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COUNCIL ACT
of 3 December 1998
laying down the staff regulations applicable to Europol employees
 (1999/C 26/07)
 (OJ C 26, 30.1.1999, p. 23)

Amended by:

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► <u>M1</u> Council Decision of 2 December 1999	C 364	1	17.12.1999
► <u>M2</u> Council Decision of 2 December 1999	C 364	3	17.12.1999
► <u>M3</u> Council Act of 15 March 2001	C 112	1	12.4.2001
► <u>M4</u> Council Decision of 15 March 2001	C 112	7	12.4.2001
► <u>M5</u> Council Decision of 28 May 2001	C 165	1	8.6.2001
► <u>M6</u> Council Decision of 13 June 2002	C 150	2	22.6.2002
► <u>M7</u> Council Act of 19 December 2002	C 24	1	31.1.2003

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**COUNCIL ACT
of 3 December 1998**

laying down the staff regulations applicable to Europol employees
(1999/C 26/07)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Convention based on Article K.3 of the Treaty on European Union, on the establishment of a European Police Office (Europol Convention) ⁽¹⁾, and in particular Article 30(3) thereof,

Having regard to the opinion of the Management Board,

Whereas it is for the Council, acting unanimously, to lay down detailed arrangements applicable to Europol employees,

HAS ADOPTED THE FOLLOWING STAFF REGULATIONS:

⁽¹⁾ OJ C 316, 27.11.1995, p. 1.

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Staff Regulations applicable to Europol employees

▼B**CONTENTS**

TITLE I:	General provisions
TITLE II:	Europol staff
Chapter 1:	General provisions
Chapter 2:	Rights and obligations
Chapter 3:	Conditions of engagement
Chapter 4:	Working conditions
Chapter 5:	Remuneration and expenses
Chapter 6:	Social security benefits
Section A:	Sickness and accident insurance, other benefits
Section B:	Insurance against invalidity and death
Section C:	Retirement pension and severance grant
Section D:	Funding of the invalidity and life assurance scheme and of the pension scheme
Section E:	Settlement of claims
Section F:	Payment of benefits
Section G:	Subrogation in favour of Europol
Chapter 7:	Overpayments and underpayments
Chapter 8:	Disciplinary measures
Chapter 9:	Appeals
Chapter 10:	Termination of employment
TITLE III:	Local staff
TITLE IV:	Transitional provisions
TITLE V:	Entry into force

LIST OF APPENDICES

<i>Appendix 1:</i>	Europol posts
<i>Appendix 2:</i>	Selection procedures
<i>Appendix 3:</i>	Compensatory leave and remuneration for overtime
<i>Appendix 4:</i>	Leave
<i>Appendix 5:</i>	Remuneration and reimbursement of expenses
<i>Appendix 6:</i>	Pension scheme
<i>Appendix 7:</i>	Composition and procedure of the Staff Committee, the Invalidity Committee and the Disciplinary Board
<i>Appendix 8:</i>	► M7 Special provisions concerning the Director and Deputy Directors ◀

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TITLE I

GENERAL PROVISIONS*Article 1*

1. These Staff Regulations shall apply to all employees engaged under contract by Europol. Such employees shall be:

- Europol staff, consisting of staff engaged only from the competent authorities as mentioned in Article 2(4) of the Europol Convention, and staff who may be engaged either from these authorities or from outside these authorities;
- local staff, where they are explicitly mentioned in these Staff Regulations.

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2. The Staff Regulations shall also apply to the Director and Deputy Directors of Europol, without prejudice to the Europol Convention and as far as not otherwise provided in Appendix 8, which establishes special provisions concerning the Director and Deputy Directors.

▼B*Article 2*

1. For the purposes of these Staff Regulations, 'Europol staff' means staff engaged to fill a post which is included in the list of posts in Appendix 1, with the exception of posts marked as local staff.

For each of these posts it shall be established which can be filled only by staff engaged from the competent authorities as mentioned in Article 2(4) of the Europol Convention, and which posts can be filled by other staff as well.

Staff recruited to a post which can be filled only by staff engaged from the competent authorities, may be offered a temporary contract for that post only, in accordance with Article 6.

2. Posts shall be evaluated by Europol, subject to the approval of the Management Board of Europol, according to the nature and importance of the tasks connected with them as well as taking into consideration the required level of skills and relevant experience.

Each year, the number and rank of posts will be laid down in an Appendix to the budget.

Article 3

For the purposes of these Staff Regulations, 'local staff' means staff engaged according to local law for manual or service duties, assigned to a post marked as such in the list of posts in Appendix 1.

Article 4

Within Europol, a Staff Committee shall be set up to perform the functions assigned to it by these Staff Regulations. The composition and procedure of the Staff Committee shall be as established in Appendix 7.

All officials shall be entitled to vote in elections and stand for election to the Staff Committee.

Article 5

Officials shall be entitled to exercise the right of association; they may in particular be members of staff associations.

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TITLE II
EUROPOL STAFF

CHAPTER 1

GENERAL PROVISIONS

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Article 6

All Europol staff shall initially be engaged for a fixed period of between one and four years. First contracts may be renewed as follows:

- for a period which makes, in addition to the length of the first contract, a maximum period of six years, for staff assigned to a post which can be filled only by staff engaged from the competent authorities referred to in Article 2(4) of the Europol Convention,
- for a period which makes, in addition to the length of the first contract, a maximum period of six years, for staff subject to national provisions for secondment, special leave or temporary outplacement, assigned to a post not restricted to staff engaged from the competent authorities referred to in Article 2(4) of the Europol Convention,
- for a period which makes, in addition to the length of the first contract, a maximum period of eight years, in all other cases.

Only staff covered by the second and third indents may be engaged for an indefinite period after serving two contracts for a fixed period satisfactorily.

The Management Board of Europol shall give its consent on a yearly basis in so far as the Director of Europol intends to grant contracts of indefinite duration. The Management Board may fix ceilings for the total number of such contracts to be granted.

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Article 7

1. The Director shall, acting solely in the interests of the service, without regard to nationality, and without prejudice to Article 24(1), assign each official by appointment to a post. An official may apply for a transfer within Europol.

2. An official may be called upon to occupy temporarily a post in a higher salary scale than his substantive salary scale. 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 scale and incremental point, and the remuneration he would receive in respect of the incremental point at which he would be classified in the salary scale of his temporary posting.

Article 8

1. The salary scale and incremental point at which Europol staff are engaged shall be stated in their contract.

2. Assignment of Europol staff to a post carrying a higher salary scale than that at which they were engaged shall be recorded in an agreement supplementary to their contract.

CHAPTER 2

RIGHTS AND OBLIGATIONS

Article 9

An official shall carry out his duties for Europol and conduct himself solely with the interests of Europol in mind; he shall neither seek nor take instructions from any government, authority, organisation or person outside Europol, in accordance with Article 30(1) of the Europol Convention.

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An official shall not, without the permission of the Director, accept from any government or from any other source outside Europol 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.

Article 10

An official shall be bound by the provisions on discretion and confidentiality as established by Articles 31 and 32 of the Europol Convention, and any regulations based thereon.

An official wishing to engage in an outside activity, whether gainful or not, or to carry out any assignment outside Europol shall obtain permission from the Director. Permission shall be refused if the activity or assignment is such as to impair the official's independence or to be detrimental to the work of Europol.

Article 11

An official of Europol shall conduct his private life so as not to interfere with his official duties or bring discredit upon Europol.

Article 12

Any official who in the performance of his duties is called upon to decide on a matter in the handling or outcome of which he has a personal interest shall inform the Director.

Article 13

An official who is a candidate for elective public office shall apply for leave on personal grounds for a period not exceeding three months.

The Director shall consider the case of any official elected to such office. The Director shall, having regard to the importance of the office and the duties it entails for the holder, decide whether the official should continue in active employment or should apply for leave on personal grounds. In the latter case, the duration of the leave shall be equal to the term for which the official has been elected. If the person concerned holds a contract for a fixed period, the duration of leave shall be limited to the remainder of the term of the contract.

Article 14

An official shall not, whether alone or together with others, publish or cause to be published without the permission of the Director, any matter dealing with the work of Europol. Permission shall be refused only where the proposed publication is liable to prejudice the interests of Europol.

Article 15

All rights in any writings or other work done by any official in the performance of his duties shall be the property of Europol.

Article 16

An official shall reside either in the place where he is employed or at a distance therefrom no greater than is compatible with the proper performance of his duties.

Article 17

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

An 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

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carrying out of instructions given by him. The responsibility of his subordinates shall in no way release him from his own responsibility.

An official who receives instructions which he considers to be irregular or likely to give rise to serious difficulties shall inform his immediate superior thereof, if necessary in writing. If the official then receives written confirmation of his instructions from his superior, he shall carry them out unless they constitute a breach of criminal law or of the relevant safety standards. He may also submit a request for decision on the issue to the Director, in accordance with Article 22.

An official who is charged with a criminal offence shall immediately inform the Director.

Article 18

An official may be required to make good, in whole or in part, any damage suffered by Europol 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 in accordance with the procedure referred to in Article 96.

The Court of Justice of the European Communities shall have unlimited jurisdiction in disputes arising under this provision.

Article 19

The privileges and immunities enjoyed by officials shall be accorded solely in the interests of Europol. Subject to the Headquarters Agreement and the Protocol on Privileges and Immunities, 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 official concerned shall immediately inform the Director.

Article 20

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

Europol shall compensate the official for damage suffered in such cases, insofar as the 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.

Article 21

Europol shall promote such further training and instruction for officials as is compatible with the proper functioning of the service and is in accordance with its own interests.

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

Article 22

Officials may submit requests to the Director of Europol.

Any decision relating to a specific individual which is taken under these Staff Regulations shall at once be communicated in writing to the official concerned. Any decision adversely affecting an official shall state the grounds on which it is based.

Article 23

The personal file of an official shall contain:

- (a) all documents concerning his status and all reports relating to his ability, efficiency and conduct;

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(b) any comments by the official on such documents.

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

A document shall be deemed to have been communicated to an official where the official's signature has been obtained, or failing that, the document has been sent to him by registered letter.

There shall be only one personal file for each official. An official shall have the right, even after leaving the service, to acquaint himself with all the documents in his file.

The personal file shall be confidential and may be consulted only in the offices of the administration. It shall, however, be forwarded to the Court of Justice of the European Communities if an action concerning the official is brought before the Court.

Acting on a proposal of the Director, submitted after consultation with the Staff Committee, the Management Board shall lay down detailed rules on the management, content and access to the personal file, taking account of the principles established in the Council of Europe Convention of 28 January 1981.

CHAPTER 3

CONDITIONS OF ENGAGEMENT

Article 24

1. Engagement of Europol staff shall be directed to securing for the institution the services of persons of the highest standard of ability, efficiency and integrity. In selecting Europol staff, in addition to having regard to personal suitability and professional qualifications, account shall be taken of the need to ensure the adequate representation of nationals of all Member States and of the official languages of the European Union. Europol is committed to a policy of equal opportunity.

2. A member of the Europol staff may be engaged only in accordance with Article 2(1), and on condition that:

- (a) he is a national of one of the Member States of the European Union, 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 is physically fit to perform his duties, and
- (e) he produces evidence of a thorough knowledge of one of the official languages of the European Union and of a satisfactory knowledge of another such language to the extent necessary for the performance of his duties.

3. A candidate for a Europol post may, before he can be appointed to the post, be subject to a prior national approval procedure to ensure that his posting will be in conformity with national provisions for secondment, special leave or temporary outplacement. The Member State concerned shall define the details of this procedure. ► **M3** Europol may, at the request of a Member State, agree bilateral arrangements with that Member State on the administrative cooperation in such procedures. ◀

4. The selection procedures to be followed in engaging Europol staff shall be as laid down in Appendix 2 to these Staff Regulations.

▼M3*Article 25*

Before the end of the first month of the probationary period and on renewal of his/her contract, a member of the Europol staff shall be medically examined by a medical officer appointed by Europol in order that Europol may be satisfied that he/she fulfils or continues to fulfil the requirements of Article 24(2)(d).

The opportunity to undergo the medical examination before taking up the Europol contract shall be offered to candidates provided they make themselves available at their own expense.

Where a negative medical opinion is given as a result of the medical examination provided for in the first subparagraph, the candidate may, within 20 days of being notified of this opinion by Europol, request that his/her case be submitted for final decision to the Invalidation Committee. The medical officer responsible for the initial negative medical opinion shall be heard by the Invalidation Committee. The candidate may refer the opinion of a doctor of his/her choice to the Invalidation Committee.

▼B*Article 26*

A member of the Europol staff may be required to serve a probationary period not exceeding six months. A probationary period may not be stipulated when a contract is renewed in accordance with Article 6.

Where during his probationary period a member of the Europol staff is prevented, by sickness or accident, from performing his duties for one month or more, the Director may extend his probationary period by the corresponding length of time.

Not less than one month before the expiry of the probationary period, a report shall be made on the ability of the member of the Europol staff to perform the duties pertaining to his post and also on his conduct and efficiency in the service. This report shall be communicated to the person concerned, who shall have the right to submit his comments in writing. A member of the Europol staff whose performance has not proved adequate to justify retention in his post shall be dismissed.

A report on the probationary member of the Europol staff may be made at any time during the probationary period if his performance is obviously proving inadequate. The report shall be communicated to the person concerned, who shall have the right to submit his comments in writing. On the basis of the report, the Director may decide to dismiss the member of the Europol staff before the end of the probationary period by giving him one month's notice; the period of service may not, however, exceed the normal probationary period.

A probationary member of the Europol staff who is dismissed shall be entitled to compensation equal to one third of his basic salary per month of probation completed.

*Article 27***▼M3**

Europol staff shall be engaged at the first incremental point of the salary scale determined for the post. However, the Director may, taking account of the conditions on the labour market in respect of the post concerned, or the training and special experience of the successful candidate for the post, decide to place the successful candidate up to the fifth incremental point of the appropriate salary scale.

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Where a contract held by an official is renewed, and the official is appointed in the same salary scale he held under his previous contract, he shall at least retain the incremental point acquired under his first contract. If the official is appointed to a higher salary scale, he shall be put on the next highest incremental point in that salary scale.

▼B*Article 28*

The ability, efficiency and conduct in the service of each official, with the exception of the Director and Deputy Directors, shall be the subject of a periodical report made at least once every year.

The report shall be communicated to the official. He shall be entitled to make any comments thereon which he considers relevant. ►**M3** Europol may, at the request of a Member State, agree bilateral arrangements with that Member State on the administrative cooperation in assessment procedures. ◀

Article 29

The Director may award a maximum of two incremental points every two years, on the basis of an assessment, taking into account the performance of the official concerned. Teaching duties under the further training and instruction scheme provided for in Article 21, shall be taken into account of this assessment. Further details on the assessment procedure shall be laid down by the Management Board, acting on a proposal from the Director, submitted after consulting the Staff Committee.

Where an increment is not awarded for reasons of inefficiency of the official concerned, the official may apply for a review of this decision six months after it was taken.

CHAPTER 4

WORKING CONDITIONS*Article 30*

Officials in active employment shall at all times be at the disposal of Europol.

However, the normal working week shall be 40 hours, the hours of the working day to be determined by the Director. Within the same limits the Director may, after consulting the Staff Committee, determine the hours and pattern to be worked by certain groups of officials engaged on particular duties.

An official may, moreover, be required because of the exigencies of the service or safety rules to remain on standby duty at his place of work or at home outside normal working hours. Europol shall lay down detailed rules for the application of this paragraph after consulting the Staff Committee.

Article 31

The Director may, on receipt of an application setting out the reasons therefor, authorise an official to work part-time. Such authorisation shall be refused if he considers that authorisation for part-time work would be detrimental to the interests of Europol.

An official authorised to work part-time shall in each month, in the manner provided for by the Director, work the proportion of the normal working time agreed upon.

Article 32

The authorisation referred to in Article 31 shall be granted on application by the official for a maximum of one year. The authorisation may, however, be renewed on the same conditions. An application for renewal shall be made by the official at least one month before the expiry of the period for which the authorisation was granted.

If the reasons for which the authorisation was granted no longer apply, the Director may withdraw the authorisation before expiry of the period for which it was granted, giving one month's notice.

The Director may likewise withdraw the authorisation if the official concerned so requests.

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The official shall be entitled, during the period for which he is authorised to work part-time, to the corresponding percentage of his remuneration. He/she shall, however, continue to receive the full dependent-child allowance and the full education allowance. Contributions to the sickness insurance scheme, the insurance scheme for accident and occupational disease, the unemployment fund and the pension scheme shall be calculated by reference to the total basic salary the official would have received had he/she worked full-time.

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The annual leave of an official who is authorised to work part-time shall, for as long as he is so authorised, be reduced *pro rata*. Portions of days to be deducted shall be disregarded.

Article 33

An 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. The total overtime which an official may be asked to work shall not exceed 150 hours in any six months. This figure may be derogated from by decision of the Director, after consulting the Staff Committee, depending on whether compensation is given by way of remuneration or compensatory leave.

As provided for in Appendix 3, overtime worked by officials shall entitle them either to compensatory leave or to remuneration where the requirements of the service do not allow compensatory leave during the two months following that in which the overtime was worked.

Article 34

An official who is regularly expected to work at night, on Saturdays, Sundays or public holidays, shall be entitled to special allowances when doing shift-work which is required by Europol because of the exigencies of the service or safety rules and which is regarded by it as a regular and permanent feature.

Acting on a proposal from the Director submitted after consulting the Staff Committee, the Management Board shall determine the categories of officials entitled to such allowances, and the rates and conditions thereof.

The normal working hours of an official on shiftwork must not exceed the annual total of normal working hours.

Article 35

An official shall be entitled to special compensation when required to remain on standby duty outside normal working hours in accordance with a decision taken by the Director because of the exigencies of the service or safety rules.

Acting on a proposal from the Director submitted after consulting the Staff Committee, the Management Board shall determine the categories of officials entitled to such compensation, and the rates and conditions thereof.

Article 36

Officials shall be entitled to annual leave of 30 working days per calendar year.

Apart from this annual leave an official may, exceptionally on application, be granted special leave. The rules relating to such leave are laid down in Appendix 4.

Article 37

Pregnant women shall, in addition to the leave provided for in Article 36, be entitled on production of a medical certificate to maternity leave not starting earlier than six weeks before the expected date of confine-

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ment shown in the certificate and ending 10 weeks after the date of confinement; however, such leave shall in no case be for less than 16 weeks regardless of the date of commencement.

The maternity leave must include compulsory maternity leave of at least two weeks before and after the date of confinement.

Such pregnant women shall be entitled to take time off, without loss of pay, in order to attend pre-natal examinations, if such examinations have to take place during working hours.

Article 38

1. An official who provides evidence of incapacity to perform his duties because of sickness or accident shall automatically be entitled to sick leave. The sick leave shall not exceed three months or the time worked by the official, whichever is the longer. The leave shall not extend beyond the term of his contract.

The official concerned shall notify Europol of his incapacity as soon as possible and at the same time state his current address. He may then be required to undergo a medical examination arranged by Europol.

The Director may refer to the Invalidity Committee the case of any official whose sick leave totals more than 12 months in any period of three years.

2. An official may be required to take leave after examination by a medical officer appointed by Europol if his state of health so requires or if a member of his household is suffering from a contagious disease.

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3. On expiry of the time limits mentioned in paragraph 1, the case of an official whose contract is not terminated, despite being unable to resume his/her duties, shall be put to the Invalidity Committee for advice. He/she shall continue to receive his/her full remuneration throughout the period during which he/she is incapable of working until such time as the Director has decided to award an invalidity pension under Article 65 or terminate his/her contract.

▼B*Article 39*

Except in case of sickness or accident, an official may not be absent without prior permission from his immediate superior. Notwithstanding any disciplinary measures that may apply, any unauthorised absence which is duly established shall be deducted from the annual leave of the official concerned.

Article 40

A list of public holidays shall be established by the Management Board, acting on a proposal from the Director submitted after consulting the Staff Committee.

Article 41

In exceptional circumstances a member of the Europol staff may at his own request be granted unpaid leave on compelling personal grounds. The Director shall determine the length of such leave, which shall not exceed one quarter of the length of time already worked by the official and in any event not more than:

- three months if the official's seniority is less than four years,
- six months in all other cases.

While a member of the Europol staff is on unpaid leave his membership of the social security scheme provided for in Article 56 shall be suspended.

However, a member of the Europol staff who provides evidence that he cannot be covered by any other public scheme of insurance against the risks referred to in Article 56 may, not later than one month following

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	1	2	3	4	5	6	7	8	9	10	11
3	8 313,25	8 527,96	8 742,68	8 973,91	9 205,14	9 447,36	9 688,50	9 942,86	10 198,87	10 468,64	10 735,64
4	7 239,67	7 432,38	7 622,31	7 823,26	8 024,21	8 236,17	8 445,37	8 668,35	8 891,31	9 125,31	9 359,29
5	5 965,17	6 122,07	6 276,22	6 441,39	6 606,55	6 782,73	6 956,15	7 140,58	7 322,27	7 514,95	7 707,65
6	5 111,84	5 246,70	5 381,59	5 524,74	5 665,11	5 813,76	5 962,42	6 119,32	6 276,22	6 441,39	6 606,55
7	4 261,23	4 374,09	4 484,20	4 602,56	4 720,93	4 844,81	4 968,68	5 100,81	5 230,19	5 367,83	5 505,46
8	3 622,59	3 718,95	3 812,53	3 914,38	4 013,47	4 118,09	4 222,69	4 335,56	4 445,66	4 564,03	4 679,64
9	3 193,17	3 278,51	3 363,84	3 451,92	3 540,01	3 633,60	3 727,19	3 826,29	3 922,66	4 027,25	4 129,10
10	2 769,24	2 843,58	2 915,14	2 992,21	3 066,55	3 149,12	3 231,70	3 317,04	3 399,62	3 490,47	3 578,55
11	2 683,93	2 755,49	2 824,29	2 898,62	2 972,95	3 052,78	3 129,85	3 212,44	3 295,02	3 383,11	3 468,43
12	2 130,62	2 188,42	2 243,46	2 301,28	2 359,09	2 422,40	2 485,72	2 551,78	2 615,09	2 683,93	2 752,74
13	1 830,56	1 880,11	1 926,91	1 979,22	2 028,77	2 083,81	2 136,12	2 193,92	2 248,99	2 309,55	2 367,35

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Article 46

1. Family allowances shall comprise:
 - (a) household allowance;
 - (b) dependent child allowance;
 - (c) education allowance.
2. 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 Articles 1, 2 and 3 of Appendix 5.
3. The dependent child allowance may be doubled by special reasoned decision of the Director based on medical documents establishing that the child concerned is suffering from a mental or physical handicap which involves the official in heavy expenditure.
4. Where, by virtue of Articles 1, 2 and 3 of Appendix 5, such family allowances are paid to a person other than the official, paragraphs 2 and 3 of this Article shall apply to such a person.

Article 47

The expatriation allowance shall be a fixed allowance to which the official is entitled for the duration of his fixed term contract(s), established per category of posts as laid down in Appendix 5. After this period, this allowance shall be reduced by 10 % of the initial allowance annually.

Article 48

In the event of an 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.

The period mentioned above shall be extended to 12 months in the case where the official died as a consequence of one of the acts mentioned under the second subparagraph of Article 65(1).

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

▼B*Article 49*

Family allowances, expatriation allowance, and other fixed allowances, shall be as established in Appendix 5.

Article 50

Subject to Articles 51 to 54 an official shall be entitled, in accordance with Appendix 5, to reimbursement of reasonable expenses incurred by him on taking up appointment, transfer or leaving the service, and also to reimbursement of reasonable expenses incurred in the course of or in connection with the performance of his duties.

Article 51

A member of the Europol staff shall, as provided for in Appendix 5, be entitled to reimbursement of his removal expenses. This reimbursement shall also be granted when the contract is terminated during the probationary period, except where this termination was due to conduct deemed improper for a member of the Europol staff.

Article 52

A rent allowance shall be payable as provided for in Appendix 5.

Article 53

Reasonable expenses incurred by an official on taking up an appointment with Europol shall be reimbursed in accordance with the terms laid down in Appendix 5.

Article 54

Payment of travel expenses from place of employment to place of origin, shall be as provided for in Appendix 5.

Article 55

1. Payment of remuneration to officials shall be made on the 15th day of each month for the month then current. The amount of remuneration shall be rounded up to the nearest whole monetary unit.
2. Where remuneration is not due in respect of a complete month, the amount shall be divided into thirtieths, and
 - (a) where the actual number of days payable is 15 or less, the number of thirtieths due shall equal the actual number of days payable;
 - (b) where the actual number of days payable is more than 15, the number of thirtieths due shall equal the difference between the actual number of days not payable and 30.
3. Where entitlement to family allowances and expatriation allowances commences after the date of entering the service, the official shall receive these from the first day of the month in which such entitlement commences. On cessation of such entitlements, the official shall receive the sum due up to the last day of the month in which entitlement ceases.

CHAPTER 6

SOCIAL SECURITY BENEFITS

Section A

Sickness and accident insurance, other benefits*Article 56*

1. An 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 Appendix 5 are insured against sickness up

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to 80 % of the expenditure incurred subject to rules drawn up by the Management Board, acting on a proposal from the Director, submitted after consulting the Staff committee. 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 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 57.

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

2. An official whose service terminates and who provides evidence that he cannot be covered by any other public scheme of sickness insurance 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 official, half the contribution being borne by him.

By decision of the Director taken after consulting a medical officer appointed by Europol, the period of one month for making application and the six months' limit specified in the preceding subparagraph 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 institution before the end of the six months' period specified in the preceding subparagraph, provided that the person concerned undergoes a medical examination arranged by Europol.

3. Where the ex-spouse of an official, a child who ceases to be an official's dependant or a person who ceases to be treated as a dependent child within the meaning of Article 2 of Appendix 5 can provide evidence that they cannot be covered by any other public scheme of sickness insurance, they may continue for a maximum of one year to be insured against sickness as provided for in paragraph 1, in their capacity as insured persons covered under that 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.

4. An official who has remained in the service of Europol until the age of 62 years or who is in receipt of an invalidity pension shall be entitled to the benefits provided for in paragraph 1 after he has left the service. The amount of contribution shall be calculated by reference to the amount of pension.

Those benefits shall also apply to the person entitled to survivor's pension following the death of an official who was in active employment or who remained in the service of Europol until the age of 62 years, or the death of a person entitled to an invalidity pension. The amount of contribution shall be calculated by reference to the amount of his pension.

5. The following shall likewise be entitled to the benefits provided for in paragraph 1, provided that they cannot obtain cover under any other public scheme of sickness insurance:

- (a) former officials entitled to retirement pensions who left the service of Europol before the age of 62 years;
- (b) persons entitled to survivor's pension as a result of the death of a former official who left the service of Europol before the age of 62 years.

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The contribution referred to in paragraph 1 shall be calculated by reference to the pension of a former official, half the contribution being borne by the person entitled. However, a person entitled to orphan's pension shall not be entitled to the benefits provided for in paragraph 1, except on request. The contribution shall be calculated by reference to the orphan's pension.

6. Where the total expenditure not reimbursed for any period of 12 months exceeds half the official's basic monthly salary or pension, special reimbursement shall be allowed by the Director, account being taken of the family circumstances of the person concerned, in the manner provided for in the rules referred to in paragraph 1.

7. 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 sum of the reimbursements provided for in paragraph 1, 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 the expenditure which is not reimbursable by the sickness insurance scheme of Europol.

Article 57

1. An official is insured, from the date of his entering the service, against the risk of occupational disease and of accident subject to rules drawn up by the Management Board after consulting the Staff Committee. He shall contribute to the cost of insuring against non-occupational risks up to 0,1 % of his basic salary. Such rules 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 monthly amounts of salary received during the 12 months before the accident:

- to the deceased official's spouse and children in accordance with the law of succession governing the 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 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 official's estate,
- where there are no persons of any of the three categories above, to Europol.

(b) in the event of total permanent invalidity:

Payment to the official of a lump sum equal to eight times his annual basic salary calculated on the basis of the monthly amounts of salary received during the 12 months before the accident.

(c) in the event of partial permanent invalidity:

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

The benefits listed above may be paid in addition to the benefits provided for under the pension scheme.

3. The following shall also be covered in manner provided for in the rules referred to in paragraph 1: medical, pharmaceutical, hospital, surgical, prosthesis, radiography, massage, orthopaedic, clinical and

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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 official under Article 56 does not fully cover the expenditure incurred.

Article 58

Articles 56 and 57 shall apply during the period of employment, during sick leave and during the periods of unpaid leave referred to in Articles 38 and 41 in accordance with conditions laid down therein.

Article 56 shall apply to Europol staff in receipt of invalidity pension, to recipients of a survivor's pension and to staff who are in receipt of a retirement pension.

▼M3**▼B***Article 59*

1. A former member of the Europol staff who is unemployed when his service with Europol has been terminated:

- who is not in receipt of a retirement or invalidity pension from Europol,
- whose service is not terminated by resignation, by cancellation of the contract for disciplinary reasons, or during the period of probation,
- who has completed a minimum of six months' service,
- and who is resident in a Member State of the European Union,

shall be eligible for a monthly unemployment allowance under the conditions laid down below.

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

2. To be eligible for this unemployment allowance, a former member of the Europol staff shall:

- (a) be registered, at his own request, as seeking employment with the employment authorities of the Member State in which he establishes his residence;
- (b) fulfil the obligations laid down by the law of that Member State for persons in receipt of unemployment benefits under that law;
- (c) forward every month to Europol a certificate issued by the competent national employment authority stating whether or not he has fulfilled the obligations and conditions referred to in (a) and (b).

The allowance may be granted or maintained by Europol, 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 competent national authority has given a dispensation from those obligations.

The Management Board shall lay down such provisions as it deems necessary for applying this Article.

3. The unemployment allowance shall be fixed with reference to the basic salary reached by the former member of the Europol staff at the time of the termination of his 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 until the 18th month,
- 30 % of the basic salary from the 19th until the 24th month.

The amounts thus calculated shall be no less than ►**M6** EUR 908,40 ◀ and no more than ►**M6** EUR 1 816,80 ◀.

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The minimum and maximum amounts referred to above may be examined annually by the Management Board.

4. The unemployment allowance shall be paid to the former member of the Europol staff for a maximum of 24 months from the date of termination of service. If, however, during that period the former member of the Europol staff ceases to fulfil the conditions laid down in paragraphs 1 and 2, payment of the unemployment allowance shall be suspended. Payment shall be resumed if before the expiry of that period the former member of the Europol staff again fulfils the said conditions and has not acquired the right to national unemployment benefit.

5. A former member of the Europol staff who is eligible for the unemployment allowance shall be entitled to the family allowances provided for in Article 46. The household allowance shall be calculated on the basis of the unemployment allowance under the conditions laid down in Article 1 of Appendix 5.

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

A former member of the Europol staff who is eligible for the unemployment allowance shall be entitled, as provided for in Article 56, to insurance cover against sickness without having to make any contribution.

6. A member of the Europol staff shall contribute a third of the financing of the unemployment insurance scheme. That contribution shall be fixed at 0,4 % of the basic salary of the person concerned. The contribution shall be deducted monthly from the salary of the person concerned and paid, together with the remaining two thirds to be borne by Europol, into a Special Unemployment Fund.

Europol shall pay its contributions to this Fund each month, no later than eight days after the payment of remuneration.

7. The unemployment allowances paid to a former member of the Europol staff who is unemployed shall be subject to the same conditions and procedure for applying tax as the remuneration of Europol officials is.

8. The national departments with responsibility for employment and unemployment, acting in accordance with their national legislation, and Europol shall cooperate with each other in an effective manner in order to ensure that this Article is properly applied.

9. The detailed arrangements for applying this Article shall be the subject of rules laid down by the Management Board, acting on a proposal submitted by the Director after consulting the Staff Committee, without prejudice to the provisions of the final subparagraph of paragraph 2.

Article 60

1. On the birth of a child to an official, the person who has actual care of the child shall receive a grant of ►**M6** EUR 242,24 ◀.

The same grant shall be paid to an official who adopts a child who is less than five years of age and is a dependant within the meaning of Article 2 of Appendix 5.

2. This grant shall also be payable in the event of termination of pregnancy after not less than 28 weeks, on the production of a medical certificate to that effect.

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 officials of Europol, the grant shall be paid once only.

▼B*Article 61*

In the event of the death of an official, an official's spouse or dependent child, or any other dependent person within the meaning of Article 2 of Appendix 5 who lived as part of the official's household, Europol shall reimburse the costs involved in transporting the body from the official's place of employment to his place of origin.

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

Article 62

Gifts, loans or advances may be made by the Director to officials, former officials or where an official has died, to those entitled under him, who are in a particularly difficult position as a result of serious or protracted illness or where, as a result of an accident sustained during his employment, the official is incapable of working and proves that such illness or accident is not covered by another social security scheme.

Section B

Insurance against invalidity and death*Article 63*

Europol staff are insured in accordance with the following provisions against the risk of death and of invalidity occurring during their employment.

The payments and benefits provided for in this Section shall be suspended if the remuneration which a member of the staff receives in respect of his employment is suspended pursuant to these Staff Regulations.

Article 64

Where the medical examination made before an official is engaged shows that he is suffering from sickness or invalidity, the Director may, insofar as risks arising from such sickness or invalidity are concerned, decide to admit him to guaranteed benefits in respect of invalidity or death only after a period of four years from the date of his entering the service of Europol.

The official may appeal against this decision to the Invalidity Committee, which shall be established in accordance with Appendix 7.

Article 65

1. An official suffering from total invalidity who is obliged for that reason to leave the service of Europol shall be entitled to an invalidity pension, the amount of which shall be determined as follows.

Where the invalidity arises from an accident in the course of or in connection with the performance of his duties, from an occupational disease, from a public-spirited act or from risking his life to save another human being, the invalidity pension shall be 90 % of the final basic salary of the official.

Where the invalidity is due to some other cause, the invalidity pension, calculated by reference to the final basic salary of the official, shall be equal to 2 % for each year between the date of his entering the service and the date on which he reaches the age of 62 years; this rate shall be increased by 2 % for each year of pensionable service with which he has been credited under Article 9(2) and (3) of Appendix 6, but so that the total shall not exceed 70 % of his final basic salary.

The invalidity pension shall not be less than 120 % of the minimum subsistence figure defined in Article 5 of Appendix 6.

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In the case of invalidity deliberately brought about by the official, the Director may decide that he will receive only the grant provided for in Article 77.

Persons entitled to an invalidity pension shall also be entitled to the family allowances provided for in these Staff Regulations, in accordance with Appendix 6; household allowance shall be determined on the basis of the recipient's pension.

2. Invalidity shall be established by the Invalidity Committee.

3. Entitlement to an invalidity pension shall take effect on the day following that on which the official's engagement with Europol is terminated in accordance with Articlesw 94 and 95.

4. Europol may at any time require proof that the recipient of an invalidity pension still fulfils the conditions for payment of that pension. Entitlement to pension shall cease if the Invalidity Committee finds that those conditions are no longer fulfilled.

If an official is not re-engaged by the Director, after a finding of the Invalidity Committee that the conditions for payment of the pension are no longer fulfilled, he shall be entitled, at his own option:

- either to the severance grant provided for in Article 77 calculated on the basis of the actual length of service,
- or, where he has reached the age of at least 50, to a retirement pension in accordance with Section C of this Chapter.

The time during which he received invalidity pension shall be included for the purpose of calculating his retirement pension, without payment by him of arrears of contributions.

5. Where an official is entitled to an invalidity pension under a national scheme, or obtains gainful employment, he shall be obliged to declare this to Europol. In such cases, the amount of those benefits or his salary for this employment after deduction of any taxes thereon, shall be deducted from the invalidity pension paid under this Article.

Article 66

The persons entitled under a deceased official as defined in Chapter 4 of Appendix 6 shall be entitled to the survivor's pension as provided for in Articles 67 to 70.

In the event of the death of a former official in receipt of an invalidity pension or in receipt of a retirement pension or who left the service before reaching the age of 62 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 62 years, the persons entitled under the deceased official, as defined in Chapter 4 of Appendix 6, shall be entitled to the survivor's pension as provided for in that Appendix.

Where the whereabouts of a member of the Europol staff, or of a former member of Europol staff in receipt of an invalidity or retirement pension, or of a former member of Europol staff who left the service before he reached the age 62 and who has requested that his retirement pension be deferred until the first day of the calendar month following that in which he reaches the age of 62, are unknown for more than one year, the provisions of Chapters 5 and 6 of Appendix 6 shall apply by analogy to his spouse and to persons recognised as his dependants.

Article 67

The right to receive payment of pension shall have effect from the first day of the month following that in which death occurred or, where applicable, on the first day of the month following the period during which the surviving spouse, orphans or dependants receive the deceased's remuneration under Article 48.

▼B*Article 68*

The widow of an official who died in the active service of Europol shall be entitled to a widow's pension in accordance with Article 15 of Appendix 6. The amount of the widow's pension shall be 60 % of the retirement pension which the official would have been paid if he had qualified, irrespective of length of service or of age, for such pensions at the time of his death.

The amount specified above shall be 80 % in the case where the official died as a consequence of one of the acts referred to in Article 65(1), second subparagraph.

The amount of the survivor's pension payable shall be neither less than the minimum subsistence figure, nor less than 35 % of the last basic salary of the official.

The amount shall not be less than 42 % of the final basic salary received by the official where death is due to one of the circumstances set out in the second subparagraph of Article 65(1).

▼M3**▼B***Article 69*

Where an official or person entitled to a retirement or invalidity pension dies leaving no spouse entitled to a survivor's pension, the children deemed to be dependent on him shall be entitled to an orphan's pension in accordance with Article 20 of Appendix 6.

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

Where an official or person entitled to a retirement or invalidity pension dies but the conditions set out in the first paragraph are not satisfied, the children deemed to be dependent on him shall be entitled to an orphan's pension in accordance with Article 20 of Appendix 6; the pension shall, however, be equal to half the pension calculated in accordance with that Article.

In the event of the death of a former member of the Europol staff who left the service before reaching the age of 62 and requested that his retirement pension be deferred until the first day of the calendar month following that in which he reached the age of 62, children deemed to be dependent on him shall be entitled to an orphan's pension on the same conditions as those set out respectively in the foregoing paragraphs.

Where the spouse, not being an official of Europol, of a member of the Europol staff or of a former member of the Europol staff in receipt of a retirement or invalidity pension dies, children dependent on the surviving spouse within the meaning of Article 2 of Appendix 5 shall be entitled to an orphan's pension fixed in accordance with the first paragraph.

Orphans shall be entitled to the education allowance in accordance with Article 3 of Appendix 5.

Article 70

In the case of divorce or where there is more than one category of survivor who qualifies to claim survivor's pension, such pension shall be apportioned in the manner provided for in Chapter 4 of Appendix 6.

Article 71

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

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family allowances less tax and other compulsory deductions to the widow and other entitled persons may not exceed the following:

- (a) in the event of the death of an official in the service of Europol, the amount of remuneration which the official would have received on the same scale and incremental point if he had still been in the service, plus any family allowances received by him in that case and less tax and other compulsory deductions;
 - (b) for the period following the date on which the official referred to in (a) above would have reached the age of 62, the amount of the retirement pension to which he would have been entitled thereafter, had he been alive, based on the same scale and incremental point at the time of death, plus any family allowances which he would have received, less tax and other compulsory deductions;
 - (c) in the event of the death of a former official entitled to a retirement pension or to an invalidity pension, 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 official who left the service before reaching the age of 62 and requested that his retirement pension be deferred until the first day of the calendar month following the one in which he reached the age of 62, the amount of retirement pension to which he would have been entitled at the age of 62, had he been alive, subject to the allowances and deductions referred to under (b).
2. For the purposes of paragraph 1, weightings which could affect the various amounts in question shall be disregarded.
 3. The maximum amount as defined in paragraph 1(a) to (d) 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.

Section C

Retirement pension and severance grant*Article 72*

On leaving the service, an official who has completed at least 10 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 62 years.

The maximum retirement pension shall be 70 % of the final basic salary carried by the last post in which the official was employed for at least one year. It shall be payable to an official who has completed 35 years' service reckoned in accordance with Article 3 of Appendix 6. Where the number of years of service is less than 35, the above maximum shall be reduced proportionally.

The amount of the retirement pension must not be less than 4 % of the minimum subsistence figure per year of service.

The pensionable age shall be 62 years.

Article 73

The widow of a former official referred to in Articles 16, 17 or 18 of Appendix 6 shall, in the manner provided for in those Articles, be entitled to a survivor's pension.

The amount specified above shall be 80 % in the case where the official died as a consequence of one of the acts referred to in Article 65(1), second subparagraph.

The amount of the survivor's pension payable in these cases shall be neither less than the minimum subsistence figure, nor less than 35 % of the last basic salary of the former official.

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The amount shall not be less than 42 % of the final basic salary received by the former official where death is due to one of the circumstances set out in the second subparagraph of Article 65(1).

Article 74

The provisions of Article 68 and 73 shall apply *mutatis mutandis* to the widower of an official or of a former official.

Article 75

A person entitled to a retirement pension payable at the age of 62 years or later, or to an invalidity pension, or to a survivor's pension shall be entitled, under the conditions laid down in Appendix 5 to the family allowances specified in Article 46; the household allowance shall be calculated by reference to the pension of the recipient.

The amount of the dependent child allowance payable to the person entitled to the survivor's pension shall, however, be twice the amount of the allowance provided for in Article 46(1)(b).

Article 76

Where the official is entitled to a retirement pension, his pension rights shall be reduced in proportion to the amounts paid in pursuance of Article 79.

Article 77

An official aged less than 62 years whose service terminates otherwise than by reason of death or invalidity and who is not entitled to a retirement pension and cannot benefit from the provisions of Article 9 of Appendix 6 shall be entitled on leaving the service to the payment of a severance grant calculated in accordance with Article 10 of Appendix 6.

This grant shall be reduced by the amounts paid in pursuance of Article 79.

Section D

Funding of the invalidity and life assurance scheme and of the pension scheme*Article 78*

1. Benefits paid under the social security scheme provided for in sections B and C shall be charged to the Europol pension fund referred to in Article 37 of Appendix 6.
2. Officials shall contribute one third of the costs of financing this social security scheme. The contribution shall be 8,25 % of the official's basic salary. It shall be deducted monthly from the salaries of the officials.
3. Salaries shall in all cases be subject to deduction of this contribution of the pension scheme.
4. 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 official or of those entitled under him.

Article 79

In accordance with conditions to be laid down by the Management Board, acting on a proposal from the Director, submitted after consulting the Staff Committee, an official may request Europol to effect any payments which he is required to make in order to constitute or maintain pension rights in his country of origin.

Such payments shall not exceed 16,5 % of his basic salary and shall be charged to the Europol budget.

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Section E

Settlement of claims*Article 80*

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

A retirement or invalidity pension shall not be paid concurrently with the salary payable by Europol nor with the allowance payable under Article 59.

Article 81

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

Pensions shall be liable to modification or withdrawal if the award was contrary to the provisions of these Staff Regulations or of Appendix 6.

Article 82

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

Article 83

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

Article 84

Where an official has been deprived, in whole or in part, of his pension rights under these Staff Regulations, 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 F

Payment of benefits*Article 85*

Benefits under this social security scheme shall be paid monthly in arrears. These benefits shall, on behalf of Europol, be provided by the institution designated by Europol; no other institution may, under any descriptions whatsoever, pay out of its own funds benefits provided for under this social security scheme. Article 71 shall apply by analogy.

Beneficiaries may elect to have their benefits paid in the currency either of their country of origin or of their country of residence or in ►M2 euros ◀; their choice shall remain operative for at least two years.

Section G

Subrogation in favour of Europol*Article 86*

1. Where the death, accidental injury or sickness of a member of Europol staff is caused by a third party, Europol shall, in respect of the obligations incumbent upon it under the Staff Regulations consequent upon the event causing such death, injury or sickness, stand

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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 or remuneration in accordance with Article 38 to the official during the period when he is temporarily unfit to work,
- payments effected in accordance with Article 48 following the death of an official or of a former official entitled to a pension,
- benefits paid under Articles 56 and 57 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 61,
- supplementary family allowances paid in accordance with Article 46(3) and with Article 2(3) of Appendix 5 in respect of a dependent child suffering from serious illness, infirmity or handicap,
- invalidity pensions paid in the event of an accident or sickness resulting in permanent invalidity preventing the official from performing his duties,
- survivor's pension paid in the event of the death of an official or of a former official or the death of the spouse of an official or of a former official entitled to a pension, where the spouse is not a Europol official,
- orphan's pension paid regardless of age to the child of an official or former 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, Europol 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 57.

4. The provisions of paragraphs 1, 2 and 3 may not be a bar to direct action by Europol.

CHAPTER 7

OVERPAYMENTS AND UNDERPAYMENTS*Article 87*

Any sum overpaid under these Staff Regulations shall be recovered from the individual concerned, for sums overpaid in the five years preceding the discovery of the overpayment. Sums underpaid in the five years preceding the discovery of the underpayment shall be awarded to the individual concerned.

CHAPTER 8

DISCIPLINARY MEASURES*Article 88*

1. Any failure by an official to comply with his obligations under these Staff Regulations or the Europol Convention, whether intentionally or through negligence on his part, shall make him liable to disciplinary action.

2. Disciplinary measures shall take one of the following forms:

- (a) written warning;
- (b) reprimand;
- (c) relegation by a maximum of five incremental points in the appropriate salary scale for a period not exceeding six months, or reduction of his basic monthly salary up to a maximum amount of 25 % not exceeding the same period;

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- (d) placement of the official in a salary scale one below the one he is in at the time of the disciplinary measure;
- (e) removal from post and, where appropriate, reduction or withdrawal of entitlement to retirement pension, but the consequences of this measure shall not affect the dependants of the official;
- (f) termination of contract of officials recruited from the competent authorities as mentioned in Article 2(4) of the Europol Convention (with recommendation for disciplinary action).

3. In the application of disciplinary measures, due account shall be taken of the severity of the breach of obligation, as well as of the circumstances surrounding it, including intentionality, any possible disruption of the normal operations of Europol, damage caused to Europol itself, its disciplinary principles or hierarchy, and recidivism of the official concerned.

4. A single breach of obligation shall not give rise to more than one disciplinary measure.

5. Disciplinary measures shall be applied without prejudice to criminal liability incurred by an official through the breach of obligation.

6. Any official who persuades another official to breach his obligations, as well as a superior of the official who knowingly tolerated the breach, shall be liable to the same disciplinary measures as the official concerned.

Article 89

A Disciplinary Board shall be set up within Europol to perform the functions assigned to it under these Staff Regulations. The composition and procedure of the Disciplinary Board shall be as established in Appendix 7.

The Director shall have the right to issue a written warning or a reprimand without consulting the Disciplinary Board, on a proposal from the official's immediate superior or on his own initiative. The official concerned shall be informed of this in writing, and be heard before such action is taken.

Other measures shall be ordered by the Director after the disciplinary procedure provided for in Appendix 7 has been completed. This procedure shall be initiated by the Director, on a proposal from the official's immediate superior or on his own initiative, after hearing the official concerned.

Article 90

Where an allegation of serious misconduct is made against an official by the Director, whether this amounts to failure to carry out his official duties or to a breach of law, the Director may order that he be suspended forthwith. This decision shall be communicated to the official in writing. A breach of the obligation of confidentiality as established in Article 10 shall be considered to be serious misconduct.

The decision that an official be suspended shall specify whether he is to continue to receive his remuneration during the period of suspension or that part thereof is to be withheld: the part withheld shall be one half of the official's basic salary.

A final decision shall be taken within six months from the date when the decision that an official be suspended came into force. Where no decision has been taken by the end of six months, the official shall again receive his full remuneration.

Where no disciplinary action has been taken in respect of an official, or no other measure than a written warning, reprimand or relegation of incremental points in his salary scale or reduction of salary in accordance with Article 88(2)(c) has been ordered, or if no final decision has been taken within the period specified within the preceding paragraph, the official concerned shall be entitled to reimbursement of the amount of remuneration withheld.

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Where, however, the official is prosecuted for those same acts, a final decision shall be taken only after a final verdict has been reached by the court hearing the case.

Article 91

An official against whom a disciplinary measure other than removal from post or termination of contract has been ordered may each year, starting a year from the date of imposition, submit a request for the deletion from his personal file of all reference to such measure.

The Director shall, after consulting the Disciplinary Board in cases where the Board has taken part in the disciplinary procedure, decide whether to grant the official's request; if he decides to do so, the file as constituted following such deletion shall be communicated to him.

Where a disciplinary measure as mentioned in Article 88(2)(d), (e) or (f) has been imposed on an official recruited from a competent authority as mentioned in Article 2(4) of the Europol Convention, the Director must inform the competent authority thereof. Where a different disciplinary measure has been imposed, the Director will decide whether or not to inform the competent authority.

The preceding subparagraph will apply *mutatis mutandis* in cases where the reference of the disciplinary measure has been deleted from the personal file of the official in accordance with this Article.

CHAPTER 9

APPEALS

Article 92

1. Any person to whom these Staff Regulations apply may submit to the Director a request that he take a decision relating to him. The Director 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 paragraphs.

2. Any person to whom these Staff Regulations apply may submit to the Director a complaint against an act adversely affecting him, either where the Director has taken a decision or where he has failed to adopt a measure prescribed by the Staff Regulations. 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 the 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 for in paragraph 1.

The Director 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 93.

3. A request or a complaint by an 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.

▼**B***Article 93*

1. The Court of Justice of the European Communities shall have jurisdiction in any dispute between Europol and any person to whom these Staff Regulations apply regarding the legality of an act adversely affecting such a person within the meaning of Article 92(2). In disputes of a financial character the Court of Justice shall have unlimited jurisdiction.
2. An appeal to the Court of Justice shall lie only if:
 - the Director has previously had a complaint submitted to him pursuant to Article 92(2) within the period prescribed therein, and,
 - the complaint has been rejected by express decisions 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 is against an implied decision rejecting a complaint submitted pursuant to Article 92(2); nevertheless, where a complaint is rejected by an express decision after having been rejected by an implied decision but before the period for lodging an appeal has expired, the period for lodging the appeal shall start to run afresh.
4. By way of derogation from paragraph 2, the person concerned may, after submitting a complaint to the Director pursuant to Article 92(2), immediately file an appeal with the Court of Justice, 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 Court of Justice shall then be suspended until such time as an express or implied decision rejecting the complaint is taken.
5. Appeals under this Article shall be investigated and heard as provided for in the Rules of Procedure of the Court of Justice of the European Communities.

CHAPTER 10

TERMINATION OF EMPLOYMENT

Article 94

Aprat from cessation on death, the employment of Europol staff shall cease:

1. Where the contract is for a fixed period:
 - (a) on the date stated in the contract;
 - (b) at the end of the period of notice specified in the contract, where the latter contains a clause giving the official or Europol the option to terminate earlier. Such period of notice shall be not more than three months nor less than one month. For Europol staff whose contracts have been renewed, the said period of notice shall not be less than one month per year of service, with a minimum of one month and a maximum of six months;
 - (c) at the end of the month in which the official reaches the age of 65 years.

If Europol terminates the contract, the official shall be entitled to compensation equal to one third of his basic salary for the period between the date when his duties end and the date when his contract expires.
2. Where the contract is for an indefinite period:
 - (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 one month for each completed year of service, subject to a minimum of

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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;

- (b) at the end of the month in which the official reaches the age of 65 years.

Article 95

Employment, whether for a fixed or for an indefinite period, may be terminated by Europol without notice:

- (a) during or at the end of the probationary period in accordance with Article 26;
- (b) if the official ceases to satisfy the requirements of Article 24(2)(a) and (d); however, if the official ceases to satisfy the requirements of Article 24(2)(d), his contract may be terminated only in accordance with Article 65;
- (c) if the official is unable to resume his duties at the end of a period of paid sick leave as provided for in Article 38. In such case, the official shall receive an allowance equal to his basic salary, plus family allowances at the rate of two days per month of service completed.

Article 96

1. After the disciplinary procedure provided for in Appendix 7 has been followed, employment may be terminated without notice on disciplinary grounds in serious cases of intentional or negligent failure of an official to comply with his obligations. A reasoned decision shall be taken by the Director, after the official concerned has been given an opportunity of submitting his defence.

Before his employment is terminated, an official may be suspended, in accordance with Article 90.

2. Where employment is terminated in accordance with paragraph 1, the Director may decide:

- (a) to limit the severance grant provided for in Article 77 to repayment of the contribution provided for in Article 78, plus compound interest at the rate determined in Article 10 of Appendix 6;
- (b) to withhold in whole or in part the reimbursement of removal expenses referred to in Article 8(2) of Appendix 5;
- (c) to withhold in whole or in part the compensation provided for in Article 94(1).

Article 97

1. The employment of an official shall be terminated by Europol without notice if the Director finds:

- (a) that at the time of his engagement he deliberately furnished false information as to either his professional ability or the requirements of Article 24(2), and
- (b) that the false information furnished was a determining factor in his being engaged.

2. In such cases the Director shall, after hearing the official concerned, and after the disciplinary procedure provided for in Appendix 7 has been followed, declare that the official's employment is terminated.

Before his employment is terminated, the official may be suspended in accordance with Article 90.

The provisions of Article 96(2) shall apply.



TITLE III
LOCAL STAFF

Article 98

Subject to the provisions of this Title, the conditions of employment of local staff, in particular:

- (a) the manner of their engagement and termination of their contract;
- (b) their leave, and
- (c) their remuneration

shall be determined by Europol in accordance with current rules and practice in the place where they are to perform their duties.

Local staff shall be bound by the provisions on discretion and confidentiality as established by Article 31 and 32 of the Europol Convention, and any regulations based thereon.

Article 99

As regards social security, Europol shall be responsible for the employer's share of the social security contributions under current regulations in the Netherlands.

Article 100

1. Any dispute between Europol and a member of the local staff serving in a Member State shall be submitted to the competent court in accordance with the laws in force in the place where he performs his duties.
2. Any dispute between Europol and a member of the local staff serving in a third country shall be submitted to an arbitration board under the conditions defined in the arbitration clause contained in his contract.

TITLE IV

TRANSITIONAL PROVISIONS

Article 101

1. Officials who are posted to the Europol Drugs Unit (EDU) in accordance with Article 5(2) of the Joint Action of 10 March 1995 (OJ L 62, 20.3.1995, p. 1), and who have fulfilled their tasks satisfactorily as laid down in a written assessment by the EDU management, shall be offered a new contract by the Europol Director in accordance with these Staff Regulations, within six months of the time the regulations enter into force.
2. Such a contract shall be an initial contract for a fixed term between one and four years as Europol staff in accordance with Article 6, or an indefinite contract as local staff in accordance with Article 98.
3. In the framework of the transition plan mentioned under paragraph 5, the duration of the fixed-term contract shall be adjusted downward by the Director in conformity with the preferences expressed by the Member State concerned.
4. The job description in the contract to be offered shall take account of the tasks and functions the official has fulfilled during his posting to the EDU, and his qualifications and experience for the post for which the contract is offered. The contract shall take effect within six months of the date on which these Staff Regulations enter into force.
5. In offering the contracts mentioned above, the Director shall act in accordance with a transition plan, to be submitted by him beforehand to the Management Board for approval. The plan must take account of the rotation provided for in Article 6, the necessary continuity of the organisation in the framework of the new budget, the

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number of years of service with EDU, the interest of the Member States and their adequate representation within Europol, the interests of the host State, and the interests of the individuals concerned. In the transition plan, each different post shall be considered separately.

6. The posting of an official who refuses an offer or whose service during the EDU-period has not been considered satisfactory, will be considered to have ended at the date of refusal or the date that the official receives the message that no contract will be offered.

Article 102

The pay scales given in Article 45 shall be reviewed in accordance with Article 44 on the entry into force of these regulations.

Article 103

Officials seconded to the EDU by the Member States, with the exception of liaison officers, may be offered a contract in accordance with Article 101 with the approval of their seconding authorities.

TITLE V

ENTRY INTO FORCE*Article 104*

These Staff Regulations shall enter into force on 1 January 1999.

Done at Brussels, 3 December 1998.

For the Council

The President

K. SCHLÖGL

▼B*APPENDIX 1***Europol posts****▼M3**

1. Subject to paragraph 3, the following posts shall in particular be Europol posts:

Director

Deputy directors

Assistant directors

Head of

Cooperation with third States and international organisations

Operational and technical support

Central affairs

Analysis

Development

Intelligence and specialised knowledge

Terrorism

Open sources and documentation

Information and communication technology

Human resources

Public relations

Security

Financial crime and forgery of money

Planning

Head of

Finance

Legal affairs

Conference, travel and relocation

General services

Research

First officers

Specialised law enforcement areas

Investigation support

Operational and technical support

Development

Analysis

Human resources — recruitment

Press and public relations

Research

First officers

Open sources and documentation

ICT

Central affairs

Planning

Legal affairs

Data protection

CTR

Finance

General services

Human resources — salary and allowance administration

Human resources — internal training

[Security] ⁽¹⁾

Second officers

Specialised law enforcement areas

Investigation support

▼ **M3**

	Operational and technical support
	Development
	Analysis
	Research
Second officers	Open sources and documentation ICT Central affairs Planning Legal affairs Data protection Human resources Finance CTR General services Press and public relations [Security] ⁽¹⁾
Directorate assistants	Assistants to the Director and to the deputy directors
Assistants	Administrative assistants (all relevant departments and units) Technical assistants *
Assistants	Analytical assistants
Other personnel	Specialised drivers * Drivers * [Security officers] ⁽¹⁾ * Operators * Qualified workers *

⁽¹⁾ Security personnel will continue to be paid according to local conditions for as long as this category is paid for predominantly by the Dutch Government. To indicate this, these posts are put in square brackets.

This list can be modified by unanimous decision of the Management Board.

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2. The posts listed in *bold* may only be filled by personnel engaged from the competent national authorities, in accordance with Articles 2 and 6 of the Staff Regulations. The competent national authorities means all public bodies existing in the Member States which are responsible under national law for preventing and combating criminal offences. The Member State concerned shall inform Europol whether or not it considers a candidate for a Europol post listed in bold as being employed by one of their competent national authorities.

3. The Management Board of Europol shall, in accordance with Article 28(1)(15) of the Europol Convention, take part in the drawing up of the budget and the establishment plan. In that context, it shall propose to the Council the extent to which the posts listed in this Appendix may be filled or combined. The Council shall decide, in accordance with Article 35 of the Europol Convention, on the budget of the organisation.

4. If, in the context of drawing up the establishment plan and budget, the Management Board decides that a particular post in a category listed in bold should be subject to open recruitment, the post may be filled by open competition. In such cases, the contract to be offered may only be a temporary one with the possibility of one renewal in accordance with Article 6 of the Staff Regulations.

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5. Posts marked with an asterisk (*) shall be regarded as posts to be filled by local staff as mentioned in Article 3 of the Staff Regulations. However, the Council, acting on a proposal submitted by the Management Board, initiated by the Director of Europol, shall within two years after the entry into force of the Europol Convention, decide whether or not these posts continue to be regarded as posts to be filled by local staff.

6. The following scales, as established in Article 45 of the Staff Regulations, shall be attached to the posts mentioned in paragraph 1:

<i>Scale</i>	<i>Post</i>
1	Director
2	Deputy director
3	Assistant director
4 to 5	Head of unit
5 to 7	First officer
6 to 10	Directorate assistant
7 to 10	Second officer, assistant
11 to 13	Driver, operator, qualified worker, security officer

▼ **B***APPENDIX 2***Selection procedures***Article 1*

Selection for an Europol post will be based on personal suitability and professional qualifications. A balanced representation of women and men is important just as an adequate representation of nationals of all Member States and of the official languages of the European Union.

Europol is committed to a policy of equal opportunity for all staff, regardless of ethnic origin, religious belief, or any other irrelevant factor.

Recruitment for Europol posts shall take place in accordance with Chapter 3 of the Staff Regulations and the following provisions.

▼ **M3***Article 2*

1. A selection board shall be set up by the Europol Director. It shall advise the Director on the candidates' suitability, and shall endeavour to list the candidates in order of merit, taking into account Article 1, as well as the Director's obligation under Article 30(2) of the Europol Convention to take account of the need to ensure adequate representation of nationals of all Member States and of the official languages of the European Union.

2. The composition of the selection board shall vary according to the category of post to be filled.

3. For the posts of assistant director, the selection board shall consist of the director or his delegate, chairman of the board, a deputy director and the head of the human resources unit. Furthermore, three Member States, including the Presidency, may, if they so wish, assign a representative to serve as a member of the selection board.

4. For posts in scales 4 to 6 and the first officer posts in scale 7 of Article 45 and Appendix 1 of the Staff Regulations, the selection board shall consist of a deputy director, chairman of the board, the head of the human resources unit, and the head of unit concerned. Furthermore, two Member States, including the Presidency, may, if they so wish, assign a representative to serve as a member of the selection board.

5. Each Presidency shall determine at the beginning of its six-month period of office, by drawing lots, which other Member States may be represented on the selection board during the Presidency in accordance with paragraphs 3 and 4.

6. For posts in scales 7 (first officer posts excluded) to 13 of Article 45 and Appendix 1 of the Staff Regulations, the selection board shall consist of a deputy director or his delegate, the chairman of the board, a representative of the human resources unit and the head of unit concerned. Furthermore the Presidency, may, if it so wishes, assign a representative to serve as a member of the selection board.

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7. The Selection Board shall decide whether an external expert should be appointed by the Director to the Selection Board for a specific vacancy to deal with technical questions.

8. Where a member of the Selection Board appears to have a personal relationship with one of the applicants for a Europol post, he shall not participate in the selection process. In such cases, the Selection Board shall propose his replacement to the Director.

9. In the case of a draw in a vote in the Selection Board the vote of the Chairman will be decisive.

10. The Staff Committee shall be informed of all vacancies and selection procedures.

11. The secretariat of the Selection Board, and other administrative functions associated with the selection procedures, shall be the responsibility of the Personnel Unit.

Article 3

1. For each vacant post, an advertisement shall be drawn up by Europol describing in detail the nature of the post, including remuneration, the duties to be performed, and the qualifications, skills and experience required.

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The advertisement shall state specifically that candidates submit their applications in writing, accompanied by a curriculum vitae.

The advertisement shall also provide information on the security screening the successful applicant will be required to go through in compliance with the confidentiality regulations based on Article 31 of the Europol Convention.

2. A vacancy for Europol staff shall be advertised in all Member States.

Europol shall inform the Europol National Units of all vacancies for Europol posts. The National Units shall inform the relevant agencies within their Member State of the vacancy. The competent national authorities shall be responsible for ensuring that the vacancy is brought to the attention of the agencies and all the personnel concerned.

In the case of a vacancy for a post which may also be filled by a person not engaged from the competent national authorities as defined in Article 2(4) of the Europol Convention, the vacancies shall also be advertised by Europol directly, using the *Official Journal of the European Communities* and such other media as to ensure maximum exposure in all the Member States.

3. For all vacant posts, both internal and external applications shall be considered.

Article 4

Applicants shall be requested to submit their applications to Europol within 60 days after the date of publishing of the official advertisement. Europol shall send an acknowledgment of receipt to the applicants.

Article 5

On the basis of qualifications, experience, the profile sought, and any pre-selection as provided for in Article 24 of the Staff Regulations, the Selection Board will make an initial selection from the applications received.

In the cases mentioned in Article 2(6), the Selection Board may decide to leave the initial selection to one or more of its members.

A minimum of five, if possible, and a maximum of 20 applicants per post to be filled may be selected and shall be invited to undergo a specific post related written or any other test procedure. The Selection Board will decide on the specific necessities.

Article 6

The test(s) shall be prepared by the Director of Europol in consultation with the Selection Board in order to appraise the specific qualifications and expertise of the applicants for the post concerned. The results of the test(s) shall be marked — on the basis of anonymity — by the Selection Board.

Article 7

The Selection Board shall interview all applicants who passed the test(s). These interviews may also be used to test the applicants' knowledge of the official languages of the European Union with reference to Article 30(2) of the Europol Convention and Article 24 of the Staff Regulations.

The questions put to the applicants shall not relate in any way to the occupation of the applicants' family members or social background.

Article 8

The tests and interviews shall be held in The Hague. Travel expenses and any subsistence and hotel accommodation expenses shall be reimbursed to the applicants in accordance with the rules laid down in Appendix 5.

Article 9

Once the interviews have been completed, the Selection Board shall draw up a list of the successful applicants in order of merit; this list shall be forwarded to the Director as soon as possible.

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Should the selection board come to the conclusion that none of the applicants is suited for the post, it shall inform the Director, who shall reissue the advertisement for the post as soon as possible. In such cases the deadlines may be set at shorter periods.

▼B

Article 10

The Director shall decide as soon as possible after receiving the advice of the Selection Board. He shall inform the members of the Selection Board of his decision.

The Director shall inform the applicants of the outcome of the procedure.

▼B*APPENDIX 3***Compensatory leave and remuneration for overtime***Article 1*

Within the limits laid down in Article 33 of the Staff Regulations, overtime worked by an official in scales 11 to 13 of Article 45 of the Staff Regulations shall entitle him to compensatory leave or to remuneration as follows:

- (a) For each hour of overtime, he shall be entitled to one hour and a half off as compensatory leave; if the hour of overtime is worked between 10 p.m. and 7 a.m. or on a Sunday or on a public holiday, the entitlement to compensatory leave shall be two hours; in the granting of compensatory leave, account shall be taken of the requirements of the service and the preference of the official concerned;
- (b) Where the requirements of the service do not permit compensatory leave to be taken during the two months following that during which the overtime was worked, the Director shall authorise remuneration for uncompensated hours of overtime at the rate of 0,578 % of the monthly basic salary for each hour of overtime on the basis set out in subparagraph (a);
- (c) To qualify for compensatory leave or remuneration for one hour's overtime, the extra time worked must have been more than 30 minutes.

Article 2

If an official is travelling on mission, the time taken to reach the place of assignment and to travel back shall not be treated as overtime for the purposes of this Appendix. As regards hours worked at the place of assignment in excess of the normal number of working hours, compensatory leave or remuneration, as the case may be, may be allowed by decision of the Director.

▼ **B***APPENDIX 4***Leave****CONTENTS**

	<i>Articles</i>
SECTION 1: Annual leave	1 — 5
SECTION 2: Special leave	6
SECTION 3: Travelling time	7

SECTION 1

Annual leave*Article 1*

In the year in which an official enters or leaves the service, he shall be entitled to two and a half working days' leave per complete month of service, to two working days for an incomplete month consisting of more than 15 days and to one working day for an incomplete month of 15 days or less.

Article 2

Annual leave may be taken all at once or in several periods as desired by the official and according to the requirements of the service. It shall, however, include at least one period of two consecutive weeks. An official entering the service shall be granted annual leave only after completing three months' duty; leave may be granted earlier by the Director in exceptional cases for reasons duly substantiated.

Article 3

If, during annual leave, an official contracts an illness which would have prevented him from attending for duty if he had not been on leave, his annual leave shall be extended by the duration of his incapacity, subject to production of a medical certificate.

Article 4

Where an official, for reasons other than the requirements of the service, has not used up all his annual leave before the end of the current calendar year, the amount of leave which may be carried over to the following year shall not exceed 12 days. This amount of leave shall be used up in the following year.

Article 5

Where an official is recalled to duty for service reasons while on annual leave or has had his leave cancelled, any extra costs incurred by him shall be reimbursed, subject to production of appropriate evidence, and travelling time shall be granted afresh.

SECTION 2

Special leave*Article 6*

1. In addition to annual leave, an official may, on application, be granted special leave. In particular, in the following cases special leave shall be granted as shown:

- (a) marriage of the official: five days;
- (b) change of residence of the official: up to two days;
- (c) birth or marriage of a child: two days;
- (d) death of spouse: five days;
- (e) death of a child: five days;
- (f) death of father or mother, or of the father or mother of spouse: three days;
- (g) serious illness of spouse: up to three days;

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(h) serious illness of a child: up to two days.

2. In the cases mentioned in paragraph 1(d) to (h), the Director may extend the special leave up to a maximum of 10 days.

SECTION 3**Travelling time***Article 7*

1. To the period of leave provided for in Section 1 above shall be added a maximum of four days of travelling time for the outward and return journey based on the normal time needed to travel directly by train or, where this is not possible, by air, between the place of leave and the place of employment if the distance between the two places is more than 350 km by rail. For the purposes of this Article, the place of leave in respect of annual leave shall be the place of origin as determined in accordance with Article 6(3) of Appendix 5.

2. Where special leave is granted in pursuance of Section 2 above, any travelling time shall be fixed by special decision of the Director taking into account particular needs.

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APPENDIX 5

Remuneration and reimbursement of expenses

CONTENTS

	<i>Article</i>
SECTION 1: Family allowances	1 to 3
SECTION 2: Expatriation allowance	4
SECTION 3: Reimbursement of expenses	
A. Rent allowance	5
B. Travel expenses	6 to 7
C. Removal expenses	8
D. Mission expenses	9 to 14
E. Fixed reimbursement of expenses	15

SECTION 1

Family allowances

Article 1▼M3

1. The household allowance shall be fixed at 5 % of the basic salary of an official. It shall not exceed 5 % of the amount specified for the last incremental point of scale 6 of Article 45 of the Staff Regulations and shall not be less than 5 % of the amount specified for the last incremental point of scale 11.

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2. The household allowance shall be granted to:
- (a) a married official;
 - (b) an official who has one or more dependent children within the meaning of Article 2(2) and (3) below;
 - (c) by special reasoned decision of the Director based on supporting documents, an official who, while not fulfilling the conditions laid down in (a) and (b), nevertheless actually assumes family responsibilities.

▼M3

3. If the spouse of an official is gainfully employed, with an annual income, before deduction of tax, of more than the basic annual salary of an official in the 11th incremental point of scale 12, the official entitled to the household allowance shall not receive this allowance, save by special decision of the Director. The official shall, however, be entitled to the allowance where the couple have one or more dependent children.

▼B

4. In cases where, under the foregoing provisions, an official and his spouse employed in the service of Europol are both entitled to a household allowance, this shall be payable only to the person whose basic salary is the higher.

5. If the official is entitled to the household allowance only by virtue of paragraph 2(b) and a person other than the official has by law or by an order of court or of the competent administrative authority been given custody of all his dependent children within the meaning of Articles 2(2) and (3) below, the household allowance shall be paid to that other person in the name and on behalf of the official. This condition shall be deemed to be fulfilled in the case of dependent children who have reached their majority if such children have their normal residence with the other parent.

If, however, the official's children are in the care of several different persons, the household allowance shall be divided among them according to the number of children in their care.

If the person eligible by virtue of the foregoing to receive the household allowance paid in the official's name is also eligible to receive this allowance by reason of his or her own status as official or other member of staff, that person shall receive the higher of the two allowances only.

▼**B***Article 2*

1. An official who has one or more dependent children shall, in accordance with paragraphs 2 and 3 below, receive an allowance of ►**M6** EUR 253,25 ◀ per month for each dependent child.

2. 'Dependent child' means the legitimate, natural or adopted child of an official, or of his spouse, who is actually being maintained by the official.

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

3. The allowance shall be granted:

- (a) automatically for children under 18 years of age;
- (b) on application, with supporting evidence, by the official for children between 18 and 21 who are receiving educational or vocational training.

4. Any person whom the official 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, based on supporting documents.

5. Payment of the 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.

6. Not more than one dependent child allowance shall be paid in respect of any one dependent child within the meaning of this Article.

7. 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 official.

Article 3

1. An official in receipt of an expatriation allowance shall receive an education allowance equal to 75 % of the actual education costs incurred by him, for actual education costs which do not exceed a maximum of ►**M6** EUR 11 010,92 ◀ per year for each dependent child, within the meaning of Article 2(2) above, who is in regular full-time attendance at an educational establishment for primary or secondary education.

The education allowance shall be ►**M6** 2 477,46 ◀ per year for all officials, if the child is in regular full-time attendance at an educational establishment for tertiary education.

Entitlement to this allowance commences on the first day of the month in which the child begins to attend a primary educational establishment and shall cease at the end of the month in which the child reaches the age of 21.

2. The maximum amount mentioned in paragraph 1 shall be ►**M6** EUR 14 864,74 ◀ per year, in the case where the child is disabled and requires special teaching or training to overcome the disability or to prepare for integration into society. The limitation of the education allowance specified in the second subparagraph of paragraph 1 shall not apply in such cases.

3. In cases where the child attends an educational institution situated further than 50 km away from The Hague, board costs shall also be included in the admissible expenses under this Article, up to the maximum amount specified in paragraphs 1 and 2.

4. If custody of the child in respect of whom the education allowance is paid has been entrusted by law or by an order of court or of the competent administrative authority to another person, the education allowance shall be paid to that person in the name and on behalf of the official. In such case, the distance of at least 50 km referred to in the preceding paragraph shall be calculated from the place of residence of the person having custody of the child.

5. This Article shall be revised if a European school is opened in The Hague.

SECTION 2

Expatriation allowance*Article 4*

1. An expatriation allowance shall be paid each month in accordance with Article 47 of the Staff Regulations, as follows:

- (a) for officials in scales 1, 2 and 3, an amount of ►**M6** EUR 1 101,09 ◀;

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- (b) for officials in scales 4, 5 and 6, an amount of ►M6 EUR 825,83 ◄;
 - (c) for officials in scales 7, 8 and 9, an amount of ►M6 EUR 550,54 ◄;
 - (d) for officials in scales 10, 11, 12 and 13, an amount of ►M6 EUR 440,43 ◄.
2. The expatriation allowance shall be payable
- (a) to officials:
 - who are not and have never been nationals of the State in whose territory the place where they are employed is situated, and
 - 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 or for the Europol Drugs Unit shall not be taken into account;
 - (b) to officials who are or have been nationals of the State in whose territory the place where they are employed is situated but who during the 10 years ending at the date of their entering the service habitually resided outside the territory of the Member States of the European Union for reasons other than the performance of duties in the service of a State or of an international organisation.
3. For the purposes of paragraphs 1 and 2, an official who has, by marriage, automatically acquired, without the possibility of renouncing it, the nationality of the State in whose territory his or her place of employment is situated, shall be treated in the same way as an official covered by the first indent of paragraph 2(a).

SECTION 3

Reimbursement of expenses

A. Rent allowance

▼M3*Article 5*

1. An official serving a contract of limited duration who is in receipt of an expatriation allowance shall be entitled to a rent allowance if the actual rent costs exceed 15 % of the net monthly salary in cases where he has one or more dependent children within the meaning of Article 2(2), if the actual rent costs exceed 17 % of the net monthly salary where he qualifies for a household allowance, or exceed 20 % of the net monthly salary in other cases. Net monthly salary within the context of this provision shall mean the net amount paid out monthly to the official, including all allowances where applicable (except the rent allowance itself).
2. The rent allowance shall be 80 % of the actual rent costs exceeding the amounts mentioned in paragraph 1 during the first four years of the contract. After the first four years, the rent allowance shall be reduced by 20 % per year of the sum paid out during the fourth year. Where any change of accommodation occurs after the first four years, the allowance shall be calculated on the basis of this Article, and then reduced with the percentage arrived at from the application of this paragraph. Actual rent costs exceeding the reasonable maximum rent costs shall not be taken into account for the purposes of this calculation.
3. The reasonable maximum rent costs shall be ►M6 EUR 1 553,86 ◄ for a single official, ►M6 EUR 2 071,82 ◄ for an official sharing the accommodation with his spouse and/or up to two dependent children within the meaning of Article 2(2), and ►M6 EUR 2 589,77 ◄ for a staff member sharing the accommodation with his spouse and/or three or more dependent children within the meaning of Article 2(2).
4. Officials shall, when applying for the rent allowance, inform Europol of their actual living arrangements, including information on whether or not they share their accommodation with their spouse and/or children. Where no such information is supplied, the reasonable maximum rent costs shall be set at the rate applicable for a single official.
5. For the purpose of calculating the rent allowance, only the net rent will be taken into consideration, excluding furniture, taxes and any other charges.
6. The rent allowance shall under no circumstances be more than 40 % of the actual rent costs or the reasonable maximum rent cost, whichever is the lower.

▼M3

7. In cases where, under paragraphs 1 to 6, an official and his spouse employed in the service of Europol are both entitled to a rent allowance, they shall each be entitled to 50 % of the rent allowance due to each of them individually.

8. The percentages mentioned in paragraph 1, as well as the reasonable maximum rent costs, shall be reviewed each year within the context of the decision on adaptation of the salaries on the basis of Article 44 of the Staff Regulations, taking account of the development of the rental market in The Hague.

▼B

B. Travel expenses

Article 6

1. An official shall be entitled to reimbursement of travel expenses for himself, his spouse and his dependants 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 Articles 94 and 97 of the Staff Regulations, 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 official, the widow, widower and dependants shall be entitled to reimbursement of travel expenses under the same conditions.

Travel expenses shall also include the cost of seat reservations, transport of luggage and, where applicable, hotel expenses necessarily incurred.

2. The basis for the calculation of reimbursement shall be:

- the shortest and most economical standard route by rail between the place of employment and the place of recruitment or origin,
- first-class fare for officials in scales 1 to 6 of Article 45 of the Staff Regulations, second-class fare for other officials. However, if the outward-and-return journey covers a distance of 800 km or more, officials in other scales shall also be reimbursed the first-class fare,
- where the journey includes not less than six hours of night travel between 10 p.m. and 7 a.m., sleeping accommodation up to the cost of tourist class or couchette, on production of the relevant ticket.

Where the route referred to in the first indent of the first subparagraph exceeds 500 km and in cases where the usual route includes a sea crossing, the official concerned shall be entitled, on production of the tickets, to reimbursement of the cost of travel by air in the most economical way.

Where a means of transport other than those mentioned above is used, calculation of reimbursement shall be based on the cost by rail in the appropriate class, excluding sleeping accommodation. Where calculation on this basis is not possible, the terms of reimbursement shall be determined by special decision of the Director.

3. An official's place of origin shall be determined when he takes up his appointment, account being taken of where he was engaged or the centre of his interests. The place of origin as so determined may by special decision of the Director be changed while the 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 official of appropriate supporting evidence.

Article 7

1. An official shall be entitled to be paid once each calendar year a sum equivalent to the actual costs of travel incurred by him from the place where he is employed to his place of origin as defined in Article 6(3) for himself and, if he is entitled to the household allowance, for his spouse and dependants within the meaning of Article 2, if the distance by rail between the place of employment and the place of origin is more than 350 km.

Where an official and his spouse are both officials of Europol, each has the right in respect of himself or herself and in respect of dependants to the payment of travel expenses, in accordance with the above provisions; each dependant shall be entitled to one payment only. The payment in respect of dependent children is fixed at the request of either spouse, on the basis of the place of origin of one or other of them.

▼B

2. The reimbursement shall, on production of the ticket(s), be based on the cost of a first-class return ticket by rail in the case of officials in scales 1 to 6 and of a second-class return ticket in the case of other officials. However, if the distance of the outward-and-return journey is 800 km or more, payment for officials in other scales shall also be based on the cost of a first-class ticket. Where calculation on these bases is not possible, the terms of payment shall be fixed by special decision of the Director.

Where the distance by rail between the official's place of employment and his place of origin exceeds 500 km and in cases where the usual route includes a sea crossing, he shall be entitled, on production of the tickets, to reimbursement of the cost of travel by air in the most economical way.

3. Where the official uses his private car for the purposes outlined in this Article, he shall be reimbursed ►M6 EUR 0,23 ◀ per kilometre travelled, but never more than the costs would have been had he travelled using public transport.

4. The preceding provisions shall apply to officials whose place of employment and place of origin are in the territory of a Member State of the European Union. An official whose place of employment and/or place of origin are outside that territory shall be entitled for himself and, if he is entitled to receive the household allowance, for his spouse and other dependants within the meaning of Article 2, in each calendar year, subject to the submission of supporting documents, to repayment of the actual travel expenses to his place of origin, or to repayment of travel expenses to another place not exceeding the expenses of travel to his place of origin.

However, if the spouse and the persons referred to in Article 2(2) do not live with the official at his place of employment, they shall be entitled once in each calendar year, subject to the submission of supporting documents, to repayment of travel expenses from the place of origin to the place of employment or to repayment of actual travel expenses to another place not exceeding the costs of the former journey.

C. Removal expenses

*Article 8***▼M3**

1. The expenses incurred in respect of removal of furniture and personal effects, including the cost of insurance against ordinary risks (breakage, theft, fire), shall be reimbursed to an official who is obliged to change his place of residence in order to comply with Article 16 of the Staff Regulations and who has not been reimbursed in respect of the same expenses from another source. Such reimbursement shall not exceed the amount of a quotation approved in advance. Not less than two quotations shall be submitted to the appropriate departments of Europol, which may, if they consider the quotation to be excessive, select another removal firm. In the latter case, entitlement to reimbursement may be limited to the amount of that firm's quotation.

Reasonable expenses, other than removal costs, incurred by an official on taking up appointment, being transferred or leaving the service with Europol shall, on the basis of supporting documents, be reimbursed by special decision of the Director.

▼B

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

Where the deceased official had no spouse, the expenses shall be reimbursed to those entitled under him.

3. Removal shall be effected within one year of the end of the probationary period. On termination of service, removal shall be effected within three years.

Removal expenses arising after the expiry of the time-limits set out above shall be reimbursed only in exceptional cases by special decision of the Director.

D. Mission expenses

Article 9

1. An official travelling on official business (hereinafter referred to as 'mission') and holding an appropriate authorisation shall be entitled to reimbursement of travel expenses, to costs of accommodation and to daily subsistence allowance in accordance with the following provisions.

▼B

2. The authorisation shall state the probable duration of the mission, on the basis of which shall be calculated any advance which the official may draw against subsistence allowance and travel costs. Save where a special decision is taken, no advance shall be payable where the mission is not expected to involve an absence of more than 24 hours and is to be carried out in a country using the same currency as that used in the place where the official is employed.

Article 10

1. Travel expenses for officials on mission shall cover the costs of first class rail transport by the shortest route.

Travel expenses shall also include:

- transport to and from the station, harbour or airport — both on the onward and the return journey,
- the cost of seat reservations and transport of necessary luggage,
- supplements for sleeping accommodation (reimbursed against production of sleeper tickets) where the journey includes not less than six hours of night travel between 10 p.m. and 7 a.m.,
 - in a single sleeper or, if not available, special sleeper for the Director as well as for the Deputy Director or Assistant Directors,
 - in a double sleeper for other officials,
 - where the train to be taken does not have sleeping accommodation of the category specified for the officials, reimbursement shall be made on the basis of the next highest available category.

2. An official may be authorised to travel by air, in the most economical way. In that case reimbursement shall be made against production of tickets for business class for officials in scales 1 to 4, and economy class for other officials.

By decision of the Director, officials accompanying an official in scale 1 to 4 on a given mission may, on production of tickets, be reimbursed the cost of the journey in the same class as that used by the member for that journey.

Under the conditions laid down in rules adopted by the Management Board, officials who travel on mission under particularly tiring conditions may, by decision of the Director, be reimbursed the cost of the journey in the class used, on production of tickets.

3. For journeys by sea, the class of travel shall be determined in each case by the Director.

4. An official may be authorised to use his own car on a given mission, provided that the duration of the mission is not thereby significantly increased.

Reimbursement of travel expenses shall in that case be calculated on the standard basis prescribed in paragraph 1.

In the case of an official travelling regularly on mission in special circumstances, however, the Director may decide to grant that official an allowance per kilometre covered instead of reimbursement or rail fares, if the use of public transport and reimbursement of travel expenses on the normal basis involve definite disadvantages.

An official authorised to use his own car shall remain fully liable for any accidents to his car or to third parties; he must be in possession of an insurance policy covering civil liability up to an amount considered adequate by the Director.

5. The costs of hired transport or a taxi shall be fully reimbursed if deemed necessary in the interests of the mission by a duly authorised Europol official.

Article 11

Any reimbursement received from third parties for expenditures provided for in this section shall be deducted from the reimbursement to which the staff member concerned is entitled. Should the European Commission's community reimbursement scheme for travel and accommodation expenses apply to the staff member concerned, he shall not be entitled to any reimbursement on the basis of these regulations.

Article 12

If a staff member can demonstrate that he incurred expenses on mission due to some illness or accident, he may be granted some amount of reimbursement to cover those expenses insofar as he was obliged to pay for them for himself.

▼B

If a staff member can demonstrate that he incurred expenses arising from loss or theft of or damage to luggage that he needed on mission, he may be granted some reimbursement, which amount shall be limited to the relevant maximum amount established by the Director.

Article 13

1. Costs of accommodation shall be reimbursed in accordance with the rules determined by the Management Board.

Reimbursement shall not be provided for the costs of accommodation connected to:

- (a) a mission of less than four hours;
- (b) any segment of a mission of less than four hours, which segment takes place in the Netherlands and immediately follows or precedes travel by air or sea.

2. A staff member who is entitled to reimbursement for overnight accommodation shall be reimbursed for the expenses he incurs for such accommodation.

3. Reimbursement for meals shall not be granted if the staff members concerned had the opportunity during his mission to receive meals provided (either at a cost or free of charge), unless he can demonstrate that he was unable to use those provisions.

4. The amount of reimbursement provided for under paragraph 1 may be reduced by the Director if he finds that the nature of the activities or conditions of travel of the staff member concerned justify such action and if that staff member is obliged to undertake numerous missions.

5. The Director may grant an official partial or full entitlement to reimbursement over and above that which is provided for under this Article if, due to unusual circumstances, those provisions for reimbursement are not sufficient to cover that staff member's accommodation costs and he can provide all the documentation required.

Article 14

The details of the daily subsistence allowance and costs of accommodation to be reimbursed shall be as laid down in the rules determined by the Management Board.

E. Fixed reimbursement of expenses

Article 15

1. The Director and Deputy Directors who, by reason of their duties, incur representation expenses may be granted a fixed rate allowance by the Management Board, which shall determine the amount thereof in relation to actual costs.

2. In the case of officials who, as a result of special instructions, occasionally incur representation expenses for official purposes, the amount of the representation expenses to be reimbursed shall be determined by the Director, based upon appropriate receipts.

▼M3

F. General provision

Article 16

An official shall be obliged, when taking up his service with Europol, to inform Europol of all circumstances affecting his entitlements to allowances under the Staff Regulations. He shall also be obliged to inform Europol without undue delay of any subsequent changes to these circumstances.

▼B*APPENDIX 6***Pension scheme****CONTENTS**

	<i>Article</i>
CHAPTER 1: General provisions	1
CHAPTER 2: Retirement pension and severance grant	
Section 1: Retirement pension	2—9
Section 2: Severance grant	10
CHAPTER 3: Invalidity pension	11—14
CHAPTER 4: Survivor's pension	15—27
CHAPTER 5: Provisional pensions	28—31
CHAPTER 6: Allowances	32—33
CHAPTER 7: Contributions and payment of benefits	34—37

CHAPTER 1

GENERAL PROVISIONS*Article 1*

1. Where the medical examination made before an official takes up his duties shows that he is suffering from sickness or invalidity, the Director, insofar as risks arising from such sickness or invalidity are concerned, may decide to admit that official to guaranteed benefits in respect of invalidity or death only after a period of four years from the date of his entering the service of Europol.
2. An official on leave for national service as defined in Article 42 of the Staff Regulations 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 such service. The foregoing provisions shall not affect the entitlement of survivors to pension on the basis of rights acquired by the official on the date when he is placed on such leave.
3. Where in this Appendix a widow or divorced wife is mentioned, it shall equally apply to a widower or divorced husband.

CHAPTER 2

RETIREMENT PENSION AND SEVERANCE GRANT

Section 1

Retirement pension*Article 2*

A retirement pension shall be payable on the basis of the total number of years of pensionable service acquired by the official. Each year of service reckoned as provided for in Article 3 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 35.

Article 3

For the purpose of calculating years of pensionable service within the meaning of Article 2, the following shall be taken into account:

- (a) the period of service as an official of Europol in accordance with the Staff Regulations;
- (b) a period of personal leave taken in accordance with Article 41 of the Staff Regulations;

▼B

provided that the official concerned has paid his share of the pension contribution in respect of such periods of service.

Article 4

An official who having previously completed a period of activity in the service of Europol as an official resumes active employment with Europol shall acquire further pension rights. He may request that, for the purpose of calculating his pension rights, the whole of the period of service as an official for which contributions have been paid be taken into account, subject to his repaying any sums paid to him pursuant to Article 10 of this Appendix or to Article 77 of the Staff Regulations or received by him by way of retirement pension, plus compound interest at the rate of 3,5 % per annum.

Where the official, being entitled to a retirement pension, does not repay the sums referred to in the first paragraph, a capital sum representing the actuarial equivalent of his retirement pension as at the date on which such pension ceased to be paid to him, plus compound interest at the rate of 3,5 % per annum, shall be paid to him in the form of a deferred retirement pension payable at the age when he ceases to perform his duties.

Where an official, on terminating his service, is entitled to a severance grant, this grant shall be reduced by the amount of the payments made under Article 79 of the Staff Regulations increased with compound interest at the rate of 3,5 % per annum; where he is entitled to a retirement pension, his pension rights shall be reduced in proportion to the payments made under that Article.

Article 5

The minimum subsistence figure for the purpose of calculating pension benefits shall correspond to the gross basic salary of scale 13, first incremental point, provided that the person concerned has no pension rights from other sources.

Article 6

‘Actuarial equivalent of the retirement pension’ means the capital value of the benefits accruing to the official, calculated by reference to the latest mortality tables compiled by the budgetary authorities of the European Communities in accordance with Article 35, the rate of interest applicable being 3,5 % per annum.

Article 7

An official leaving the service before reaching the age of 62 years may request that his retirement pension:

- be deferred until the first day of the calendar month following that in which he reaches the age of 62, or
- be paid immediately, provided that he is not less than 52 years of age. In this case, the retirement pension shall be reduced by an amount calculated by reference to the official's age when he starts to draw his pension, as shown in the following table:

Pension payable on early retirement expressed in terms of the pension payable on retirement at age 62

Retirement at age	Coefficient
52	0,50678
53	0,53834
54	0,57266
55	0,61009
56	0,65582
57	0,69582
58	0,74508
59	0,79936
60	0,85937
61	0,92593

▼B*Article 8*

The right to receive payment of retirement pension shall have effect from the first day of the calendar month following that in which the 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 9

1. An official who leaves the service of Europol to:

- enter the service of a government administration or a national or international organisation which has concluded an agreement with Europol,
- pursue an activity in an employed or self-employed capacity, by virtue of which he acquires pension rights under a scheme whose administrative bodies have concluded an agreement with Europol,

shall be entitled to have the actuarial equivalent of his retirement pension rights in Europol transferred to the pension fund of that administration or organisation or to the pension fund under which he acquires retirement pension rights by virtue of the activity pursued in an employed or self-employed capacity.

2. An official who enters the service of Europol 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 upon establishment to have paid to the Europol fund mentioned in Article 37 either the actuarial equivalent or the flat-rate redemption value of retirement pension rights acquired by virtue of such service or activities.

In such case Europol shall, taking into account his salary scale on establishment, determine the number of years of pensionable service with which he shall be credited under its own pension scheme in respect of the former period of service, on the basis of the amount of the actuarial equivalent of sums repaid as aforesaid.

3. Paragraph 2 shall also apply to an official who is reinstated after a period of leave on personal grounds under Article 41 of the Staff Regulations.

Section 2

Severance grant*Article 10*

An official aged less than 62 years whose service terminates otherwise than by reason of death or invalidity and who is not entitled to a retirement pension and cannot benefit from the provisions of Article 9(1) shall be entitled on leaving the service to payment of:

- (a) the aggregate amount deducted from his basic salary in respect of his pension contributions, plus compound interest at the rate of 3,5 % per annum;
- (b) provided that his contract has not been terminated for disciplinary reasons as specified in Article 88 of the Staff Regulations, a severance grant proportionate to his actual length of service, calculated on the basis of one month for each year of service of the last basic salary before deductions. In cases covered by Article 9(2), the period of former service shall likewise be deemed to be actual service, to the extent of the number of years of pensionable service which Europol credited to him in accordance with the second subparagraph of Article 9(2);
- (c) the total sum paid to the Europol fund mentioned in Article 37, in accordance with Article 9(2), plus compound interest at the rate of 3,5 % per annum.

CHAPTER 3

INVALIDITY PENSION*Article 11*

Subject to the provisions of Article 1(1), an official aged less than 65 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 salary scale, and who is obliged on these grounds to end his service with

▼B

Europol shall be entitled, for so long as such incapacity persists, to invalidity pension as provided for in Article 65 of the Staff Regulations.

Invalidity pension and retirement pension shall not be paid concurrently.

Article 12

The right to receive payment of invalidity pension shall have effect from the first day of the calendar month following the official's retirement under Article 65 of the Staff Regulations.

When the former official ceases to satisfy the requirements for payment of the pension he must be reinstated in the first post corresponding to his salary scale which falls vacant in his type of post, 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 vacancy corresponding to his salary scale occurs in his type of post subject to the same proviso; if he declines a second time, he may be required to resign.

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

Article 13

While a former official drawing invalidity pension is aged less than 62 years, Europol may have him medically examined periodically to ascertain that he still satisfies the requirements for payment of the pension.

In case of invalidity of an official on a fixed-term contract, the seconding national authority may on the date that the contract would have expired also have a national medical examination to determine whether the official can be deemed suitable for reintegration into that authority.

▼M3

If an official entitled to a Europol invalidity pension is receiving an invalidity pension from a separate national scheme for employees, on the basis of the same situation for which he is receiving a Europol invalidity pension, or is receiving professional income, the Europol invalidity pension shall be reduced so that the total amount of net income received does not exceed the maximum permissible entitlements under Article 65(1) of the Staff Regulations.

▼B*Article 14*

Where a former official who has been drawing invalidity pension is reinstated in Europol, the time during which he received invalidity pension shall be included for the purpose of calculating his retirement pension, without payment by him of arrears of contributions.

CHAPTER 4

SURVIVOR'S PENSION

Article 15

Where an official dies while in the active service of Europol or on personal leave in accordance with the Staff Regulations, his widow shall be entitled, provided that she has been married to him for at least one year at the time of his death and subject to the provisions of Articles 1(1) and 21, to a widow's pension equal to 60 % of the retirement pension which the 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 official provided that the widow maintains or has maintained those children, or if the official's death resulted either from physical disability or sickness contracted in the performance of his duties or from accident.

Article 16

Where a former official was in receipt of retirement pension his widow shall be entitled, provided that she had been married to him for at least one year when he left the service of Europol, and subject to the provisions of Article 21, to a widow's pension equal to 60 % of the retirement pension which he was receiving at the time of his death. The minimum widow's pension shall be 35 % of the last basic salary; the amount of the widow's pension shall in no case, however, exceed the amount of the retirement pension which her husband was receiving at the time of his death.

▼B

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

Article 17

The widow of a former official who left the service before reaching the age of 62 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 62 years shall be entitled, provided that she has been married to him for at least one year when he left the service of Europol, and subject to the provisions of Article 21, to a widow's pension equal to 60 % of the retirement pension which would have been payable to her husband at the age of 62 years. The minimum widow's pension shall be 35 % of the last basic salary; the amount of the widow's pension shall in no case, however, exceed the amount of the retirement pension to which the official would have been entitled at the age of 62 years.

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 official before he left the service provided that the widow maintains or has maintained those children.

▼M3*Article 18*

Where a former official was in receipt of an invalidity pension, his widow shall be entitled, subject to the provisions of Article 21, provided that she was married to him when he became eligible for the pension, to a widow's pension equal to 60 % of the invalidity pension which he was receiving at the time of his death or would have been receiving but for commutation.

The minimum widow's pension shall be 35 % of the final basic salary; the amount of the widow's pension shall in no case, however, exceed the amount of the invalidity pension which her husband was entitled to at the time of his death;

▼B*Article 19*

For the purpose of Articles 15, 16 and 17, the duration of the marriage shall not be taken into account where the marriage, though contracted after termination of the official's service, has lasted at least five years.

Article 20

1. The orphan's pension provided for in the first, second and third subparagraphs of Article 69 of the Staff Regulations shall for the first orphan be equal to eight tenths of the survivor's pension to which the widow of an official or former official in receipt of a retirement or invalidity pension would have been entitled, the reductions set out in Article 23 of this Appendix being disregarded.

It shall not be less than the minimum subsistence figure, subject to the provisions of Article 21 of this Appendix.

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 Article 3 of Appendix 5.

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

Article 21

Where an official leaves a widow and also orphans of a previous marriage or other persons entitled under him, the total pension, calculated as if for a widow having all these persons dependent on her, 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 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 Appendix 5 shall be included in the category of children of the marriage to the official or former official in receipt of a retirement or invalidity pension.

▼B

In the case envisaged in the second paragraph, ascendants who are recognised as being dependants as provided for in Article 2 of Appendix 5 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 22

The right to receive payment of survivor's pension shall have effect from the first day of the calendar month following that in which the official or former official in receipt of a retirement or invalidity pension died. However, where the payment provided for in Article 48 of the Staff Regulations is made on the death of the 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 pensions dies or ceases to satisfy the requirements for payment of the pension.

Article 23

Where the difference in age between the deceased official or former official in receipt of a retirement or invalidity pension and his surviving spouse, less the length of time they have been married, is more than 10 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 between 10 and 20 years,
- 2 % for between 20 and 24 years,
- 3 % for between 25 and 29 years,
- 4 % for between 30 and 34 years,
- 5 % from 35 years.

Article 24

A widow's entitlement to survivor's pension shall cease on remarriage. She shall be entitled to immediate payment of a capital sum equal to twice the annual amount of her survivor's pension, provided that the second paragraph of Article 69 of the Staff Regulations does not apply.

Article 25

The divorced wife of an official or a former official shall be entitled to a survivor's pension, as defined in this chapter, provided that, on the death of her former husband, she can justify entitlement on her own account to receive maintenance from him by virtue of a court order or as a result of a settlement between herself and her former husband.

The survivor's pension may not, however, exceed the amount of maintenance paid at the time of her former husband's death.

The divorced wife's entitlement shall cease if she remarries before her former husband dies. The provisions of Article 24 shall apply if she remarries after her former husband dies.

Article 26

Where the deceased official leaves more than one divorced wife entitled to survivor's pension or one or more divorced wives and a widow 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 subparagraphs of Article 25 shall apply.

If any of the persons entitled to pension dies or renounces her share, her share shall accrue to the shares of the other persons, except where there are orphans' rights under the second paragraph of Article 69 of the Staff Regulations.

Reductions in respect of difference in age, as provided for in Article 23, shall be applied separately to pensions divided in accordance with this Article.

Article 27

Where, under Article 82 of the Staff Regulations, the divorced wife ceases to be entitled to a pension, the total pension shall be payable to the widow, provided the second paragraph of Article 69 of the Staff Regulations does not apply.



CHAPTER 5
PROVISIONAL PENSIONS

Article 28

The spouse or persons recognised as dependants of an official in active service to Europol or on personal leave in accordance with the Staff Regulations whose whereabouts are unknown for more than one year provisionally receive the survivor's pension to which they would be entitled under this Appendix.

Article 29

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

Article 30

The provisions of Article 29 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 31

Provisional pensions under Articles 28, 29 and 30 shall be converted into definitive pensions when the death of the official, former official or person entitled to a survivor's pension has been duly confirmed or he has been legally declared missing, presumed dead.

CHAPTER 6
ALLOWANCES

Article 32

The provisions of the second paragraph of Article 75 of the Staff Regulations shall apply to persons in receipt of a provisional pension.

The provisions of Article 75 of the Staff Regulations shall not apply to children born more than 300 days after the death of the official or former official in receipt of a retirement or invalidity pension.

Article 33

The award of a retirement, invalidity or survivor's pension or of a provisional pension shall not entitle the pensioner to expatriation allowance, nor to the rent and education allowance. However, the survivors and the invalidated officials shall remain entitled to the rent allowance and the education allowance, but not for a longer term than they would have been entitled to such allowances under active service conditions.

CHAPTER 7
CONTRIBUTIONS AND PAYMENT OF BENEFITS

Article 34

An official on leave on personal grounds who continues to acquire further pension rights on the conditions laid down in Article 41 of the Staff Regulations shall continue to pay the contribution referred to in Article 78 of the Staff Regulations on the basis of the salary carried by his salary scale and incremental point.

All benefits to which any such official or those entitled under him may be entitled under this pension scheme shall be calculated on the basis of such salary.

Article 35

1. The budgetary authorities of Europol shall after each period of five years, after consulting one or more qualified actuaries, the Director and the Staff Committee, lay down mortality and invalidity tables and the assumed salary increases for use in calculating the actuarial values provided for in the Staff Regulations and in this Appendix.

▼B

2. A reassessment of this pension scheme will take place after five years after the entry into force of the Staff Regulations, on the basis of the abovementioned actuarial assessments, which shall include a re-appraisal of the interest rates mentioned in Articles 4, 6 and 10, and following decisions in other international organisations, notably the European Union.
3. The validity of this Appendix shall cease one year after the period mentioned in paragraph 2, and shall be renewed before that date.

Article 36

Any sums due from an official or former official in receipt of a retirement or invalidity pension to Europol at the date when a benefit is payable under this 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.

Article 37

1. An independent provisional pension fund shall be established for the sole purpose of the financing and execution of the payments under this pension scheme. The employee contribution (8,25 %) and employer contribution (16,5 %) shall be deposited monthly in the fund. The means available in the fund may not be directed temporarily nor definitively to any purpose but investment for the financing and execution of the payments under this pension scheme.
2. The fund shall be managed externally.
3. The rules governing the fund shall be laid down by the Council.



APPENDIX 7

Composition and procedure of the Staff Committee, the Invalidation Committee and the Disciplinary Board

SECTION 1

Staff Committee

Article 1

A Staff Committee shall be set up, which shall represent the collective interests of Europol staff in their relations with the Director of Europol.

The conditions for election to the Staff Committee shall be laid down by the general assembly of the officials of Europol. Election shall be by secret ballot.

Elections to the Staff Committee shall be valid only if the majority of the officials entitled to vote take part. If this proportion is not attained, a subsequent general assembly may validly vote by the majority of those present.

The Staff Committee shall comprise a maximum of seven members, together with their alternates if any, whose term of office shall be two years. Europol may, however, decide to fix a shorter term of office, which may not be less than one year. Every official of Europol shall be entitled to vote and stand for election. The Committee shall elect a chairman.

Membership of the Staff Committee shall be such as to ensure the representation of all officials. The Director shall take steps to ensure the appropriate cooperation between the Staff Committee and representatives of local staff.

The duties undertaken by members of the Staff Committee shall be deemed to be part of their normal service in Europol. The fact of performing such duties shall in no way be prejudicial to the persons concerned.

Taking into account the real workload of his task, the Chairman of the Staff Committee could be attributed a partial working exemption by the Director.

Article 2

The Staff Committee shall meet at the request of the Director or at its own initiative.

The proceedings of the Committee shall be valid only if the majority of the members or, in their absence, their alternates are present.

The opinion of the Committee shall be communicated in writing to the Director within five days of its adoption.

Any member of the Committee may require that his views be recorded in the opinion of the Committee.

Europol shall put appropriate accommodation at the disposal of the Staff Committee.

SECTION 2

Invalidation Committee

Article 3

The Invalidation Committee shall consist of three doctors:

- one appointed by Europol,
- one appointed by the official concerned, and
- one appointed by agreement between the first two doctors.

Should the official concerned fail to appoint a doctor, the President of the Court of Justice of the European Communities shall appoint one.

In the event of failure to agree on the appointment of a third doctor within two months of the appointment of the second doctor, the third shall be appointed by the President of the Court of Justice of the European Communities at the request of one of the parties concerned.

Article 4

Expenses incurred in connection with the proceedings of the Invalidation Committee shall be borne by Europol.

▼B

Where the doctor appointed by the official concerned is resident elsewhere than at the place where the official is employed, the official shall bear the costs of the additional fees entailed, with the exception of first-class travel expenses, which shall be refunded by Europol.

Article 5

The official may submit to the Invalidation Committee any reports or certificates from his regular doctor or from any medical practitioners whom he may have consulted.

The Invalidation Committee's conclusions shall be communicated to the Director and to the official concerned.

The proceedings of the Committee will not be made public.

SECTION 3

Disciplinary Board*Article 6*

The Disciplinary Board shall consist of a Chairman and four members. They shall be assisted by a secretary.

Article 7

1. The Director shall each year appoint the Chairman of the Disciplinary Board. The Chairman shall in no circumstances also be a member of the Staff Committee.

The Director shall also draw up a list of members for the Board.

The Staff Committee shall at the same time transmit a similar list to the Director.

2. Within five days of receipt of a report initiating either disciplinary proceedings or the procedure provided for in Article 18 of the Staff Regulations, the Chairman of the Disciplinary Board shall, in presence of the official concerned, draw lots from among the names in the abovementioned lists to decide which four members shall constitute the Board, two being drawn from each list.

Members of the Disciplinary Board shall not be of a lower scale than that of the official whose case the Board is to consider. If possible, one member shall be in the same scale as the official concerned.

The Chairman shall inform each member of the composition of the Board.

3. Within five days of the formation of the Disciplinary Board, the official charged may make an objection in respect of any of its members other than the Chairman.

Within the same period any member of the Disciplinary Board may ask to be excused from serving, provided he has legitimate grounds.

The Chairman of the Disciplinary Board shall, by drawing lots, fill any vacancies arising.

Article 8

Members of the Disciplinary Board shall be completely independent in the performance of their duties.

The proceedings of the Board shall not be made public.

SECTION 4

Disciplinary proceedings*Article 9*

A report shall be submitted to the Disciplinary Board by the Director, stating clearly the facts complained of and, where appropriate, the circumstances in which they arose.

The report shall be communicated to the Chairman of the Disciplinary Board, who shall bring it to the attention of the members of the Board and of the official charged.

▼B*Article 10*

On receipt of the report, the official charged shall have the right to see his complete personal file and to take copies of all documents relevant to the proceedings.

Article 11

At the first meeting of the Disciplinary Board the Chairman shall appoint one of its members to prepare a general report on the matter.

Article 12

The official charged shall have not less than 15 days from the date of receipt of the report initiating disciplinary proceedings to prepare his defence.

When the official appears before the Disciplinary Board he shall have the right to submit observations in writing or orally, to call witnesses and to be assisted in his defence by a person of his own choice.

Article 13

Europol shall likewise have the right to call witnesses.

Article 14

If the Disciplinary Board requires further information concerning the facts complained of or the circumstances in which they arose, it may order an inquiry in which each side can submit its case and reply to the case of the other side.

The inquiry shall be conducted by the rapporteur. For the purpose of inquiry, the Board may call for any documents relating to the matter before it.

Article 15

After consideration of the documents submitted and having regard to any statements made orally or in writing by the official concerned and by witnesses, and also to the results of any inquiry undertaken, the Disciplinary Board shall, by majority vote, deliver a reasoned opinion of the disciplinary measure appropriate to the facts complained of and transmit the opinion to the Director and to the official concerned within one month of the date on which the matter was referred to the Board. The time-limit shall be three months where an inquiry has been held on the instructions of the Board.

In the event of criminal proceedings, the Disciplinary Board may decide not to deliver its opinion until after the court has given its decision.

The Director shall take his decision within one month; he shall first hear the official concerned.

Article 16

The Chairman of the Disciplinary Board shall not vote on matters before the Board save on procedural questions or in case of equality of votes.

He shall ensure that the decisions of the Board are implemented and shall bring all relevant information and documents to the attention of each of its members.

Article 17

The secretary shall keep minutes of meetings of the Disciplinary Board.

Witnesses shall sign the minute recording their depositions.

The reasoned opinion provided for in Article 15 shall be signed by all members of the Disciplinary Board.

Article 18

Costs incurred on the initiative of an official in the course of disciplinary proceedings, in particular fees to a person chosen for his defence, shall be borne by the official where the disciplinary proceedings result in any of the measures provided for under Article 88(2)(c) to (f) of the Staff Regulations.

Article 19

Where there are new facts which are supported by relevant evidence, disciplinary proceedings may be reopened by the Director on his own initiative or at the request of the official concerned.

APPENDIX 8

Special provisions concerning the Director and Deputy Directors

CONTENTS

	Articles
CHAPTER 1: Selection procedures	1-12
CHAPTER 2: Termination of service	13
Section 1: Resignation	14
Section 2: Compulsory resignation	15
Section 3: Retirement in the interests of Europol	16
Section 4: Dismissal	17
Section 5: Retirement	18
CHAPTER 3: Disciplinary proceedings	
Section 1: Disciplinary measures	19-21
Section 2: Special provisions for the case provided for in Article 29(6) of the Europol Convention	22-33
CHAPTER 4: Appeals	34
CHAPTER 5: Special provisions concerning the Director	35

CHAPTER 1

SELECTION PROCEDURES

Article 1

The preparation of the opinion of the Management Board on the appointment of the Director or a Deputy Director to be provided to the Council pursuant to Article 29(1) of the Europol Convention shall take place in accordance with the provisions of this Chapter.

Article 2

1. Selection for the post of Director or Deputy Director of Europol shall have the objective of securing for Europol the services of persons of the highest standard of ability, efficiency and integrity.
2. The selection procedure shall fully respect the principles enshrined in Article 24(1) of the Staff Regulations.

Article 3

1. A post for Director or Deputy Director of Europol shall be deemed to be vacant for the purpose of the application of the provisions of this Chapter:

- as from nine months before the end of the term of office of the Director or a Deputy Director,
- upon receipt by the Council of a letter of resignation of the Director or a Deputy Director, in accordance with Article 14,
- upon a decision of the Council on compulsory resignation, in accordance with Article 15,
- upon a decision of the Council on retirement in the interest of the service, in accordance with Article 16,
- upon a decision of the Council on dismissal, in accordance with Article 17,
- as from nine months before the date on which the Director or Deputy Director reaches the age of 65,
- upon the death of the Director or a Deputy Director.

2. For each vacant post, an advertisement shall be drawn up by the Management Board describing in detail the nature of the post, including remuneration, the duties to be performed, and the qualifications, skills and experience required.

The advertisement shall indicate that applicants must submit their applications in writing, accompanied by a curriculum vitae, to the Chairman of the Management Board within 60 days of the date of publication in the *Official Journal of*

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the European Communities of the advertisement, referred to in the first subparagraph, as specified in the advertisement.

The said advertisement shall also provide information on the security screening to be applied to the successful applicant in compliance with the confidentiality regulations adopted pursuant to Article 31 of the Europol Convention.

Article 4

1. The Management Board shall ensure that the advertisement referred to in Article 3(2) shall be published in the *Official Journal of the European Communities*, and in other media, including national newspapers and specialised periodicals, to ensure maximum exposure in all the Member States.
2. Europol shall inform the Europol National Units of a vacancy for a post of Director or Deputy Director. The National Units shall inform the relevant agencies within their Member State of the vacancy. The competent national authorities shall be responsible for ensuring that the vacancy is brought to the attention of the agencies and all the personnel concerned.
3. For all vacant posts, both internal and external applications shall be considered.
4. Europol shall send an acknowledgement of receipt to the applicants.
5. Europol shall inform the Europol National Units of the applications received in order to allow the Member States, through their National Unit or otherwise, to forward to the Management Board an advice regarding the applicants. The authorities of the Member States involved in this procedure shall maintain the strictest confidentiality with regard to the information received.
6. As part of the admissibility procedure, evidence shall be provided through documentation issued by the Member State concerned that a candidate complies with the appropriate character references as to the suitability for the performance of the vacant function.

Article 5

1. The Management Board shall set up a Committee (hereinafter referred to as 'the Committee') to prepare the Management Board's opinion to be submitted to the Council in accordance with Article 29(1) of the Europol Convention. The Committee shall make an initial assessment of the applicants.
2. For the post of Deputy Director, the Committee shall comprise the Director or his delegate as one of its members. Furthermore, four Member States indicated to that end by drawing lots by the Management Board, shall assign a representative to serve as a member of the Committee.
3. For the post of Director, five Member States indicated to that end by drawing lots by the Management Board, shall assign a representative to serve as a member of the Committee.
4. The members of the Committee assigned to serve pursuant to paragraphs 2 and 3 shall serve as members of the Committee until the selection procedure has been completed.
5. Where there is reason to believe that a member of the Committee has a personal relationship with one of the applicants for the post, he shall not participate in the selection process. In such cases, the Member State which presented the member shall propose to the Management Board that he be replaced and shall assign another representative to serve as a member of the Committee.
6. The secretariat of the Management Board shall provide the secretariat of the Committee.

Article 6

1. At the first meeting of the Committee, the members shall indicate one of its members as Chairman.
2. The Committee may request the assistance of one or more assessors for the performance of its tasks. Such request shall be addressed to the Chairman of the Management Board who shall decide on the matter. Assessors shall not have the status of members of the Committee.
3. The tasks of the Committee shall include:
 - (a) making an initial assessment of the applicants, taking into account their professional qualifications, skills and experience;
 - (b) interviewing applicants;
 - (c) reporting to the Management Board.

▼ M7*Article 7*

1. Where it is deemed necessary, the Management Board may decide to organise a specific post-related assessment procedure. The Management Board shall decide on the specific necessities.

In that case, the assessment procedure shall be conducted by the Committee in order to appraise the specific qualifications and expertise of the applicants for the post concerned.

2. The Committee shall interview all applicants whose application is admissible and who meet the requirements set out in the advertisement, with a view to assessing their qualifications, skills and experience required and their ability to perform the duties inherent to the post to be filled. The interviews shall also be used to test the applicants' knowledge of the official languages of the institutions of the European Union with reference to Article 30(2) of the Europol Convention and Article 1 of this Appendix.

3. Where considered necessary by the Committee, a second round of interviews for all or some of the applicants may be held.

Article 8

The tests and interviews shall be held in The Hague. Travel expenses and any subsistence and hotel accommodation expenses shall be reimbursed to the applicants, the members of the Committee and the assessors in accordance with the rules laid down in Appendix 5.

Article 9

Once the interviews have been completed, the Committee shall draw up a duly reasoned report on the applications received and the procedure followed by it. The decision of the Committee establishing the report shall be taken by simple majority. The said report shall be forwarded to the Management Board as soon as possible after the interviews have been held, together with the curriculum vitae of the applicants whose application is admissible and who meet the requirements set out in the advertisement.

Article 10

1. On the basis of the report of the Committee and any further information it may wish to obtain from the Committee, the Management Board shall draw up an opinion to be submitted to the Council.

2. The Management Board may, if it deems this necessary, hear some or all of the applicants before drawing up its opinion. If it so happens that a member of the Management Board is also on the list of applicants, he shall not be present when the opinion of the Management Board is drawn up.

3. In its opinion, the Management Board shall present the full list of the applicants, indicating among them a short-list of suitable applicants together with the full file of each of those applicants.

4. The Management Board shall ensure that the applicants on the short-list meet the conditions for engagement provided for in Article 24(2)(d) and (3) of the Staff Regulations.

5. The Chairman of the Management Board shall forward the opinion of the Management Board to the Council in order to allow the latter to take its decision as envisaged by Article 29(1) of the Europol Convention on the basis of all relevant information.

Article 11

Members of the Committee, assessors, as well as members of the Management Board and Europol officials involved, shall maintain the strictest confidentiality with regard to the applicants and the results of the selection procedure.

Article 12

Where the terms of office of the Director or a Deputy Director can be renewed in accordance with Article 29(1) or (2) of the Europol Convention, the Management Board may decide, by majority vote, to derogate from the procedure established in this Chapter. In such cases the Management Board shall draw up, at the latest twelve months before the term of office ends, an opinion advising the Council to renew the term of office. The procedure laid down in this Chapter shall be followed when the Council decides not to renew the nomination or when the Council fails to take a decision in this respect within three months after the receipt of the Management Board opinion.

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CHAPTER 2
TERMINATION OF SERVICE

Article 13

The service of the Director or a Deputy Director of Europol shall be terminated by:

- (a) resignation;
- (b) compulsory resignation;
- (c) retirement in the interests of Europol;
- (d) dismissal following a disciplinary procedure;
- (e) retirement; or
- (f) death.

Section 1

Resignation

Article 14

1. A Director or Deputy Director who wishes to resign before the end of his term of office shall state unequivocally in writing his intention to leave the service of Europol, proposing the date on which his resignation should take effect. The letter of resignation shall be addressed to the President of the Council, with a copy to the Chairman of the Management Board.

2. The Council shall take its decision confirming the resignation within two months of receiving the letter of resignation. The Council may, however, refuse to accept the resignation if disciplinary proceedings against the person concerned are in progress at the date of the receipt of the letter or if such proceedings are started within the following 60 days.

3. Resignation shall take effect on the date specified by the Council. That date shall not be later than three months after the date proposed by the person concerned in his letter of resignation. However, the Council may, if necessary for the good functioning of Europol, stipulate that such resignation shall not take effect until his successor has taken up his duties.

Section 2

Compulsory resignation

Article 15

The service of the Director or a Deputy Director may be terminated by the Council upon request of the Management Board, without notice, where the conditions referred to in Article 95(b) or (c) of the Staff Regulations are met.

Section 3

Retirement in the interests of Europol

Article 16

1. The Director or a Deputy Director may be retired in the interests of Europol by a decision of the Council. The Council shall take such a decision after obtaining the opinion of the Management Board and hearing the person concerned, with a two-thirds majority. Such retirement shall not constitute a disciplinary measure.

2. The Director or Deputy Director thus retired shall, until the date envisaged for the end of his term of office, receive an allowance as follows:

- (a) for three months, a monthly allowance equal to his basic salary;
- (b) for the fourth to the sixth month, a monthly allowance of 85 % of his basic salary;
- (c) for the following period, a monthly allowance of 70 % of his basic salary.

3. During the period of entitlement to the allowance, the Director or Deputy Director shall not be entitled to the monthly unemployment allowance referred to in Article 59 of the Staff Regulations. Where the Director or Deputy Director is after this period entitled to an unemployment allowance pursuant to Article 59 of the Staff Regulations, the period of entitlement to the allowance referred to in

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paragraph 2 shall be deducted from the period of entitlement of the unemployment allowance.

4. Income received by the persons concerned from any new employment or from a retirement pension pursuant to Article 72 of the Staff Regulations during the period in which they receive an allowance in accordance with paragraph 2 shall be deducted from the allowance provided for in that paragraph if that income and the allowance together exceed the total remuneration last received by the official calculated by reference to the table of salaries applicable on the first day of the month for which the allowance is to be paid. The person concerned shall furnish such written proof as may be required and inform Europol of any facts liable to affect his entitlement.

5. During the period of entitlement to the allowance, the person concerned shall be entitled, in respect of himself and persons covered by his insurance, to benefits under the sickness insurance scheme provided for in Article 56(1) of the Staff Regulations, on condition that he pays the appropriate contribution calculated by reference to the allowance specified in paragraph 2 of this Article and that he cannot be covered by any other public scheme against the same risks.

6. As from the end of the period referred to in paragraph 5, Article 56(2) of the Staff Regulations shall apply *mutatis mutandis*.

Section 4

Dismissal following a disciplinary procedure*Article 17*

After the disciplinary proceedings provided for in Chapter 3 have been followed, service may be terminated by the Council in accordance with Article 29(6) of the Europol Convention on disciplinary grounds in serious cases of intentional or negligent failure of the Director or a Deputy Director to comply with his obligations.

Section 5

Retirement*Article 18*

The service of the Director or a Deputy Director shall cease on the last day of the month in which the person concerned reaches the age of 65.

CHAPTER 3

DISCIPLINARY PROCEEDINGS

Section 1

Disciplinary measures*Article 19*

1. Any failure by the Director or a Deputy Director to comply with his obligations under the Staff Regulations or the Europol Convention, whether intentionally or through negligence on his part, shall make him liable to disciplinary action.

Such a failure shall *inter alia* include the proven deliberate furnishing of false information as to either his professional ability or the requirements of Article 24(2) of the Staff Regulations, where the false information furnished was a determining factor in his being engaged.

2. Disciplinary measures shall take one of the following forms:

- (a) written warning;
- (b) reprimand;
- (c) reduction of his basic monthly salary up to a maximum amount of 25 % for a period not exceeding six months;
- (d) removal from post and, where appropriate, reduction or withdrawal of entitlement to retirement pension, but the consequences of this measure shall not affect the dependants of the Director or the Deputy Director.

3. Article 88(3) to (6) of the Staff Regulations shall apply in the case of disciplinary proceedings against the Director or a Deputy Director.

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Article 20

1. The Director shall have the right to issue a written warning or a reprimand to the Deputy Director on his own initiative without consulting a Disciplinary Board. The person concerned shall be informed of this in writing, and be heard by the Director before such action is taken.
2. The Management Board shall have the right to issue a written warning or a reprimand to the Director on its own initiative without consulting a Disciplinary Board. The person concerned shall be informed of this in writing, and be heard by the Management Board before such action is taken.

Article 21

Where an allegation of serious misconduct is made against the Director or a Deputy Director, whether this amounts to failure to carry out his official duties or to a breach of law, the Management Board, acting by a two-thirds majority and after having given the person concerned the opportunity to state his views, may order that he be suspended forthwith, under the conditions laid down by Article 90 of the Staff Regulations. Such decision shall be in writing and duly reasoned.

Section 2

Special provisions for the case provided for in Article 29(6) Europol Convention*Article 22*

1. Without prejudice to Article 20, the Council may decide to order any of the disciplinary measures indicated in Article 19(2) after the disciplinary proceedings provided for in this section have been completed.
2. Disciplinary proceedings shall be initiated by decision of the Management Board on its own initiative, after hearing the person concerned.
3. A Disciplinary Board shall be set up by the Management Board. It shall prepare the Management Board's opinion on the need for disciplinary measures indicated in Article 19(2) to be submitted to the Council in accordance with Article 29(6) of the Europol Convention.
4. The Disciplinary Board shall consist of the following members: a representative of the Member State holding the Presidency of the Management Board at the time when the Management Board took the decision as referred to in paragraph 2, a representative of the Member State which held the Presidency immediately preceding, a representative of the Member State holding the Presidency immediately afterwards, and representatives of two other Member States, to be determined by lot. The representatives shall be of a higher or comparable rank or level of seniority as the Director or Deputy Director concerned, and shall not at the same time be a member of the Management Board. Where possible, they shall have experience with conducting disciplinary proceedings.
5. The Chairman of the Board shall also be determined by lot by the Management Board, but may not be the representative of the Member State holding the Presidency.
6. Within five days of the formation of the Disciplinary Board, the Director or Deputy Director charged may make an objection in respect of any of its members.

Within the same period, any member of the Disciplinary Board may request to be excused from serving, provided he has legitimate grounds.

The Management Board shall, where it decides to uphold the objection or to grant the request to be excused, by drawing lots, fill any vacancies arising ensuring that there is no more than one representative per Member State in the Disciplinary Board.
7. The members of the Disciplinary Board indicated pursuant to paragraphs 4 or 6 shall serve as members of the Board until the tasks of the Disciplinary Board in the disciplinary procedure have been completed.
8. However, where in the course of the disciplinary procedure there is reason to believe that a member of the Disciplinary Board has a personal relationship with the Director or the Deputy Director charged or is physically unable to fulfil his duties, he shall not participate in the disciplinary process. In such cases, the Member State which presented the member shall propose to the Management Board that he be replaced and shall assign another representative to serve as member of the Disciplinary Board.

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9. Members of the Disciplinary Board shall be completely independent in the performance of their duties. The proceedings of the Board shall be secret.

10. The secretariat of the Management Board shall provide the secretariat of the Disciplinary Board.

Article 23

1. A report shall be submitted to the Disciplinary Board by the Management Board, stating clearly the facts complained of and, where appropriate, the circumstances in which they arose.

2. The Management Board shall appoint a representative in the disciplinary proceedings. He shall not be a member of the disciplinary board.

3. The report referred to in paragraph 1 shall be communicated to the Chairman of the Disciplinary Board, who shall bring it to the attention of the members of the board and the Director or Deputy Director charged.

4. On receipt of the said report, the Director or Deputy Director charged shall have the right to see his complete personal file and to take copies of all documents relevant to the proceedings.

Article 24

At the first meeting of the Disciplinary Board, the members shall indicate one of its members to prepare a general report on the matter.

Article 25

1. The Director or Deputy Director charged shall have not less than 15 days from the date of receipt of the report initiating disciplinary proceedings to prepare his defence.

2. When the Director or Deputy Director appears before the Disciplinary Board he shall have the right to submit observations in writing or orally, to call witnesses and to be assisted in his defence by a person of his own choice.

Article 26

The Management Board shall likewise have the right to call witnesses.

Article 27

1. If the Disciplinary Board requires further information concerning the facts complained of or the circumstances in which they arose, it may order an inquiry in which each side may submit its case and reply to the case of the other side.

2. The inquiry shall be conducted by the rapporteur. For the purpose of inquiry, the Disciplinary Board may call for the submission or productions of any documents relating to the matter before it.

Article 28

After consideration of the documents submitted and having regard to any statements made orally or in writing by the Director or Deputy Director concerned and by witnesses, and to the results of any inquiry undertaken, the Disciplinary Board shall, by majority vote, deliver a duly reasoned opinion on the disciplinary measure appropriate to the facts complained of and transmit the opinion to the Management Board and to the Director or Deputy Director concerned within one month of the date on which the matter was referred to the Disciplinary Board. This time limit shall be three months where an inquiry has been held on the instructions of the Board.

Article 29

1. The secretariat shall keep minutes of the meetings of the Disciplinary Board.

2. Witnesses shall sign the minute recording their depositions.

3. The duly reasoned opinion provided for in Article 28 shall be signed by all members of the Disciplinary Board.

Article 30

Costs incurred on the initiative of the Director or Deputy Director concerned in the course of disciplinary proceedings, in particular fees due to a person chosen for his defence, shall be borne by the Director or Deputy Director concerned

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where the disciplinary proceedings result in any of the measures provided for in Article 19(2)(c) or (d).

Article 31

1. Upon receipt of the report by the Disciplinary Board, the Management Board shall decide whether an opinion is to be submitted to the Council in accordance with Article 29(6) of the Europol Convention, and, if so, deliver a duly reasoned opinion on the disciplinary measure, indicated in Article 19(2), appropriate to the facts complained of.
2. The Management Board shall take the decision referred to in paragraph 1 as soon as possible. Before drawing up its opinion it shall give the Director or Deputy Director concerned the opportunity to be heard.
3. The Chairman of the Management Board shall forward the opinion of the Management Board to the Council as envisaged by Article 29(6) of the Europol Convention, and a copy thereof to the Director or Deputy Director charged.
4. Should the Management Board decide that no opinion is to be submitted to the Council in accordance with Article 29(6) of the Europol Convention, it shall have the right to issue a written warning or a reprimand in accordance with Article 20.

Article 32

1. Upon receipt of the opinion from the Management Board, the Council shall, in accordance with Article 29(6) of the Europol Convention, after having given the Director or Deputy Director concerned the opportunity to state his views, decide whether a disciplinary measure is to be applied.
2. Should the Council decide that a disciplinary measure as referred to in Article 19(2) is to be applied, it shall indicate in its decision the precise nature of the measure as well as the date from which the measure is to be applied. The decision shall be duly reasoned and shall be notified to the person concerned and to Europol.
3. The Council shall take the decision referred to in paragraph 1 without undue delay.

Article 33

1. Where there are new facts which are supported by relevant evidence, disciplinary proceedings may be reopened upon request by the Director or the Deputy Director concerned.
2. Where the final disciplinary measure is taken by the Director, the request shall be submitted to the Director. The Director shall decide whether to grant the Deputy Director's request.
3. Where the final disciplinary measure is taken by the Management Board, the request shall be submitted to the Management Board. The Management Board shall decide whether to grant the Director's or the Deputy Director's request.
4. Where the final disciplinary measure is taken by the Council, the request shall be submitted to the Management Board. The Management Board shall decide whether to submit an opinion to the Council advising the Council to grant the Director's or the Deputy Director's request.

CHAPTER 4

APPEALS*Article 34*

1. Complaints of the Director or a Deputy Director pursuant to Article 92(2) of the Staff Regulations shall be submitted to, and treated by, the authority which took the definitive decision in the matter.
2. Appeals from the Director or a Deputy Director to the Court of Justice of the European Communities as referred to in Article 93 of the Staff Regulations shall lie only if the authority which took the definitive decision in the matter has previously had a complaint submitted to it pursuant to paragraph 1 and that complaint has been rejected by express decision or implicit decision. However, the person concerned may, after submitting a complaint pursuant to paragraph 1, immediately file an appeal with the Court of Justice of the European Communities, under the conditions set out in Article 93(4) of the Staff Regulations.

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CHAPTER 5

SPECIAL PROVISIONS CONCERNING THE DIRECTOR*Article 35*

1. Wherever the Director wishes to exercise a right conferred upon him by virtue of the Staff Regulations with respect to himself, and the power to take a decision in the matter under the Staff Regulations is conferred upon the Director, he shall inform the chairman of the Management Board thereof. In such cases the Chairman may decide to put the case to the Management Board for final decision.
2. Where the Director is temporarily unable to exercise his functions for a period of more than one month, or the position of Director is vacant, his functions shall be exercised by a Deputy Director. For this purpose the Management Board shall indicate the order of replacement each time a new Deputy Director has been nominated.