

EUROCONTROL

European Organisation for the Safety of Air Navigation

RULES OF APPLICATION

of the conditions of employment

of staff exclusively seconded to the ECAC Secretariat

Edition Date: 16 March 2021

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Checklist of amendments

No. *	Amendments published by Office Notice		Article(s) amended	Effective Date
	No.	Date		
1	1/21	11.02.21	Rule No 7: Articles 1, 2.1 and 2.4 Rule No 8: Articles 3.2, 4.2 and 6	01.07.20

* This reference also figures next to the number of the article amended.

CONTENT

- I. Special Rules applicable solely to personnel governed by the Conditions of Employment are contained in the present set, viz.:

Article 1 of Rule No. 2	concerning the procedure for assignment to a post in accordance with Articles 5, 29 and 30 of the Conditions of Employment
Rule No. 7	concerning remuneration
Rule No. 8	concerning reimbursement of expenses
Rule No. 36	concerning the arrangements for part-time work, job-sharing and teleworking

- II. Rules of Application of the Staff Regulations governing Officials of the EUROCONTROL Agency, which are applicable *mutatis mutandis* to personnel governed by the Conditions of Employment, which are included in the "Rules of Application of the Staff Regulations" as issued.¹

Rule No. 1	concerning the composition and procedure of the bodies provided for in Article 9 of the Conditions of Employment ANNEX: Procedure for the election of the Staff Committee representing Agency officials
Rule No. 2 (excluding Article 1)	concerning the procedure for assignment to a post in accordance with Articles 5, 29 and 30 of the Conditions of Employment
Rule No. 2a	concerning the equivalence between in-house professional experience and required level of educational as provided for in Article 44.3 last indent of the Conditions of Employment
Rule No. 3	concerning the drawing up of the appraisal report provided for in Article 41 of the Conditions of Employment
Rule No. 4	concerning the procedure for grade promotion of officials provided for in Article 43 of the Conditions of Employment
Rule No. 5	concerning compensatory leave and remuneration for overtime
Rule No. 6	concerning the terms and conditions governing leave
Rule No. 10	concerning sickness insurance cover (covered in a separate publication)
Rule No. 10a	relating to insurance against the risk of accident and of occupational disease (covered in a separate publication)
Rule No. 27	concerning the method of calculating remuneration by applying Article 62 of the Conditions of Employment and the EUROCONTROL internal tax

¹¹ References to the corresponding articles of the Conditions of Employment have been amended in the titles of these Rules of Application.

Rule No. 28	concerning the application of the provisions of Articles 81 and 82 of, and of Articles 11 and 12 of Annex IV Conditions of Employment
Rule No. 31	determining the provisions for the implementation of Annex VII to the Conditions of Employment (Temporary social allowance)
Rule No. 33	concerning the implementation of Article 49 of the Conditions of Employment and Annex VIII thereto
Rule No. 35	concerning organisational development
Rule No. 39	concerning the implementing arrangements for Article 39(1) and (2) of the Conditions of Employment
Rule No. 45	concerning the Implementation of the Just Culture Principles established in Article 20d of the Conditions of Employment
Rule No. 46	relating to the period of appraisal of officials assigned to posts entailing management duties
Rule No. 47	concerning the payment of the cost-of-living weighting to pensioners and those treated as such
Rule No. 48	concerning the arrangements for part-time work on medical grounds and partial invalidity following an illness or accident

RULE OF APPLICATION No 2

CONCERNING THE PROCEDURE FOR ASSIGNMENT TO A POST
IN ACCORDANCE WITH ARTICLES 5, 29 AND 31 OF THE CONDITIONS OF EMPLOYMENT

Article 1

The present Rule of Application determines the arrangements for the recruitment of officials and their assignment to posts pursuant to Articles 5, 29 and 31 of the Conditions of Employment, and the composition and procedure of selection boards.

The provisions of this Rule of Application shall not apply with regard to ECAC officials appointed to their posts upon the entry into force of these Conditions of Employment.

They shall be applicable for ECAC officials recruited after the entry into force of the Conditions of Employment.

RULE OF APPLICATION No. 7

CONCERNING REMUNERATION

Section 1

DEPENDENT SPOUSE AND DEPENDENT CHILD ALLOWANCES

Article 1 (1)

1. The household allowance shall be set at a basic amount EUR 202.36, plus 2%.
2. The household allowance shall be granted to:
 - a) a married ECAC official;
 - b) an ECAC official who is registered as a stable non-marital partner, provided that:
 - i) the couple produces a legal document recognised as such by a Member State, or any competent authority of a Member State, acknowledging their status as non-marital partners,
 - ii) neither partner is in a marital relationship or in another non-marital partnership,
 - iii) the partners are not related in any of the following ways: parent, child, grandparent, grandchild, brother, sister, aunt, uncle, nephew, niece, son-in-law, daughter-in-law;
 - iv) the couple has no access to legal marriage in a Member State; a couple shall be considered to have access to legal marriage for the purposes of this indent only where the members of the couple meet all the conditions laid down by the legislation of a Member State permitting marriage of such a couple.
 - c) by special reasoned decision of the Director General based on supporting documents, an ECAC official who, while not fulfilling the conditions laid down in a) and b), nevertheless actually assumes family responsibilities.
3. If the spouse of an ECAC official is gainfully employed, with an annual income, before deduction of tax, of more than the basic annual salary of an ECAC official in the first step of grade 1, weighted at the rate for the country where the spouse carries out his or her occupation, the ECAC official entitled to the household allowance shall not receive this allowance save by special decision of the Director General.
4. In cases where, under the foregoing provisions, a husband and wife are ECAC officials, employed in the service of the Agency, and are both entitled to the household allowance, this shall be payable only to the person whose basic salary is the higher. In cases where, under the foregoing provisions, one spouse is an ECAC official entitled to the household allowance and the other spouse is an Agency official entitled to the household allowance as defined in the Staff Regulations, only one allowance is paid.

Article 2 (1)

Dependent child allowance

1. An ECAC official who has one or more dependent children shall, in accordance with paragraphs 2 and 3 below, receive an allowance of EUR 221,54 per month for each dependent child.
2. Dependent child shall be understood to mean the legitimate, natural or adopted child of an ECAC official, or of his spouse, who is actually being maintained by the ECAC official.

The same shall apply to a child for whom an application for adoption has been lodged and the adoption procedure started.

Any child whom the ECAC official has a responsibility to maintain under a judicial decision based on Member States' legislation on the protection of minors shall be treated as a dependent child.

3. The allowance shall be granted:
 - a) automatically for children under eighteen years of age;
 - b) on application, with supporting evidence, by the ECAC official for children between eighteen and twenty-one who are receiving educational or vocational training.
4. The father, mother, brother or sister for whom a staff member has a legal responsibility to maintain and whose maintenance involves heavy expenditure may, exceptionally, be treated as if he were a dependent child, by special reasoned decision of the Director General, based on supporting documents. An ECAC official shall receive an allowance of EUR 77,54 per month for each person treated as dependent.
5. Payment of this allowance in respect of a child prevented by serious illness or invalidity from earning a livelihood shall continue throughout the period of that illness or invalidity, irrespective of age. Allowances of a similar nature paid under a national social security scheme in respect of disabled children shall not be deducted from the allowances paid for that child under the present Rule.
6. If custody of the dependent child within the meaning of paragraphs 2 and 3 has been entrusted by law or by an order of court or of the competent administrative authority to another person, the dependent child allowance shall be paid to that person in the name and on behalf of the ECAC official.

Section 2

PAYMENT OF EMOLUMENTS

Article 3

1. Payment of salary and allowances to every ECAC official shall be made in respect of each month on the first working day of that month, the aggregate amount to be rounded up to the nearest cent.
2. The annual updating of remuneration and pension components at EUROCONTROL as defined in Articles 62, 63 and 78 of these Conditions of Employment shall be due at the end of the third month following publication in the ECAC official Journal of the European Union of the update of

remuneration and pensions at the European Union, as provided for in Article 63 of these Conditions of Employment.

3. Where salary and allowances are not due for a whole month the amount shall be divided into thirtieths, and
 - a) where the actual number of days payable is fifteen or less, the number of thirtieths due shall be equal to the actual number of days payable;
 - b) where the actual number of days payable is greater than fifteen, the number of thirtieths due shall be equal to the difference between the actual number of days not payable and thirty.
4. Where entitlement to the household allowance and dependent child allowances commences after the date of entering the service, the ECAC official shall receive these as from the first day of the month in which such entitlement commenced. On cessation of such entitlement, the ECAC official shall receive the sum due in respect thereof up to the last day of the month in which such entitlement ceases.

IMPLEMENTING PROVISIONS FOR RULE OF APPLICATION No. 7

		Articles
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Rule of Application No. 7, Articles 1 and 2

**Payment of family allowances to a person, other than the ECAC official,
who has custody of one or more dependent children**

Section 1 - Common provisions on household allowance and dependent child allowances

While respecting the court order or the result of an officially registered and enforced settlement in force between the ECAC official and the other parent of the child, after the ECAC official concerned has been informed, the following provisions shall apply.

Article 1

For the purposes of applying the Conditions of Employment, the term:

- "custody" or "alternating custody" shall be interpreted according to the national law under which custody was granted,
- "person other than the ECAC official" shall mean any legal or natural person other than the ECAC official to whom custody of one or more children has been granted in accordance with the law or pursuant to a court decision or decision of the competent administrative authority,
- "residence" shall mean the place where the person having custody of the child can prove that he or she actually and habitually lives.

Article 2

ECAC officials in receipt of household allowance and dependent child allowances shall make a periodical declaration stating whether or not they have custody of their children. If they receive household allowance and dependent child allowances for one or more children who have reached the age of majority, they shall indicate the marital status and place of residence of each of them.

ECAC officials who state that they do not have custody of one or more of their children shall also specify in the declaration their family situation, the place of residence of the children of whom they do not have custody, the names and addresses of persons having custody of one or more of their children and the amounts of household allowance and dependent child allowances paid from other sources either to themselves, to the person having custody of one or more children or to the children direct.

Supporting documents related to custody must be attached to that declaration, failing which payment of the household allowance and dependent child allowances may be suspended.

Article 3

Payment of the household allowance and dependent child allowances shall automatically be made in the name and on behalf of the ECAC official to a person other than the ECAC official who has custody of the child; that other person may also assert his or her right to be paid the household allowance and dependent child allowances direct by producing appropriate documentary evidence.

Where custody of the same child alternates between two persons and there is no court order or order of the competent administrative authority or, in the absence of such an order, no stable agreement between the persons concerned laying down the precise pro rata duration of the custody, half of the

household allowance and dependent child allowances shall be paid to each person. Visiting rights shall not be regarded as custody.

Article 4

The spouse and dependent child allowances shall be paid to a person other than the ECAC official irrespective of whether the ECAC official is required to pay maintenance.

Where both household allowance and dependent child allowances and maintenance are paid to such a person, it shall be up to the ECAC official to take the requisite measures to ensure that account is taken of family allowances paid direct.

However, in paying household allowance and dependent child allowances to a person other than the ECAC official over a given period, the Agency shall take account of amounts which it is liable to pay or has paid to that person under a national attachment order pertaining to an obligation to make payments of the same nature.

Article 5

As provided in Article 82 of the Conditions of Employment, the Agency shall recover sums wrongfully paid to a person other than the ECAC official on behalf and in the name of the ECAC official.

Rule of Application No. 7, Article 1.3

Concept of spouse's income from gainful employment

Article 1

"Income from gainful employment" shall be deemed to mean:

- if the spouse who is employed as an international public servant (at EUROCONTROL or any other international organisation): the basic annual salary and any non-regular income, minus contributions for sickness, accident, pension and, if applicable, unemployment;
- in other cases: annual taxable income from gainful employment as determined by the competent national tax authorities.

Article 2

Annual taxable income from gainful employment shall be used as a basis to determine entitlement to the household allowance in respect of the same calendar year. In principle, entitlement to the allowance shall be granted or discontinued with retroactive effect as of 1 January (of the same year).

Article 3

The ceilings to be applied for the various countries where spouses are employed shall be published each year in an office notice.

Rule of Application No. 7, Article 2.2

Concept of dependent child

Sole Article

A child aged between 18 and 21 who is no longer in regular full-time attendance at an educational establishment but who is following a mandatory training course or professional training with a view to obtaining a qualification shall continue to be deemed dependent.

However, if the income received from gainful employment exceeds 40% of the minimum subsistence figure defined as the basic salary of an ECAC official in Grade 1, step 1, weighted for his country of residence in accordance with Article 6 of Annex IV to these Conditions of Employment, the child aged between 18 and 21 shall cease to be deemed a dependant of his parent, the ECAC official. For the purposes of calculation of this ceiling, the child's monthly income from gainful employment to be taken into account shall be his taxable income from gainful employment as defined by the competent national tax authorities, or, if said income has not been defined by the latter, his gross income after deduction of social security contributions.

The resulting figures, after deduction of social security contributions and before deduction of tax, shall be weighted for the country in which the child is employed.

A child who is not in regular full-time attendance at an educational establishment but who is enrolled at an educational establishment where he is receiving tuition for a minimum period of 10 hours per week shall be deemed dependent but shall no longer be entitled to the education allowance.

Rule of Application No. 7, Article 2.4

Persons to be treated as dependent children

Section 1 - General provisions

Article 1

1. The purpose of these implementing provisions is to specify the conditions under which a person may be treated as a dependent child pursuant to Article 2.4 of Rule of Application No. 7.
2. In addition to ECAC officials in active employment, persons in receipt of a retirement pension, invalidity allowance or survivor's pension may request that a person within the meaning of Article 2.4 of this Rule of Application be treated as a dependent children.

In these implementing provisions, the following terms shall be replaced depending on the nature of the requester:

"taxable amount of remuneration":

- for pensioners, by "taxable amount of the pension of the ECAC official";
- for those in receipt of an allowance, by "taxable amount of the allowance granted to the ECAC official";

"net salary":

- for pensioners, by "net pension";
- for those in receipt of an allowance, by "net allowance";

"basic salary":

- for pensioners, by "basic salary multiplied by the percentage applied to determine pension rights";
- for those in receipt of an allowance, by "basic salary multiplied by the percentage applied to determine the amount of the allowance";

"place of employment" by "place of residence" for pensioners and those in receipt of an allowance.

3. Treatment as a dependent child may be authorised by the Director General provided all the conditions set out below are satisfied.

Section 2 - Legal responsibility for maintenance

Article 2

Legal responsibility for maintenance means the obligation between relatives by blood or marriage expressly laid down by law, to the exclusion of any obligation of a contractual, moral or compensatory nature.

ECAC officials' financial obligations towards their spouse or former spouse are not covered by Article 2.4 of Rule of Application No. 7.

Article 3

1. Where there exist factors connecting the case with more than one law, the applicable law shall be determined in accordance with the rules concerning conflicts of laws applicable by the court having jurisdiction.
2. The court having jurisdiction shall be determined in accordance with the rules concerning the choice of court including, where appropriate, those laid down by the relevant international agreements, notably the Brussels Convention of 1968 on Jurisdiction and the Enforcement of Judgments in Civil and Commercial Matters (signed on 27 September 1968) and the Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (recast)
3. For the purpose of the provision set out in paragraph 1, ECAC officials shall be assumed to be resident at their place of employment, in the absence of evidence to the contrary.

Article 4

It shall be for the ECAC official to establish, on the basis of supporting documents, the existence of legal responsibility for maintenance, the expenditure stemming from it and the amount of the financial contribution actually made.

Treatment as a dependent child may be authorised only if the expenditure stemming from the legal responsibility for maintenance is at least equal to the amount resulting from such authorisation.

The appropriate departments shall provide the ECAC official with any guidance needed on this Section, particularly with regard to the nature of the supporting documents required.

Section 3 - Heavy expenditure

Article 5

1. The cost to the ECAC official of maintaining the person whose treatment as a dependent child is requested shall be taken into consideration only up to an amount equivalent to:
 - 40% of the basic monthly salary of an ECAC official in the first step of Grade 1, where that person permanently resides in the official's household;
 - 50% of that basic monthly salary where that person does not permanently reside in the ECAC official's household;

the said amounts being reduced by the person's net income.

2. Where an ECAC official requests that several persons living in the same household be treated as dependent children, the cost of maintaining those persons shall be taken into consideration:
 - for the first person, up to the amount specified in paragraph 1;
 - for the second person, up to 25% of the basic salary referred to in paragraph 1 where that person does not permanently reside in the official's household and 20% where he does;
 - for the remaining person(s), up to the amount of the dependent child allowance specified in Article 2.1 of Rule of Application No. 7;

the said amounts being reduced by the net income of the persons to be treated as dependent children.

3. Where the person whose treatment as a dependent child is requested is married, the net incomes of the couple shall be taken into consideration, as if treatment as dependent children were being requested for both spouses.
4. An increase in this cost of maintenance shall be taken into consideration where evidence is provided of regular additional expenditure occasioned by the person whose treatment as a dependent child is requested, in respect of:
 - that part of the remuneration of a nurse whose attendance on that person has been prescribed by a doctor, including any social security contributions, which is not met by the national or international authorities;
 - contributions to a sickness insurance scheme for the person to be treated as a dependent child;
 - medical expenses not reimbursed by a sickness insurance scheme in excess of, as a monthly average, 2% of the basic salary of an ECAC official in the first step of Grade 1;
 - board and lodging in a home for the elderly, exceeding 50% of the basic salary of an ECAC official in the first step of Grade 1, up to a maximum of 20% of that salary.
5. A maximum cost of maintenance shall be determined in the case of an ECAC official requesting treatment of three or more persons as dependent children. It shall correspond to the difference between the ECAC official's net salary plus any other net income, and the basic salary of an ECAC official in the first step of Grade 1, plus any household allowance and dependent child allowance(s). Should the amount thus obtained be less than the cost of maintenance as determined by the other provisions of Section 3, it is that amount which shall serve as the reference for establishing heavy expenditure.

Article 6

Where persons other than the ECAC official also have a legal responsibility for maintaining the person whose treatment as a dependent child is requested, the cost taken into consideration in accordance with Article 5 shall be reduced by that part of the costs of maintaining that person which they are required to bear.

For the purpose of determining that amount, all the persons with a legal responsibility for maintaining the person whose treatment as a dependent child is requested shall be presumed to share the cost of maintenance specified in Article 5 in proportion to their net income.

Article 7

The income of the person whose treatment as a dependent child is requested and that of the persons having legal responsibility for his or her maintenance means income of any kind, including unearned income, family allowances and other allowances and pensions.

It also includes the rental value of any dwelling owned by the person whose treatment as a dependent child is requested or of which he or she is the usufructuary. This rental value shall be fixed at 12% of the basic salary of an ECAC official in the first step of Grade 1.

The income to be taken into consideration shall be the net monthly income of the persons concerned, calculated by dividing net annual income by twelve.

Article 8

The amounts laid down in the Conditions of Employment and those referred to in Articles 5, 6, 7, 9 and 12 of these implementing provisions shall be weighted using the weightings for the country of employment of the ECAC official and the place of residence of the other persons concerned.

If the income referred to in Articles 5, 6, 7, 9 and 12 of these implementing provisions is not expressed in euros, it shall be converted at the euro rate applicable on the day when the entitlement takes effect.

Article 9

Without prejudice to Article 10, maintenance of the person whose treatment as a dependent child is requested shall be deemed to involve heavy expenditure for the ECAC official where the amount of the cost of maintenance taken into consideration in accordance with Article 5, less:

- the amount of the contributions by other persons to this maintenance in accordance with Article 6 and
- all the ECAC official's net income from other sources,

is more than 20% of the taxable amount of the ECAC official's remuneration, calculated on the basis of the salary of a European Union ECAC official. Any other person already being treated as a dependent child of the ECAC official shall not be taken into consideration for the purpose of calculating the taxable amount.

This percentage shall be increased by ten points in respect of each of the other persons whose treatment as dependent children is requested.

If the ECAC official's remuneration is based on part-time employment, it is the full-time salary that shall be taken into consideration for the purpose of calculating the taxable amount referred to above.

Article 10

By way of exception, the Director General may authorise treatment as a dependent child where the amount of the cost of maintenance reduced, where appropriate, by the amounts specified in Article 9 is equal to or less than the percentage of income specified in that Article, on condition that maintenance of that person involves particularly heavy expenditure for the ECAC official.

Section 4 - Decision to authorise treatment as a dependent child

Article 11

1. The decision by the Director General shall be taken on the basis of a written application accompanied by documentary evidence concerning all the factors which have to be taken into account pursuant to these implementing provisions.
2. Where a favourable decision is taken, it shall take effect from the first day of the month during which the ECAC official lodges the application and submits the necessary supporting documents and shall cease to be valid one year from that date at the latest.

An application may be made for it to be renewed.

3. The ECAC official shall inform the administration of any change in the circumstances on which the decision granting the allowance was based.

Where the conditions for maintaining this decision in force cease to be satisfied as the result of such a change, the decision shall be revoked with effect from the first day of the month following that during which the change occurred.

Article 12

1. From the time the favourable decision is taken, the ECAC official must provide evidence that he is contributing regularly to the maintenance of the person being treated as a dependent child by a monthly amount at least equal to:
 - 20% of the taxable amount of his or her remuneration, calculated on the basis of the salary of a European Union ECAC official, plus all other net income; persons treated as dependent children shall not be taken into consideration for the purpose of calculating the taxable amount; or
 - the additional amount received as a result of the favourable decision plus 20%;

whichever is the higher.

2. Where the treatment of several persons as dependent children is authorised, the percentage specified in the first indent of the above paragraph shall be increased by ten in respect of each of those persons after the first.

3. The evidence referred to in paragraph 1 shall not be required where the person treated as a dependent child permanently resides in the ECAC official's household.

The responsible department may check by appropriate means that this condition is being met.

4. In the absence of proof of payment for all or part of the term of validity of the decision, the said decision shall cease to be operative for the periods concerned and any sums received by the ECAC official for those periods shall be recovered by the administration in accordance with Article 82 of the Conditions of Employment

RULE OF APPLICATION No. 8

CONCERNING REIMBURSEMENT OF EXPENSES

Section 1

INSTALLATION ALLOWANCE

Article 1

1. An installation allowance equal to one month's basic salary shall be paid to an established ECAC official who furnishes evidence that a change in the place of residence was required in order to satisfy the requirements of Article 18 of the Conditions of Employment.

In cases where the spouses who are ECAC officials are both entitled to the installation allowance, this shall be payable only to the person who receives the higher amount.

The installation allowance shall be weighted for cost of living at the rate fixed for the place where the ECAC official is employed.

2. An installation allowance of the same amount shall be paid to any ECAC official who is transferred to a new place of employment and is thereby obliged to change his place of residence in order to comply with Article 18 of the Conditions of Employment.
3. The installation allowance shall be calculated by reference to the ECAC official's salary either on the effective date of his establishment or on the date of his transfer to a new place of employment.

The installation allowance shall be paid on production of documents establishing the fact that the ECAC official has settled at the place where he is employed. The question of installation shall be assessed in accordance with criteria laid down by implementing provisions.

4. Where the ECAC official is transferred to the place where his family resides before his family has settled at the place where he is employed, he shall not thereby be entitled to an installation allowance.
5. An established ECAC official who has received an installation allowance and who voluntarily leaves the service of the Agency within two years from the date of entering it shall, on leaving the service, refund part of the allowance, in proportion to the unexpired portion of that two-year period.
6. An ECAC official in receipt of installation allowance shall declare any allowance of like nature which he receives from other sources; such latter allowances shall be deducted from the allowance provided for in this Article.

Section 2

RESETTLEMENT ALLOWANCE

Article 2

1. An established ECAC official who provides evidence of a change of residence shall be entitled on termination of service to a resettlement allowance equal to one month's basic salary, provided that he has completed four years of the service and does not receive a similar allowance in his new employment. In cases where the spouses who are ECAC officials are both entitled to the resettlement allowance, this shall be payable only to the person who receives the higher amount.

For the purpose of calculating his service, account shall be taken of years spent in any administrative status listed in Article 35 of the Conditions of Employment other than leave on personal grounds.

This minimum period shall not apply in the case of retirement in the interests of the service.

The resettlement allowance shall be weighted at the rate fixed for the place where the ECAC official was last employed.

2. In the event of the death of an established ECAC official, the resettlement allowance shall be paid to the surviving spouse or, in the absence of such a person, to the dependents within the meaning of Article 2 of Rule of Application No 7 concerning remuneration, even if the requirement as to length of service laid down in paragraph 1 is not satisfied.
3. The resettlement allowance shall be calculated by reference to the ECAC official's salary at the date of termination of service.
4. The resettlement allowance shall be paid against evidence that the ECAC official and his family, or, where the ECAC official has died, his family only, have resettled at a place situated not less than 70 km from the place where the ECAC official was employed.

Resettlement of an ECAC official or of the family of a deceased ECAC official shall take place within three years of the date of termination of his service.

This time limit shall not apply as against persons entitled under him who can prove that they were unaware of the foregoing provisions.

Section 3

TRAVEL EXPENSES

Article 3 (1)

1. An ECAC official shall be entitled to reimbursement of travel expenses for himself, his spouse, and his dependents actually living in his household:
 - a) on taking up his appointment, from the place where he was recruited to the place where he is employed;

- b) on termination of service, within the meaning of Article 45 of the Conditions of Employment, from the place where he is employed to the place of origin as defined in paragraph 3 below;
- c) on any transfer involving a change in the place where he is employed.

In the event of the death of an ECAC official, the surviving spouse and dependents shall be entitled to reimbursement of travel expenses under the same conditions.

Travel expenses for children aged less than two years shall not be reimbursed.

2. The flat-rate payment shall be based on an allowance per kilometre of geographical distance between the places referred to in paragraph 1.

The kilometric allowance shall be:

EUR 0 for every km from	0 to 200 km
EUR 0,2229 for every km from	201 to 1000 km
EUR 0,3719 for every km from	1001 to 2000 km
EUR 0,2229 for every km from	2001 to 3000 km
EUR 0,0742 for every km from	3001 to 4000 km
EUR 0,0358 for every km from	4001 to 10000 km
EUR 0 for every km over	10000 km

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

- EUR 111.52 if the geographical distance between the places referred to in paragraph is between 600 km and 1200 km,
- EUR 223.05 if the geographical distance between the places referred to in paragraph is greater than 1200 km.

The above kilometric allowances and flat-rate supplements shall be adapted every year in the same proportion as remuneration.

3. An ECAC official's place of origin shall be determined when he takes up his appointment, account being taken in principle of where he was recruited or, upon express and duly reasoned request, the centre of his interests. Change the place of origin as so determined may, by special decision of the Director General, while the ECAC official is in service or when he leaves the service. While he is in the service, however, such decision shall be taken only exceptionally and on production by the ECAC official of appropriate supporting evidence.

The effect of such a change shall not, however, be such as to recognise as the centre of the ECAC official's interests a place which is outside the territories of the Member States of the Organisation or the territories of the signatory states of the European Civil Aviation Conference.

Article 4 (1)

1. An ECAC official shall be entitled to be paid every two calendar years a sum equivalent to the cost of travel from the place where he is employed to his place of origin as defined in Article 3 for himself and, if he is entitled to the household allowance, for his spouse and dependants within the meaning of Article 2 of the Rule of Application No 7 concerning remuneration:

Where the spouses are both ECAC officials, each has the right in respect of himself or herself and in respect of dependants to the flat-rate payment of travelling expenses in accordance with the above provisions; each dependent shall be entitled to one payment only. The payment in respect of dependent children shall be fixed at the request of the husband or wife, on the basis of the place of origin of one or other of them.

Where an ECAC official marries during a given year and thereby becomes entitled to the household allowance, the travel expenses payable for the spouse shall be calculated in proportion to the period from the date of marriage to the end of the year.

Any alteration to the basis of calculation which may arise from changes in family status after the date of payment of the sums in question shall not render the ECAC official concerned liable to make repayment.

Travel expenses for children aged less than two years shall not be reimbursed,

2. The flat-rate payment shall be based on an allowance per kilometre of geographical distance between the official's place of employment and his place of or origin.

The kilometric allowance shall be:

EUR 0 for every km from	0 to 200 km
EUR 0.4498 for every km from	201 to 1000 km
EUR 0.7496 for every km from	1001 to 2000 km
EUR 0.4498 for every km from	2001 to 3000 km
EUR 0.1497 for every km from	3001 to 4000 km
EUR 0.0724 for every km from	4001 to 10000 km
EUR 0 for every km over	10000 km

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

- EUR 224.85 if the geographical distance between the place of employment and the place of origin is between 725 km and 1450 km,
- EUR 449.69 if the geographical distance between the place of employment and the place of origin is greater than 1450 km.

The above kilometric allowances and flat-rate supplements shall be adapted every year in the same proportion as remuneration.

3. An ECAC official whose service is terminated in the course of a calendar year for any reason other than death, or who is on leave on personal grounds during part of the year shall, if he is in active

employment in the service of the Agency for less than nine months of that year, be entitled to only part of the payment provided for in paragraph 1, calculated in proportion to the time spent in active employment.

Section 4

REMOVAL EXPENSES

Article 5

1. Officials obliged to change their place of residence in order to comply with Article 18 of the Conditions of Employment upon entry into service or on a subsequent change of place of employment while in service and who have not been reimbursed in respect of the same expenses from another source shall be entitled to the reimbursement of expenses incurred in respect of the removal of furniture and personal effects, including the cost of insurance against ordinary risks (notably breakage, theft, fire).

General implementing provisions shall be adopted by the Director General to give effect to this paragraph.

2. On termination of service or on the death of an ECAC official, the expenses incurred in respect of removal from the place where he was employed to his place of origin shall be reimbursed.

Where the deceased ECAC official was unmarried, the expenses shall be reimbursed to those entitled under him.

3. In the case of an established ECAC official, removal shall be effected within one year of the end of his probationary period. On termination of service, removal shall be effected within three years as provided in the third subparagraph of Article 1 of the implementing provisions on the reimbursement of removal expenses.

Removals effected after the expiry of the time limits set out in this paragraph shall be reimbursed only in exceptional cases and by special decision of the Director General.

Section 5

DAILY SUBSISTENCE ALLOWANCE

Article 6 (1)

1. Where an ECAC official furnishes evidence that he must change his place of residence in order to satisfy the requirements of Article 18 of the Conditions of Employment, he shall be entitled for a period specified in paragraph 2 to a daily subsistence allowance as follows:

ECAC officials entitled to the household allowance: EUR 46.49.

ECAC officials not entitled to the household allowance: EUR 37.48.

The above scale shall be reviewed each time remunerations are revised pursuant to Article 62 of the Conditions of Employment.

2. The period in respect of which the daily subsistence allowance is granted shall be as follows:
 - a) in the case of an ECAC official who is not entitled to the household allowance: 120 days;
 - b) in the case of an ECAC official who is entitled to the household allowance: 180 days or, if the ECAC official is a probationer, the period of probation plus one month.

In cases where the spouses who are ECAC officials are both entitled to the basic subsistence allowance, the period in respect of which it is granted as laid down in b) shall apply to the person whose basic salary is the higher. The period laid down in a) shall apply to the other person.

In no case shall the daily subsistence allowance be granted beyond the date on which the ECAC official moves in order to satisfy the requirements of Article 18 of the Conditions of Employment.

Section 6

MISSION EXPENSES

Article 7

Missions must be authorised in advance on the basis of a mission order signed in accordance with the conditions laid down in Section 3 of the United Nations Administrative instruction ST/AI/2013/3.

IMPLEMENTING PROVISIONS FOR RULE OF APPLICATION No. 8

		Articles
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Rule of Application No. 8, Article 1
Principles and criteria to be applied for awarding the installation allowance

Article 1

The purpose of awarding the installation allowance shall be to reimburse on a flat-rate basis expenses incurred by ECAC officials who are required to take up residence in their place of employment or to live at a distance compatible with the proper performance of their duties (Article 18 of the Conditions of Employment). These expenses shall be distinct from removal expenses.

Article 2

1. ECAC officials must prove that they have taken up long-term residence, in keeping with the practices of their profession. Temporary accommodation where the ECAC official resides for a period of less than 6 months, or caravans, shall therefore be excluded.
2. The following list of criteria must enable management to decide in a manner which is objective and equitable in respect of all staff whether the conditions for awarding the allowance are met. All aspects of ECAC officials' situations shall be taken into account. Particular importance shall be attached to the following criteria:
 - distance/means of transport: it shall be ascertained whether officials have been obliged to change their place of residence in order to move closer to their place of employment. Account shall be taken of the available means of transport (public or private), the resultant actual travelling time as well as the required transport connections and the inconvenience entailed (particularly in a capital city);
 - changes of residence on personal grounds: purely personally motivated changes of residence shall not be accepted as grounds for awarding the allowance (purchase of a larger home, transition from rented property to home ownership, change of location insofar as the distance or duration of the official's journey to the place of employment is not significantly altered);
 - prior installation: this shall be a fundamental criterion. It shall be established whether officials were already "settled and integrated" on a long-term basis at their place of employment by virtue of previous employment there. Thus, recently recruited officials who are already resident at the place of employment as a result of any employment such as a diplomatic posting or secondment by a State may or may not be entitled to the allowance depending on the conditions under which they were previously resident. For example, furnished accommodation provided for the purposes of a previous post shall not be deemed to be prior installation as such.

Article 3

Cases where probationary ECAC officials decide to settle at their place of employment from the beginning of the probationary period shall in any case be examined following establishment as if the said officials had settled upon establishment.

Rule of Application No. 8, Article 3

Determination of place of origin

Article 1

1. An ECAC official's place of origin as referred to in Article 3.3 of Rule of Application No. 8 shall be determined or changed by the Director General according to the criteria laid down in these implementing rules. The location of a place of origin shall coincide with its geographical position on the basis of its longitude and latitude.
2. In the case of an ECAC official recruited after the entry into force of this Rule of Application on the basis of Article 27(1) of the Conditions of Employment, and not having the nationality of any of the EUROCONTROL Member States or one of the signatory States of the European Civil Aviation Conference, the flat-rate payment shall be based on an allowance per kilometre of geographical distance between the ECAC official's place of employment and the further point on the frontier of the territories of the Member States or the signatory State on the direct route to the centre of interest.

Article 2

1. When ECAC officials take up their duties, their place of origin shall be assumed to be the place from where they are recruited.

Upon express reasoned request, submitted by the ECAC official in writing within one year of taking up his duties, and on production of appropriate documentary evidence, his centre of interests shall be determined as his place of origin, if the centre of interests is not the same as the place of recruitment.

2. For the purposes of applying these implementing rules:
 - "place of recruitment" shall mean the place where an ECAC official was habitually resident at the time of recruitment. Places of temporary residence, e.g. for the purpose of study, military service, training periods or holidays, shall not be regarded as places of habitual residence;
 - "centre of interests" shall mean the place where an ECAC official retains:
 - a) his or her main family ties which, barring duly substantiated exceptions, shall at the choice of the ECAC official mean:
 - i. mother and father or either parent; failing that grandparents, or one grandparent; failing that parents-in-law, or either parent-in-law; failing that brothers and sisters;
or
 - ii. children, or one or more of them;
or
 - iii. the marital residence, on the dual condition that:
 - it was their permanent joint residence prior to the entry into the service of the Agency of the first spouse to enter the Agency as an ECAC official or member of contract staff, and;

- it consists of immovable property in which they have, or one of them has, heritable interests;
- b) heritable interests constituted by immovable property in the form of buildings;
- c) essential civic interests, both active and passive.

If all three criteria referred to in a), b) and c) are not fulfilled by the same place, the ECAC official's centre of interests shall be taken as the place where at least two of the three criteria are met or, failing that, the place where the ECAC official retains his or her main family ties, confined in this instance to the ECAC official's father, mother or children.

3. If an ECAC official's centre of interests cannot be established by means of the criteria listed in the second indent of paragraph 2, his place of recruitment shall be determined as the place of origin.

Article 3

Upon express reasoned request, submitted by the ECAC official in writing, and on production of appropriate documentary evidence, his place of origin may exceptionally be changed during his period of employment.

Such changes cannot be allowed unless the main family ties taken into account for determining the ECAC official's centre of interests have ceased to exist and a different centre of interests can be determined in accordance with conditions referred to in the second indent of Article 2.2.

Article 4

If an ECAC official's centre of interests moves to a place outside the territories of the Member States or the signatory States of the European Civil Aviation Conference, his place of origin may, by special decision of the Director General be changed, for the purpose of applying Article 3.1.b), Article 4 and Article 5.2 of Rule of Application No. 8, so as to fix his place of origin at a point on the frontier of the territories of the Member States or the signatory State on the direct route to the centre of interests.

Article 5

Once ECAC officials reach the age of 55 they may request that their place of origin be changed, on production of appropriate documentary evidence relating to heritable interests in the form of immovable property already built or under construction. Article 4 shall apply.

During the last year before retirement, where ECAC officials have not acquired heritable interests as provided in the paragraph above, they may request a change of place of origin provided that they produce documentary evidence in the form of a rental contract or a certificate from the competent fiscal authority of their change of origin. The effective date of the change of the place of origin shall be the date of the ECAC official's retirement.

Article 6

Upon termination of service and in the light of their place of resettlement, the place of origin of ECAC officials may be changed at their request and on production of appropriate documentary evidence, by special decision of the Director General. Article 4 shall apply.

Rule of Application No. 8, Article 4

Section 1 – Payment of travel expenses incurred in the year of taking up an appointment, of taking full time parental or family leave, of leave on personal grounds, or of termination of service

Article 1

ECAC officials who take up an appointment or are reinstated on the expiry of full time parental or family leave or of leave on personal grounds in the course of a calendar year, and who in that year complete at least nine months of active employment, shall be entitled to the full payment provided for in Article 4 of Rule of Application No 8.

If, during that year, they complete less than nine months of active employment, they shall be entitled to only part of the payment referred to in the preceding paragraph, the basis of calculation being one twelfth for every month of service. A fraction of a month shall be rounded up to a full month to the benefit of the officials concerned.

Article 2

Article 1 shall apply by analogy to ECAC officials whose service is terminated in the course of the year for any reason other than death or who are on full time parental or family leave or on leave on personal grounds.

In the event of the death of an ECAC official in the course of a calendar year, the full flat-rate payment for travel expenses for the current year, divided into equal parts, shall be made to the surviving spouse and to the dependants within the meaning of Article 2 of Rule of Application No 7, provided the persons concerned are themselves entitled to such payment.

Section 2 – Payment of travel expenses in the event of a change in the place of employment or place of origin

Article 3

ECAC officials whose place of employment is situated in the territory of a Member State or a signatory State of the European Civil Aviation Conference and who are transferred to another place of employment situated in the territory of one of the Member States or the signatory States of the European Civil Aviation Conference shall be entitled to the payment provided for in paragraphs 1 to 3 of Article 4 of Rule of Application No. 8 calculated on a pro rata basis corresponding to the number of months spent in each place of employment. A fraction of a month of active employment shall be rounded up to a full month to the benefit of the ECAC officials concerned. The total number of months to be taken into consideration shall not exceed twelve.

Article 4

If an ECAC official's place of origin is changed, the payment of travel expenses for the calendar year in question shall be calculated on a pro rata basis according to the number of months for which each of the places of origin was established.

Article 5

Where, for a reason other than marriage, the conditions for payment are not fulfilled by the spouse or by persons treated as dependent children for the entire calendar year, the payment shall be calculated on a pro rata basis according to the period for which these conditions are fulfilled. A fraction of a month shall be rounded up to a full month.

However, where these conditions cease to be fulfilled on a date later than that specified in Article 6 the ECAC official shall retain entitlement to full payment in respect of the person or persons concerned.

Section 3 – Deadline for the payment of travel expenses

Article 6

In accordance with Articles 2 to 6, the flat-rate payments referred to in Article 4.1 of Rule of Application No. 8 shall be made no later than July of every two years on the basis of the family circumstances of the ECAC official concerned, subject to adjustment for under- or overpayments.

Section 4 - Place of origin outside the territories of the Member States of the Organisation or the signatory States of ECAC

Article 7

In the case of an ECAC official recruited after the entry into force of this Rule of Application on the basis of Article 27(1) of the Conditions of Employment, and not having the nationality of any of the EUROCONTROL Member States or a signatory State of the European Civil Aviation Conference, the place of origin, shall, for the purposes of application of paragraphs 1 to 3 of Article 4, be replaced by the further point on the frontier of the territories of the Member States or the signatory State of the European Civil Aviation Conference on the direct route to the centre of interests.

Rule of Application No. 8, Article 5

Reimbursement of removal expenses

Section 1 – Basic conditions

Article 1

Upon entry into service, staff members shall be entitled to the reimbursement of removal expenses not more than one year after the end of the probationary period. They shall not be entitled to reimbursement of removal costs during the probationary period unless prior authorisation is given by the Director General. Staff members who do not have to serve a probationary period shall be entitled to the reimbursement of removal expenses not more than one year from taking up their duties or from changing to a new place of employment.

The costs for a removal effected prior to the entry into service of a staff member shall not be reimbursed.

On termination of service, staff members shall be entitled to the reimbursement of removal expenses not more than three years after termination of service. Where a staff member becomes entitled to an invalidity allowance, he shall be entitled to the reimbursement of removal expenses not more than three years from the day when he becomes entitled to the invalidity allowance.

The Director General may decide to extend the period for the reimbursement of removal once for one year for duly justified reasons, such as health issues or other reasons beyond the control of the staff member.

Article 2

The family situation shall be taken into account at the time when the removal takes place. The family situation shall mean the staff member and the following family members: the spouse or registered partner within the meaning of Article 1 of Rule of Application No. 7 of the Conditions of Employment, the unmarried partner within the meaning of Article 67 of the Conditions of Employment, the dependent children within the meaning of Article 2 of Rule of Application No. 7 and the persons recognised as dependent children within the meaning of Article 2.4 of the implementing provisions of Rule of Application No 7, on condition that they are actually living in the household of the staff member and are changing residence together with the staff member.

If both spouses are entitled under the Conditions of Employment to a reimbursement of removal costs at the same time and to the same destination, the reimbursement of removal costs shall be paid only once. If only one of the spouses is moving, the expenses shall be reimbursed for that spouse.

Article 3

Upon entry into service, the staff member shall be entitled to the reimbursement of the expenses for the removal from his place of habitual residence to the place of employment.

Upon transfer or change of the place of employment, the staff member shall be entitled to the reimbursement of the expenses for the removal from his previous place of employment to his new place of employment.

Upon leaving the service of EUROCONTROL, the staff member shall be entitled to the reimbursement of the expenses for the removal from his place of employment to his place of origin, determined in

accordance with the general implementing provisions giving effect to Article 3.3 of Rule of Application No 8 on determining the place of origin, or to any other place at the same or shorter distance.

Section 2 – Formal requirements and procedure

Article 5

1. The ECAC official must obtain prior authorisation for removal. He shall apply using a form provided for this purpose six weeks prior to the expected removal date. In order to qualify for reimbursement of removal expenses, the ECAC official must be established. At his request, the probationary ECAC official may in exceptional circumstances be authorised to move house. However, if the ECAC official is not established or resigns before the end of his probationary period, he shall reimburse all amounts paid by the Agency in respect of removal.
2. At least three different companies must be contacted by the ECAC official for an estimate, two of which must necessarily be part of the list established by the Agency. Removal expenses shall be reimbursed only if the ECAC official has used one of the removal companies selected by the Agency. The estimate shall be sent by the removal company to the appropriate Agency administration bureau directly.
3. The final estimates must cover all the required services for the removal, from pick-up to delivery. Should the estimate submitted appear excessive, a second estimate from another removal company on the list of selected companies may be requested by the Agency. Reimbursement of removal expenses may then be limited to the amount shown on the estimate approved by the Agency. Non-reimbursable expenses (see Article 8) must be the subject of a separate estimate.
4. After examination of the estimates, the Agency shall inform the ECAC official in writing of the name of the company selected, which will be sent confirmation of the agreement. The ECAC official shall be responsible for coordinating the removal with the removal company directly.
5. Upon receipt of the invoice, the Agency shall reimburse the removal company directly, no earlier than two weeks following the actual removal date. The invoice may not under any circumstances exceed the approved maximum. Any additional charges shall be invoiced by the removal company to the ECAC official concerned directly.
6. The ECAC official shall have two weeks in which to express any reservations concerning payment of the invoice to the Human Resources office or local administration office, using the form provided for this purpose. This procedure shall not exempt the ECAC official from the obligation to report any damage to the removal company and/or the insurance company in good time in accordance with the rules agreed between the ECAC official and the respective companies.
7. All insurance claims shall be dealt with by the ECAC official concerned with the removal company directly. The ECAC official must inform the Human Resources office or local administration office upon settlement.

Article 6

The set of forms and the list of approved removal companies may be obtained from the Human Resources office or local administration office.

Section 3 – Reimbursable expenses

Article 7

Reimbursable expenses

The expenses specified below relating to the removal of the ECAC official's furniture and personal effects and, where appropriate, those of his spouse and/or dependent children, provided that they form part of the ECAC official's household, shall be reimbursed up to the total amount of the estimate approved in advance by the appropriate administration office.

1. The actual transport costs and the cost of transporting a private motor-car by train, car ferry or road transporter where the necessity for this is proved.
2. Loading and unloading costs, including costs in respect of packing and unpacking personal effects as well as the costs of dismantling and reassembling furniture, excluding expenses connected with installation work.
3. Insurance costs for the cover of simple risks (breakages, theft, fire).
4. Costs connected with waiting time at frontiers.
5. Customs charges and taxes on imported goods.

Article 8

Non-reimbursable expenses

Certain expenses, in particular those specified below, shall not qualify for any reimbursement:

- expenses connected with placing furniture or personal belongings in storage/removing them from storage, or of storage itself;
- the costs of moving animals other than pets, or of placing animals in quarantine;
- the costs of moving boats, caravans, trailers or mobile homes;
- the costs of the dismantling or installation of fitted kitchens and other furniture considered as immovable property;
- garden furniture shall be included, with the exception of items fixed into the ground (garden sheds, climbing frames, etc.);
- the cost of hiring a handyman, plumber, electrician, or of similar assistance;
- the cost of disposing of waste, with the exception of packaging used for the removal;
- cleaning costs;
- restaurant, hotel or accommodation expenses ;
- gratuities.

Article 9

If several trips are required to transport the furniture, the total removal expenses may not exceed those which would have been incurred if the removal had been carried out in a single trip.

Article 10

The ECAC official must not have received reimbursement from another source in respect of the same expenses. Where such expenses are reimbursed in whole or in part from another source, the ECAC official must inform his local administration office accordingly. Any reimbursement from another source, even partial, shall be deducted from the amount to which the ECAC official is entitled under the relevant rules.

RULE OF APPLICATION No. 36

**CONCERNING THE ARRANGEMENTS FOR PART-TIME WORK, JOB-SHARING
AND TELEWORKING**

Section 1

PART-TIME WORK

Article 1 – General

1. ECAC officials may request authorisation to work part-time under the conditions set out in Article 52a, paragraph 1 of the Conditions of Employment and Annex II to the Conditions of Employment.
2. Authorisation for part-time work may be granted for a minimum period of one month and a maximum period of three years by applying a percentage of 50, 60, 70, 80 or 90%, notwithstanding any applicable flexitime provisions. It shall be renewable.
3. Part-time work may be performed under different arrangements, namely i) standard types of part-time work, with a reduced daily work schedule or a reduction in the form of days/half-days, or ii) special part-time work, i.e. time credits.

Article 2 - Standard types of part-time work

1. Part-time work with a daily work schedule shall involve a daily work schedule fixed in advance, the number of hours of which may not exceed 8 hours and 30 minutes. Where this exceeds 5 hours, a minimum half-hour lunch break must be included in the daily work schedule.
2. Part-time work with a reduction in the form of days/half-days shall involve awarding extra leave days ("part-time leave") calculated on the basis of the percentage time reduction granted and the period for which it is granted. Time taken off as "part-time leave" may not exceed half the working days of a given month. Time taken off as "part-time leave" must be taken during the period of part-time work. Such leave days may be carried forward beyond that period only in exceptional circumstances where they could not be taken for compelling reasons attributable to the requirements of the service.

Article 3 - Special part-time work (time credits)

1. Part-time work may also be authorised in the form of time credits. In this case, the ECAC official or servant will be paid as if on half-time work for a period of one or more months and will accordingly be entitled to take off 10½ full days or 21 half-days for each month of half-time remuneration.
2. Time taken off in the form of time credits may not exceed half of the working days in a given month.
3. The total time off taken in the form of time credits per year may not exceed the equivalent of 42 days. The days acquired in the form of time credits must be taken before 31 December of the year in question and may not be carried forward.

Article 4 - Procedure

1. An ECAC official wishing to work part-time shall apply for authorisation in writing through his/her superior(s) to the Director General. This application must be made at least two months before the date requested, except in duly justified urgent cases.
2. The application for part-time work shall specify: the reason for the request; the type of part-time work; the percentage referred to in Article 1, paragraph 2, if applicable; the duration; and the daily work schedule.
3. The superior(s) shall give an opinion on the application before transmitting it to the Director General.
4. For the standard types of part-time work, either a fixed uniform daily reduction in working hours shall be made, or days or half-days shall be designated as non-working time during the period of part-time work. If the ECAC official makes a reasoned request to this effect, the Director General may authorise alternative daily working hours, provided that this is compatible with the interests of the service. The working hours of any one day shall not be less than three hours.
5. For special part-time work (time credits), the application shall specify the exact dates of the days or half-days taken off in this way.
6. The authorisation granted by the Director General shall determine the type of part-time work, its start date, its duration and the daily work schedule, and:
 - in the case of special part-time work (time credits), the dates of the days or half-days to be taken off;
 - in the case of standard part-time work with a reduction in the form of days/half-days, where applicable the dates of the days or half-days to be taken off.

The daily work schedule shall apply for the whole period for which authorisation is granted.

Where an application for standard part-time work with a reduction in the form of days/half-days does not specify the exact days or half-days to be taken off, the Director General may grant an authorisation in principle, after obtaining the opinion of the superior concerned. In such cases, it shall be the responsibility of the ECAC official or servant concerned to determine, in agreement with his/her superior, the dates of the days/half-days to be taken off. Unless otherwise agreed by the superior concerned, the ECAC official or servant shall submit his application to his superior at least two months before the requested leave date, except in emergencies.

The Director General shall transmit his/her decision to the ECAC official or servant and immediately inform the ECAC official superiors and the Division in charge of human resources.

Article 5 - Election or appointment to public office

An ECAC official or servant elected or appointed to public office and authorised by the Director General to work part-time as provided for in Article 13 of the Conditions of Employment and General Conditions of Employment shall undertake standard types of part-time work. The Director General shall determine the percentage of part-time work to be worked. The duration of the authorisation shall correspond to the term of office of the ECAC official.

Article 6 - Parental leave and family leave

An ECAC official on parental leave or on family leave who is taking such leave on a half-time basis shall undertake standard types of part-time work.

Article 7 - Joint Committee on Part-time Work

The Director General may set up a Joint Committee on Part-time Work responsible for examining every refusal or postponement of authorisation to work part-time.

Article 8 - Withdrawal of authorisation to work part-time

1. Notwithstanding the possibility of requesting a withdrawal of the authorisation to work part-time as provided for in Article 2, first paragraph, of Annex II to the Conditions of Employment, the ECAC official may request withdrawal of the authorisation with retrospective effect for reasons of sick leave.
2. Such a request may be granted by the Director General in exceptional cases, taking into account the probable duration of the sick leave, the duration of the part-time work and the fact that the sick leave effectively prevents the ECAC official from undertaking the commitments for which he had requested part-time work. In such cases, authorisation may be withdrawn with effect from the first day of the month in which the request for withdrawal was addressed to the Director General. However, where the reason for withdrawal is maternity leave, it may be granted retrospectively for the full duration of this leave if the request was made before the end of the maternity leave.

Article 9 - Leave entitlements

Annual leave entitlements for an ECAC official authorised to work part-time shall be reduced proportionally.

Article 10

Pursuant to the provisions of Article 52a.3 of the Conditions of Employment the Director General may specify jobs which must be carried out solely on a part-time basis in order to take account of the Agency's needs. The Director General shall base his decision on a reasoned opinion of the Director concerned, who shall refer to the needs of the service and the specific nature of the job concerned.

For purposes of filling such jobs under the conditions laid down in Article 29 of the Conditions of Employment, the relevant communication to staff shall indicate the percentage of time to be worked. The successful candidate shall not be entitled to any other part-time working arrangements applicable in respect of the same job, nor to parental leave taken in the form of part-time work. He may subsequently apply for other jobs within the Agency which are not subject to compulsory part-time working.

Section 2

JOB-SHARING

Article 11 - General provisions: access to job-sharing

1. Officials or servants may request authorisation to work half-time on a job-sharing basis as defined in Article 52b of the Conditions of Employment. They may do so by applying for a vacant post, whose career bracket includes their current grade, published and identified by the Director General as appropriate for that purpose.
2. Only in exceptional cases shall the Director General authorise officials or servants to work part time on a job-sharing basis in the post they hold; in this scenario, only the vacant "half" of the post shall be published. The authorization to work half-time for the ECAC official initially occupying the post full-time may then be subject to an agreement on the working time schedule (see Article 13 below).

Article 12 - Procedure

1. An application to job share shall be lodged by each ECAC official concerned, clearly indicating the desired time arrangement. Where simultaneous applications are lodged by two officials wishing to become "job-sharing partners", each application shall be examined separately by the Director General, taking into account the preferences expressed as regards the potential job-sharing partner.
2. The Director General may choose any of the job-sharing applicants to job-share or may decide to fill the post by a candidate who wishes to work full-time.

Article 13 - Working hours

1. Individual working hours shall be agreed between the job-sharing partners and approved by the Director General before appointment to the job-sharing post. This arrangement shall remain applicable over the entire job-sharing period and may be modified only with the written approval of both job-sharers and the Director General.
2. Working hours shall be shared between job-sharing partners in a manner that fully covers every working day. Where necessary, a minimum period of overlapping time may be foreseen.
3. Job-sharing options include splitting days or alternating days or weeks.

Article 14 - Office

Job-sharers shall use the same office and office equipment.

Article 15 - Duration of job-sharing

Job-sharing is intended to be a long-term arrangement for half-time work; it shall therefore always be requested and granted for an unlimited duration.

Article 16 - Termination of job-sharing

A job-sharer wishing to terminate half-time work may do so by applying for a vacant full-time post, or, by submitting a request, giving at least six months' notice. In the latter case, he may be transferred or reassigned to a different post. In these cases, the vacant half of the post shall be published.

Article 17 - Leave entitlements

Annual leave entitlements for an ECAC official authorized to work half-time in the form of job-sharing shall be curtailed by half.

Section 3

TELEWORKING

Article 18 - General provisions

1. Teleworking, as provided for in Article 52a of the Conditions of Employment, is a method of organising and carrying out work away from the workplace with the help of information and communication technologies. It shall not constitute an individual entitlement but merely a different form of organising work and shall be possible only when in the interests of the service.
2. Directors shall decide whether to authorise or to refuse teleworking by taking into account the interests of the service. They shall determine the appropriate number of officials or servants in the various areas of activity who may telework at any given moment without compromising the smooth operation of a unit or a Division. Where teleworking is refused for an entire service or is refused repeatedly, the Director concerned shall justify such refusal, in accordance with Article 22 of the present Rule.
3. All the provisions of the Conditions of Employment shall continue to apply in the case of teleworking.

Article 19 - Teleworking formulas

1. There shall be two teleworking formulas, namely ad-hoc teleworking and regular teleworking.
2. Ad-hoc teleworking shall allow teleworkers to work at home, possibly several days or half-days at a time (in particular in order to accomplish a specific task), when work circumstances involve one-off or occasional tasks which can be easily carried out away from the office. This formula can also be used in the event of specific personal or domestic problems. This type of teleworking shall be subject to a maximum of 60 days or 120 half-days per year, for which it shall not be necessary to conclude a teleworking agreement. For each request, an agreement between the person concerned and his line manager shall be necessary, using the standard tool provided for this purpose.

Teleworking under the ad-hoc formula shall not isolate staff from the working environment for more than 40% of the working week (*i.e.* two days or four half-days per full week of 5 days). Staff members must ensure that they comply with this maximum percentage before introducing a teleworking request.

By derogation, ad-hoc teleworking may be authorised by the Division in charge of human resources for a period of more than 40% of the working week. Such derogation may be authorised only in duly substantiated specific circumstances, and only provided that this situation does not occur either repeatedly or for a period exceeding four consecutive weeks.

3. Regular teleworking shall allow staff to alternate periods of teleworking with work at the office, in line with the arrangements defined in a joint agreement. Teleworking shall not, however, isolate staff from the office environment for a period which exceeds 40% of the total working week. This type of teleworking shall require the signature of a teleworking agreement.
4. Where a staff member wishes to combine the two teleworking formulas, his authorised combined teleworking may not exceed 40% of the total working week.

5. Teleworking days, consecutive or otherwise, combined with days of absence for annual, parental or family leave, medical or administrative part-time leave, partial invalidity or sick leave in a given working week which result in an ECAC official being absent from his working environment for teleworking purposes for more than 40% of the total working week may be granted in duly substantiated specific circumstances, provided that this situation does not occur either on a repetitive basis or over several consecutive weeks. In such cases, the Head of Division in charge of human resources shall be informed.

In cases of medical or administrative part-time leave, the aforementioned 40% shall be the percentage of the time worked.

6. Irrespective of the type of teleworking, the duration of a teleworking (half)-day shall correspond to the duration of a normal working (half-)day. No account shall be taken of overtime.
7. Where a regular teleworking day is a day not worked by the ECAC official (EUROCONTROL holiday, sick leave or annual leave), this day shall not be carried over to another working day.

Article 20 – Regular teleworking agreement

1. The teleworking agreement shall be drawn up between the regular teleworking candidate and his line manager, using the standard form provided for this purpose. The agreement shall take effect only with the consent of the Head of Division in which the teleworking candidate is employed, and that of the Division in charge of human resources.
2. The days or half-days on which the teleworker is required to be present shall be determined by the line manager, following discussion with the person concerned.
3. The agreement must specify during which hours the teleworker will be available by telephone. These hours should include office core hours, save in individual cases where other hours are explicitly mentioned in the teleworking agreement. These periods may not in total exceed the duration of a normal working day or a half day. The teleworking agreement shall also specify the teleworking location, stipulating that any change of location will need to be agreed with the line manager.
4. The agreement should cover the tasks to be performed, responsibility for attendance at meetings, etc. and any variation from the normal arrangement that has been agreed in each particular case. It should also include provision for proper monitoring by line management.
5. The agreement shall be concluded for a maximum duration of six months, renewable for further periods.
6. The teleworker may, on occasion, be required to return to the office, at short notice, for urgent reasons or to be present on a particular date in the interests of the service.

Article 21 - Termination of the regular teleworking agreement

Termination of the teleworking agreement by either side shall be subject to a period of notice of one month, with a provision that, for reasons linked to the interests of the service, an immediate return to standard office working may be required.

Article 22 - Tasks unsuitable for teleworking

Some tasks are clearly unsuitable for teleworking, as they require permanent or regular presence in the office which cannot be accommodated by a teleworking arrangement. Therefore, the refusal of a teleworking request shall take into account the interests of the service, and may relate, inter alia, to the need for regular attendance at meetings, the carrying-out of certain operational tasks, shift work, work involving meeting the public, security duties, etc.

Article 23 - No career disadvantage in opting for teleworking

Exercising the choice to telework must not adversely affect an individual's appraisal or assessment. Teleworking entails being absent from the office and, provided the agreement works satisfactorily, it must not in any way prejudice the official's career prospects or his right to training. Appraisals or assessments should clearly refer to the teleworking part of an individual's tasks in order to ensure that there is no unwarranted penalisation of the teleworking element of an assessment.

Article 24 - Health and safety

1. Teleworkers shall have the same sickness insurance cover as non-teleworkers, including accident and occupational disease insurance.
2. Teleworkers shall be obliged to regularly check the ergonomics and safety of their workplace and maintain an adequate level in these areas. The safety of the premises themselves shall be the responsibility of the teleworker.
3. Teleworkers must ensure that their insurance policies allow them to work at home. Officials are also advised to take out civil liability insurance to cover any accidents caused to third parties as a result of their teleworking.

Article 25- Technical aspects

1. The Agency shall provide the teleworker with the basic equipment required. All equipment placed at the disposal of the teleworker shall remain the property of the Agency and must be returned at the Agency's request. Teleworkers shall be requested to take all necessary measures to protect the equipment placed at their disposal. Such equipment may not be used for personal ends.
2. The technical aspects associated with the implementation of teleworking shall be specified in an Information Note to Staff.