

I

(Acts whose publication is obligatory)

**COUNCIL REGULATION (ECSC, EEC, Euratom) No 2615/76
of 21 October 1976
amending Regulation (EEC, Euratom, ECSC) No 259/68 as regards the condi-
tions of employment of other servants of the European Communities**

THE COUNCIL OF THE EUROPEAN
COMMUNITIES,

HAS ADOPTED THIS REGULATION:

CHAPTER I

Having regard to the Treaty establishing a single Council and a single Commission of the European Communities, and in particular Article 24 thereof,

**Amendment of the conditions of employment
of other servants of the European Communities**

Having regard to the proposal from the Commission, made after consulting the Staff Regulations Committee,

Having regard to the opinion of the European Parliament⁽¹⁾,

Having regard to the opinion of the Court of Justice,

Whereas it is for the Council, acting by a qualified majority on a proposal from the Commission after consulting the institutions concerned, to amend the Staff Regulations of officials and conditions of employment of other servants of the European Communities laid down by Regulation (EEC, Euratom, ECSC) No 259/68⁽²⁾, as last amended by Regulation (Euratom, ECSC, EEC) No 2577/75⁽³⁾;

Whereas, without prejudice to the principles of the Staff Regulations, certain amendments should be made to the conditions of employment of other servants of the European Communities so that they can more aptly be applied to staff paid from the research and investment appropriations;

Whereas the conditions of employment laid down in this Regulation shall only apply to staff paid from the research and investment appropriations and shall not in any circumstances constitute a precedent with regard to employment in the European public service,

Article 1

The conditions of employment of other servants of the European Communities shall be amended as follows:

1. The last indent of Article 1 shall be repealed.
2. The following paragraph shall be added to Article 2:

'(d) Staff engaged to fill temporarily a permanent post paid from research and investment appropriations and included in the list of posts appended to the budget relating to the institution concerned.'

3. The last paragraph of Article 4 shall be repealed.
4. The following paragraph shall be added to Article 8:

'Temporary staff to whom Article 2 (d) applies shall be engaged on the following conditions:

- temporary staff in Category A or B required to perform duties necessitating scientific or technical qualifications shall be engaged for not more than five years; their contracts may be renewed;
- staff in Category A or B required to perform administrative duties shall be engaged for an indefinite period;
- staff in Category C or D shall be engaged for an indefinite or definite period.'

5. The following paragraph shall be added to Article 20:

'However, the basic monthly salaries of staff to whom Article 2 (d) applies shall be determined for each grade and step in accordance with the following table:

⁽¹⁾ OJ No C 100, 3. 5. 1976, p. 38.

⁽²⁾ OJ No L 56, 4. 3. 1968, p. 1.

⁽³⁾ OJ No L 263, 11. 10. 1975, p. 1.

Grade	Step							
	1	2	3	4	5	6	7	8
A 1	105 887	111 748	117 609	123 470	129 331	135 192	—	—
A 2	93 469	99 061	104 653	110 245	115 837	121 429	—	—
A 3 L/A 3	76 640	81 533	86 426	91 319	96 212	101 105	105 998	110 891
A 4 L/A 4	63 679	67 497	71 315	75 133	78 951	82 769	86 587	90 405
A 5 L/A 5	52 068	55 348	58 628	61 908	65 188	68 468	71 748	75 028
A 6 L/A 6	44 538	47 120	49 702	52 284	54 866	57 448	60 030	62 612
A 7 L/A 7	37 926	39 969	42 012	44 055	46 098	48 141	—	—
A 8 L/A 8	33 193	34 644	—	—	—	—	—	—
B 1	44 538	47 120	49 702	52 284	54 866	57 448	60 030	62 612
B 2	38 197	40 132	42 067	44 002	45 937	47 872	49 807	51 742
B 3	31 528	33 141	34 754	36 367	37 980	39 593	41 206	42 819
B 4	26 851	28 249	29 647	31 045	32 443	33 841	35 239	36 637
B 5	23 675	24 805	25 935	27 065	—	—	—	—
C 1	26 071	27 245	28 419	29 593	30 768	31 942	33 116	34 290
C 2	22 287	23 361	24 434	25 508	26 581	27 655	28 728	29 820
C 3	20 603	21 522	22 442	23 361	24 281	25 201	26 120	27 040
C 4	18 306	19 174	20 042	20 910	21 779	22 647	23 515	24 384
C 5	16 617	17 435	18 253	19 071	—	—	—	—
D 1	19 222	20 193	21 164	22 135	23 106	24 077	25 048	26 019
D 2	17 233	18 101	18 970	19 838	20 706	21 575	22 443	23 311
D 3	15 804	16 621	17 438	18 255	19 072	19 889	20 706	21 523
D 4	14 780	15 495	16 209	16 923	—	—	—	—

6. The following sentence shall be added to the first paragraph of Article 28 :

'Article 72 shall also apply to staff referred to in Article 39 (2) who are in receipt of a retirement pension.'

7. The following paragraph shall be added to Article 34 :

'Where a former servant within the meaning of Article 2 (c) or (d) who was in receipt of a retirement pension or who left the service before reaching the age of 60 years and requested that his retirement pension be deferred until the first day of the calendar month following that during which he reached the age of 60 years dies, the persons entitled under the deceased servant, as defined in Chapter 4 of Annex VIII to the Staff Regulations, shall be entitled to the survivor's pension as provided in that Annex.'

8. The first sentence of Article 39 (2) shall be replaced by the following :

'On leaving the service, a servant within the meaning of Article 2 (c) or (d) shall be entitled to a retirement pension or severance grant as provided for in Title V, Chapter 3 of the Staff Regulations and Annex VIII to the Staff Regulations.'

9. Article 47 (2) (a) shall be replaced by the following :

'(a) At the end of the period of notice stipulated in the contract; the length of the period of notice shall not be less than two days for each completed month of service, subject to a minimum of 15 days and a maximum of three months. In the case of a servant within the meaning of Article 2 (d) the period of notice shall not be less than one month for each completed year of service, subject to a minimum of three months and a maximum of 10 months. The period of notice shall not, however, commence to run during maternity leave or sick leave, provided such sick leave does not exceed three months. It shall, moreover, be suspended during maternity or sick leave subject to the limits aforesaid.'

10. Articles 84 to 98 shall be repealed.

CHAPTER II

Transitional provisions

Article 2

1. A member of the establishment or local staff paid from the research and investment appropriations

who is in service on the date on which this Regulation comes into force shall be offered a contract by the authority referred to in the first paragraph of Article 6 of the conditions of employment of other servants of the European Communities in accordance with Title II of these conditions of employment.

The contract shall take effect on the said date.

2. The person concerned shall be assigned to a post in accordance with Article 10 of the conditions of employment.

He shall receive a basic salary such as will ensure that his net remuneration is at least equal to the net remuneration which he received before the new contract was concluded.

For the purpose of implementing this Chapter the remuneration to which the person concerned would be entitled under the former conditions of employment shall be one-twelfth of his total annual remuneration, less Community tax and his contributions to national pension and social security schemes.

The family allowances which are taken into account for the purpose of implementing the above provisions shall be those which under the former conditions of remuneration the servant would have received for the first month following the conclusion of the new contract if his situation as to dependants had been the same at that time as during the month in question.

3. Establishment and local staff engaged pursuant to this Article as temporary staff within the meaning of Article 2 (d) of the conditions of employment of other servants of the European Communities shall not be required to serve the probationary period referred to in Article 14 of the said conditions of employment.

4. In the case of establishment and local staff who are in service on the date on which this Regulation comes into force, calculation of the length of service referred to in the first paragraph of Article 77 of the Staff Regulations shall take account of the number of years of service that staff engaged pursuant to paragraph 1 above have completed as establishment or local staff.

However, only the number of years of service completed by staff as temporary staff within the meaning of Article 2 (d) shall be taken into account for the purpose of calculating the years of pensionable service within the meaning of Article 2 of Annex VIII to the Staff Regulations.

5. The contract of any member of establishment or local staff who does not accept the offer made under paragraph 1 within six months shall be terminated. In this event the person in question shall be entitled to the period of notice specified in Article 98 (2) of the conditions of employment of other servants of the European Communities or in the relevant Article of the rules governing the conditions of employment of local staff.

CHAPTER III

Final provisions

Article 3

This Regulation shall enter into force on the day following its publication in the *Official Journal of the European Communities*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Luxembourg, 21 October 1976.

For the Council

The President

L. J. BRINKHORST