proposals adjusting the contributions. The Permanent Commission shall act on these proposals in accordance with the conditions laid down in the final subparagraph of paragraph 3 of the present Article.

ANNEX VIII - PROVISIONS OF THE CONDITIONS OF EMPLOYMENT APPLICABLE TO ECAC OFFICIALS APPOINTED FOR AN UNDETERMINED OR LIMITED PERIOD AS FROM THE ENTRY INTO FORCE OF THESE CONDITIONS OF EMPLOYMENT

CHAPTER 1 - GENERAL PROVISIONS

Article 1

1. The purpose of this Annex is to determine the procedures governing inter alia appointments, termination of service and compensation in the event of termination of service which apply to the ECAC officials referred to in Article 1.2 of these Conditions of Employment.
2. The principle governing the duration of the appointments of the ECAC officials referred to in Article 1.2 of these Conditions of Employment shall be as follows:
 - ECAC officials referred to in Article 1.2 a) shall be appointed for an undetermined or limited period based on a decision of the Director General;
 - ECAC officials referred to in Article 1.2 b) shall be appointed for a limited period, pursuant to Article 7 of this Annex.

CHAPTER 2 - PROVISIONS OF THE CONDITIONS OF EMPLOYMENT RELATING TO APPOINTMENTS FOR AN UNDETERMINED PERIOD

Section 1 - CONDITIONS GOVERNING THE AWARD OF APPOINTMENTS FOR AN UNDETERMINED PERIOD

Article 2

1. An ECAC official appointed at the date of entry into force of these Conditions of Employment may be appointed for an undetermined period based on a decision of the Director General.
2. Where a post is of a lasting nature, the Director General shall, in the interests of the service, convert the appointment of an ECAC official who has performed a minimum of five years of service as an ECAC official to an appointment for an undetermined period, provided that his performance is satisfactory.

Section 2 - PROCEDURE AND NOTICE APPLICABLE IN THE EVENT OF TERMINATION OF SERVICE OF AN ECAC OFFICIAL APPOINTED FOR AN UNDETERMINED PERIOD

Article 3

1. The Director General may terminate the service of an ECAC official appointed for an undetermined period where the duties the ECAC official performs cease or are substantially changed, with or without deletion of the budgetary post.
2. Prior to taking such a decision, the Director General shall explore all the options for reassigning the ECAC official to a different ECAC post in his function group, at the same or a lower grade, including if necessary retraining measures. Any termination of service proposal shall adduce the reasons therefore and be communicated to the ECAC official concerned. The ECAC official shall be entitled to make any comments thereon which he considers relevant. The reasoned decision shall be taken by the Director General after consulting the Joint Reports Committee.

3. Where an ECAC official is appointed in accordance with the provisions of paragraph 2 above to a post carrying a lower grade than his previous post, the decision by the Director General shall specify his new grade, his step and his seniority in the step.

In such cases, and if the ECAC official would not reach, one year before his retirement, a grade and step with a basic salary at least equal to the grade and step he had reached prior to his appointment to the lower grade, the pension rights provided for in Article 71 of these Conditions of Employment shall be calculated in proportion to the number of months' service completed prior to and following his appointment to the lower grade. The basic salary taken into account in this calculation for each of the two periods of service shall be:

- for the period worked prior to the ECAC official's appointment to the lower grade, the salary attaching to the last grade and step reached prior to that appointment,
- for the period worked following the ECAC official's appointment to the lower grade, the salary attaching to the last grade and step reached at least one year prior to retirement.

4. The length of the period of notice for termination of service shall be six months plus one month per five-year period of service completed with the Agency as an ECAC official.

The notice shall begin to run on the first day of the month following that in which the reasoned decision to terminate service is notified to the ECAC official.

The period of notice shall not, however, begin to run during maternity leave or sick leave, provided such sick leave does not exceed three months. The notice shall be suspended during maternity leave, and, subject to a limit of three months, during sick leave.

For the duration of the period of notice, the Director General shall grant the ECAC official concerned the time needed to find new employment and make private arrangements in connection with his resettlement.

5. An ECAC official appointed for an undetermined period shall be required to resign:
 - either at the end of the period of notice for ECAC officials covered by the provisions of Article 5 below;
 - or at the retirement age as fixed in these Conditions of employment covered by the provisions of Article 6 below.

Section 3 - COMPENSATION IN THE EVENT OF TERMINATION OF SERVICE OF AN ECAC
OFFICIAL APPOINTED FOR AN UNDETERMINED PERIOD

Article 4

An ECAC official whose service is terminated pursuant to Article 3 above shall be entitled to compensation as provided for in Articles 5 and 6 below.

Article 5

1. An ECAC official aged less than 55 years shall receive compensation proportionate to his years of service with the Agency, calculated as follows:
 - less than 10 years' service: six months' basic salary, plus one month for each full year of service;

- at least 10 but less than 15 years' service: seven months' basic salary, plus one month for each full year of service;
 - at least 15 but less than 20 years' service: eight months' basic salary, plus one month for each full year of service;
 - 20 years' service or more: nine months' basic salary, plus one month for each full year of service;
2. Compensation shall be paid on expiry of the period of notice in the form of a sum incorporating the cost-of-living weighting for pensions which sum shall be subject to the internal tax provided for in Annex V to these Conditions of Employment. In order to calculate the internal tax applicable to the compensation, each basic monthly salary payable shall be taxed individually on the basis of the internal tax scale.

The basic salary for the purposes of this Article shall be that shown in the table referred to in Article 66 of these Conditions of Employment which is in force on the first day of the month during which the compensation is payable.

The compensation shall be expressed and paid in euros.

The compensation shall not be payable if the ECAC official has refused to be appointed, prior to expiry of the period of notice, to another ECAC post of the same grade.

Article 6

1. An ECAC official aged 55 years or more shall receive a monthly allowance equivalent to 60% of the total of the basic salary for the grade and step held at the time of departure, determined by reference to the table referred to in Article 64 of these Conditions of Employment in force on the first day of the month for which the allowance is payable.

The total duration of entitlement to this allowance is fixed in paragraph 6 below.

He may, however, opt for the compensation for termination of service provided for in Article 5 above, which is calculated on the basis of his actual age.

2. The allowance shall be subject to the adjustment laid down in Article 62 of these Conditions of Employment, applicable by analogy, and weighted at the rate for pensions fixed for the country inside or outside the Member States of the Organisation where the recipient proves he has his residence, up to a ceiling of 2%/year.

If the recipient of the allowance establishes his residence in a country for which no weighting has been fixed, the weighting of 100 shall be applied.

The allowance shall be expressed in euros and paid in the currency of the country of residence of the recipient. However, if it is subject to the weighting of 100 in accordance with the provisions of the preceding subparagraph, it shall be paid in euros.

Allowances paid in a currency other than the euro shall be calculated at the exchange rates specified in Article 61 of these Conditions of Employment.

Gross income accruing to the ECAC official from any new employment shall be deducted from the allowance, in so far as that income plus the allowance exceed the total gross remuneration last received by the ECAC official, 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 in the first paragraph above.

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

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

3. Under the conditions referred to in Article 65 of these Conditions of Employment and Articles 1 and 2 of Rule of Application No. 7 of these Conditions of Employment, an ECAC official entitled to an allowance under this Article shall receive the dependent children allowance; the household allowance shall be calculated by reference to that allowance.
4. The allowance and other various allowances received shall be subject to the internal tax provided for in Annex V to these Conditions of Employment, as well as Rule of Application No. 27.
5. Recipients of the allowance shall be entitled, in respect of themselves and persons covered by their insurance, to benefits under the sickness insurance scheme provided for in Article 67 of these Conditions of Employment on condition that they pay the relevant contribution, calculated on the basis of the allowance, and are not gainfully employed. For the purposes of Article 67, the ECAC official shall be treated in the same way as an ECAC official who has remained in service until his pensionable age.
6. During the period for which he is entitled to receive the allowance, the ECAC official shall continue to acquire further rights to retirement pension based on the salary attaching to his grade and step, subject to payment during that period of the contribution provided for in these Conditions of Employment by reference to that salary and those allowances, and provided that the total amount of pension rights does not exceed 70%.

The allowance shall cease on the last day of the month in which the ECAC official reaches his pensionable age but at the earliest at the age of 63.

At that point the ECAC 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.

However, an ECAC official may, at any time, request that his allowance be converted into a retirement pension calculated on the basis of the pension rights acquired in the EUROCONTROL Agency pension scheme at the date of effect of his request.

7. The relevant provisions of these Conditions of Employment shall continue to apply for the purposes of calculation and payment of the retirement pension and the survivor's pension.

Subject to the provisions of Annex IV to these Conditions of Employment, the surviving spouse of an ECAC official who dies while in receipt of the allowance shall be entitled, provided that they had been married for at least one year when the ECAC 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 ECAC official if he had qualified for it at the time of death.

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 73 of these Conditions of Employment. 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 Community and other compulsory deductions under these Conditions of Employment, exceed the amount of the retirement pension to which the ECAC official would have been entitled had he survived and been granted a retirement pension when he ceased to be eligible for the allowance, subject to the allowances and deductions mentioned above.

The duration of the marriage referred to in the second subparagraph shall not be taken into account if there are one or more children of a previous marriage contracted by the ECAC official before he left the service provided that the surviving spouse maintains or has maintained those children, or if the ECAC official's death resulted either from disability or sickness contracted in the performance of his duties or from an accident.

On the death of the ECAC official in receipt of the allowance, dependent children within the meaning of Article 2 of Rule of Application No. 7 of these Conditions of Employment shall be entitled to an orphan's pension under the conditions set out by Article 74 of the said Conditions of Employment and in Article 19 of Annex IV to these Conditions of Employment.

CHAPTER 3 - PROVISIONS OF THE CONDITIONS OF EMPLOYMENT RELATING TO LIMITED-TERM APPOINTMENTS

Section 1 - CONDITIONS GOVERNING THE AWARD AND DURATION OF LIMITED-TERM APPOINTMENTS

Article 7

1. An ECAC official appointed at the date of entry into force of these Conditions of Employment may be appointed for a limited period based on a decision of the Director General.
2. An ECAC official recruited after the date of entry into force of these Conditions of Employment shall be appointed for a limited period. This appointment may be renewed several times, but its total duration, including all renewal periods, may not exceed nine years.
3. The duration of the limited-term appointments under this Annex shall not exceed five years.
4. However, for what concerns the post of Executive Secretary, the duration of the appointment shall not exceed four years. This appointment may be renewed several times, but its total duration, including all renewal periods, may not exceed eight years.
5. If an ECAC official appointed for a limited term in accordance is appointed for a limited term to another post on the basis of Articles 29 and 30 of these Conditions of Employment, the total duration of his service with the Agency may not exceed nine years. However, after five years of service with the Agency, the appointment of such an ECAC official, even if he is assigned to different posts, may be converted to an appointment for an undetermined period in accordance with the provisions of Article 2 of this Annex.

Section 2 - PROCEDURE AND NOTICE APPLICABLE IN THE EVENT OF TERMINATION OF SERVICE OF AN ECAC OFFICIAL APPOINTED FOR A LIMITED-TERM PERIOD

Article 8

1. In principle, an ECAC official appointed for a limited period shall perform his duties until the date provided for in his act of appointment or its renewal, subject to the conditions set out in Article 7 above.

2. In exceptional circumstances, however, the Director General may terminate an appointment for a limited period where the duties performed cease or are fundamentally changed, with or without deletion of the budgetary post. Prior to taking such a decision, the Director General shall explore all the options for reassigning the ECAC official to a different ECAC post, at the same or a lower grade in his function group, including if necessary retraining measures. Any termination of service proposal shall adduce the reasons therefore and be communicated to the ECAC official concerned. The ECAC official shall be entitled to make any comments thereon which he considers relevant. The reasoned decision shall be taken by the Director General after consulting the Joint Reports Committee.
3. In the case of ECAC officials coming under the provisions of paragraph 2 above, the length of the period of notice for termination of service shall be six months, plus one month if the ECAC official has completed at least five years' service with the Agency in that capacity. The notice shall begin to run on the first day of the month following that in which the reasoned decision to terminate service is notified to the ECAC official.

The period of notice shall not, however, begin to run during maternity leave or sick leave, provided such sick leave does not exceed three months. The notice shall be suspended during maternity leave, and, subject to a limit of three months, during sick leave.

For the duration of the period of notice, the Director General shall grant the ECAC official concerned the time needed to find new employment and make private arrangements in connection with his resettlement.

4. On expiry of the period for which he was appointed, and no later than nine years after commencement thereof, the ECAC official shall be required to resign. He shall also be required to resign upon expiry of the period of notice provided for in paragraph 3 above.

Section 3 - COMPENSATION IN THE EVENT OF TERMINATION OF SERVICE OF AN ECAC
OFFICIAL APPOINTED FOR A LIMITED-TERM PERIOD

Article 9

An ECAC official whose service is terminated in accordance with the provisions of Article 8, paragraph 2 above, shall be entitled to compensation proportionate to his years of service with the Agency equal to six months' basic salary, plus one month for each full year of service.

Article 10

Compensation shall be paid on expiry of the period of notice in the form of a sum incorporating the cost-of-living weighting of the last place of employment, which sum shall be subject to EUROCONTROL internal tax. In order to calculate the internal tax applicable to the compensation, each basic monthly salary payable shall be taxed individually on the basis of the internal tax scale.

The basic salary for the purposes of this Article shall be that shown in the table referred to in Article 66 of these Conditions of Employment which is in force on the first day of the month during which the compensation is payable.

The compensation shall be expressed and paid in euros.

The compensation shall not be payable if the ECAC official has refused to be appointed, prior to expiry of the period of notice, to another Agency post of the same grade.

**ANNEX IX PROVISIONS OF THE CONDITIONS OF EMPLOYMENT RELATING TO THE
APPLICATION OF ARTICLE 48 OF THE CONDITIONS OF EMPLOYMENT**

Sole Article

1. As regards the application of the first subparagraph of Article 48.1 of these Conditions of Employment, the word "incompetence" shall be interpreted as meaning that the performance of the ECAC official is not satisfactory in the annual reports referred to in Article 41 of these Conditions of Employment.

Incompetence shall be assessed with reference to the following: description of the post, determination of the objectives of the job, periodical report appraising performance and professional development.

2. Where an ECAC official's performance is not considered satisfactory, his manager shall immediately take remedial measures to allow the ECAC official to achieve a satisfactory level of performance. These measures shall be defined in a Rule of Application of the Director General.
3. If, despite such remedial measures, the ECAC official does not succeed in achieving a satisfactory level of performance by the deadline of 5 years set in Article 48 of these Conditions of Employment, a dismissal procedure shall be initiated, subject to the conditions laid down in the aforementioned Rule of Application.

ANNEX X – RULES FOR IMPLEMENTING ARTICLE 78A OF THE CONDITIONS OF EMPLOYMENT**CHAPTER 1 - GENERAL PRINCIPLES****Article 1**

1. In order to determine the contribution of ECAC officials to the Agency pension scheme referred to in Article 78a of these Conditions of Employment, the Director General shall, every five years starting on 1 July 2020, carry out the actuarial assessment of the balance of the Agency pension scheme referred to in Article 78a of these Conditions of Employment. This assessment shall indicate whether the contribution of the ECAC officials is sufficient to finance one third of the cost under the Agency pension scheme.
2. In preparation for the examination referred to in Article 78a of these Conditions of Employment, the Director General shall every year update this actuarial assessment, having regard to changes in the population as defined in Article 9 of this Annex, in the interest rate as defined in Article 10 of this Annex and in the rate of annual change in the salary scales of Agency ECAC officials as defined in Article 11 of this Annex.
3. The assessment and updates shall be carried out each year n , on the basis of the population of active members of the Agency pension scheme at 31 December of the previous year ($n - 1$).

Article 2

Any update of the contribution rate shall take effect on 1 July at the same time as the annual update of remunerations under Article 62 of these Conditions of Employment.

CHAPTER 2 - ASSESSMENT OF THE ACTUARIAL BALANCE**Article 3**

The five-yearly actuarial assessments shall lay down the conditions for balance by taking into account, as charges on the scheme, the retirement pension as defined in Article 72 of these Conditions of Employment, the invalidity allowance as defined in Article 73 of these Conditions of Employment, and survivors' pensions as defined in Articles 74 and 75 of these Conditions of Employment.

Article 4

1. The actuarial balance shall be assessed on the basis of the method for calculation set out in this chapter.
2. In accordance with this method, the “actuarial value” of pension rights
 - acquired between the date of entry into force of these Conditions of Employment and the date of calculation shall represent the obligation in respect of the periods of service between these two dates,
 - acquired after the date of calculation shall represent the obligation in respect of future service.
3. It is assumed that all retirements (except for invalidity) will occur at a fixed average age (r). The average retirement age shall be updated only on the occasion of the five-yearly actuarial assessment referred to in Article 1 of this Annex and may be different for different groups of staff.

4. In determining the actuarial values:
 - a) the future changes in each ECAC official's basic salary, subject to a pension contribution between the calculation date and the assumed retirement age, shall be taken into account (projected salaries);
 - b) pension rights acquired after the date of entry in force of these Conditions of Employment shall be taken into account.
5. All the relevant provisions provided for in these Conditions of Employment (particularly in Annexes IV) shall be taken into account in the actuarial evaluation of the service cost.
6. A smoothing process shall be applied to determine the real discount rate and the rate of annual change in the salary scales of ECAC officials. The smoothing shall be obtained through a 30-year moving average for the interest rate and for the increase in the salary scales.

Article 5

1. The basis of the contribution formula shall be as follows:

Contribution rate = actuarial value of obligations subsequent to the date of entry into force of these Conditions of Employment /actuarial value of projected salaries
2. Without prejudice to Article 15, ECAC officials' contributions to the cost of financing the Agency pension scheme shall be calculated as being equal to one third of the result of the formula set out in paragraph 1 above.
3. The cost of the liabilities shall be the sum of:
 - a) the cost of the retirement liabilities (detailed in Article 6 of this Annex), i.e. the actuarial value of the pension rights acquired since the date of entry into force of these Conditions of Employment, including the value of the portion of that pension that will become payable to the surviving spouse and/or dependent children upon the death of the ECAC official after retirement (reversion);
 - b) the cost of the invalidity liabilities (detailed in Article 7 of this Annex), i.e. the actuarial value of the pension rights that will become payable to the active ECAC officials who are expected to become invalids after the date of calculation; and
 - c) the cost of the survivor's liabilities (detailed in Article 8 of this Annex), i.e. the actuarial value of the pension rights that will become payable on behalf of active ECAC officials who are expected to die after the date of entry into force of these Conditions of Employment.
4. The evaluation of the cost of the liabilities shall be based on the pension rights and on the appropriate annuities, as detailed in Articles 6 to 8 of this Annex.

These annuities shall give the actuarial present value of EUR 1 per year, taking into account the interest rate, the rate of annual change in the salary scales and the probability to be still alive at the age of retirement.
5. The minimum subsistence figures mentioned in Chapter 2 of Title V of these Conditions of Employment and in Annex IV shall be taken into account.

Article 6

1. In order to calculate the value of retirement pensions, the pension rights acquired since the date of entry into force of these Conditions of Employment shall be calculated for each ECAC official in active service by multiplying his/her projected basic salary at the age of retirement by the percentage of pension rights acquired since the date of entry into force of these Conditions of Employment.
2. The Projected basic Salary (PS) at retirement shall be calculated starting from the basic salary at 31 December of the previous year and taking into account the rate of annual increase in the salary scales and the estimated annual rate of increase due to seniority and promotions.

Since the calculations will be made in real terms, net of inflation, the rate of annual change in the salary scales and the annual rate of increase due to seniority and promotions shall be rates of increase net of inflation.

3. On the basis of the calculation of the pension rights acquired by a given ECAC official, the actuarial value of those pension rights (and of the associated survivor's pensions) shall be calculated by multiplying the pension rights as defined above by the appropriate annuities as laid down in Annex XII to the Staff Regulations of Officials of the European Communities.
4. The calculation of the cost for retirement liabilities shall take into account the reduction coefficient for ECAC officials leaving the service before the pensionable age

Article 7

1. In order to calculate the value of invalidity allowances, the number of such allowances expected to become payable as from the date of entry into force of these Conditions of Employment shall be measured by applying to each active ECAC official the probability that he could become an invalid during one year after the date of entry into force of these Conditions of Employment. That probability shall then be multiplied by the annual amount of the invalidity allowances to which the ECAC official should become entitled.
2. In calculating the actuarial value of the invalidity allowances payable as from the date of entry into force of these Conditions of Employment, reference shall be made to the appropriate annuities as laid down in Annex XII to the Staff Regulations of Officials of the European Communities.

Article 8

1. The value of the pension rights that will become payable to survivors after the date of entry into force of these Conditions of Employment shall be measured by applying to each active ECAC official the probability that he might die during one year after the date of entry into force of these Conditions of Employment. That probability shall then be multiplied by the amount of spouse's pension that will become payable. The calculation shall take into account the possible orphans' pensions that might become payable.
2. In calculating the actuarial value of the pension rights that will become payable to survivors after the date of entry into force of these Conditions of Employment, an immediate annuity shall be used. This annuity shall be multiplied by the probability that the ECAC official is married, pursuant to the formula referred to in Annex XII to the Staff Regulations of Officials of the European Communities.

CHAPTER 3 - SYSTEM OF COMPUTATION

Article 9

1. The demographic parameters to be taken into consideration for the actuarial assessment shall be based on observation of the population of participants in the scheme, comprising staff in active service and pensioners. This information shall be collected annually by the Director General.

From the observation of this population shall be deduced in particular the structure of the population, the average age of retirement and the invalidity table.

2. The mortality table shall relate to a population which has characteristics as close as possible to those of the population of members of the scheme. It shall be updated only on the occasion of the five yearly actuarial assessment referred to in Article 1 of this Annex.

Article 10

1. The interest rates to be taken into consideration for the actuarial calculations shall be based on the observed average annual interest rates on the long-term public debt of Member States of the European Union as published by the Commission. An appropriate consumer price index shall be used to calculate the corresponding interest rate net of inflation as needed for the actuarial calculations.
2. The effective annual rate to be taken into consideration for the actuarial calculations shall be the average of the real average interest rates for the 30 years preceding the current year.

Article 11

1. The annual change in the salary scales of ECAC officials to be taken into consideration for the actuarial calculations shall be based on the specific indicators referred to in to in Article 1(4) of Annex X to the Staff Regulations of Officials of the European Union.
2. The effective annual rate to be taken into consideration for the actuarial calculations shall be the average of the net specific indicators for the European Union for the 30 years preceding the current year.

Article 11a

For the application of Articles 4(6), 10(2) and 11(2) of this Annex, the moving average shall be calculated at the end 2020 on 28 years:

Article 12

The rate in Article 7 of Annex IV for the calculation of compound interest shall be the effective rate referred to in Article 10 of this Annex and shall, if necessary, be updated on the occasion of the five yearly actuarial assessments.

With respect to the update, the rate referred to in Article 8 of Annex IV shall be understood as a reference rate. The Director General shall publish the updated effective rate within two months following publication thereof in the official Journal of the European Union for information purposes.

CHAPTER 4 - IMPLEMENTATION

Article 13

The actuarial assessments referred to in Article 1 may be entrusted by the Director General to one or more qualified independent experts or bodies.

CHAPTER 5 - REVISION CLAUSE

Article 14

By way of derogation from Article 78.2 of these Conditions of Employment, the possible increase in the contribution rate resulting from the new Agency employment policy implemented with effect from 1 July 2019 shall be financed by the Agency budget and shall not affect the staff contribution rate. This derogation shall apply from the date of entry into force of these Conditions of Employment to 31 December 2030.

The impact of the employment policy shall be estimated annually when the annual actuarial assessment is carried out in accordance with Article 1. 2 of the present Annex.

ANNEX XI - DISCIPLINARY PROCEEDINGS - GENERAL PROVISIONS

Sole Article

1. The Disciplinary Board established by the Director General under the Staff Regulations shall apply to ECAC officials covered by these Conditions of Employment. Therefore Annex XIV to the Staff Regulations shall apply by analogy.
2. One member and one alternate of the Board may be appointed from amongst ECAC officials in active employment.

**ANNEX XII - SPECIAL PROVISIONS OF THE CONDITIONS OF EMPLOYMENT RELATING TO THE
PAYMENT OF A LUMP SUM IN THE EVENT OF RESIGNATION**

Sole Article

1. On the proposal of the Director General, a lump-sum payment may be made to an ECAC official if he resigns in accordance with Article 45 of these Conditions of Employment, without prejudice to any other benefits granted in the event of resignation.
2. This lump-sum payment shall be equal to eighteen times the last monthly basic salary of the ECAC official. It shall be paid in the month following the date on which the resignation takes effect. The basic salary to be taken into account shall be that shown in the tables referred to in Article 63 of the Conditions of Employment which are in force on the first day of the month during which the compensation is paid.
3. The payment made in the form of a sum incorporating the cost-of-living weighting for pensions shall be subject to internal tax as provided for in Annex V to the Conditions of Employment, at the average rate.

The compensation shall be expressed and paid in euros.

4. The lump-sum payment may be granted only if the ECAC official does not retire in the following twenty-four.