

II

(Preparatory Acts)

COMMISSION

Amended proposal for a Council Regulation introducing special measures to terminate the service of officials of the European Communities

*COM(85) 469 final**(Submitted by the Commission to the Council on 20 August 1985)**(85/C 250/06)*

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

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

Having regard to the opinion of the European Parliament,

Having regard to the opinion of the Court of Justice,

Whereas, in order to meet requirements resulting either from the accession of Spain and Portugal to the European Communities or from the need to acquire staff with new skills, special termination of service measures should be adopted,

HAS ADOPTED THIS REGULATION:

Article 1

In the interests of the service, and in order to meet requirements resulting either from the accession of Spain and Portugal to the European Communities or from the need to acquire staff with new skills, the institutions within the meaning of Article 1 of the Staff Regulations ⁽¹⁾ are authorized to adopt measures terminating the service of officials in grades A 3, LA 3, A 4, LA 4, A 5, LA 5, B 1, B 2, C 1, C 2, D 1 and D 2 who are over 55 years of age, under the conditions specified below.

This Article shall not apply to officials paid from research and investment appropriations employed in the

scientific and technical service where, and for as long as, they are covered by other specific termination of service arrangements approved by the Council.

Article 2

The number of termination of service decisions may not exceed the number fixed each year by the budgetary authority on a proposal from each institution, within a ceiling of 20 % of the total number of officials eligible under this Regulation.

Article 3

Having due regard to the interests of the service, the institution shall select, within the limits laid down in Article 2 and after consulting the Joint Committee, from officials requesting the application of measures terminating their service under Article 1, those to whom such measures shall be applied.

To this end it shall take into consideration their age, ability, efficiency, conduct in the service, family situation and seniority. Minimum seniority of 10 years shall be required. This requirement shall not apply to the Court of Auditors until 1 January 1988.

By way of derogation from Article 1, this Regulation shall apply to all officials, other than those in grades A 1 and A 2, who have at least 25 years service.

Article 4

1. A former official affected by the measure provided for in Article 1 shall be entitled to a monthly allowance equal to 70 % of the basic salary for the grade and step held at the time of departure, determined by reference to the table set out in Article 66 of the Staff Regulations in force on the first day of the month for which the allowance is payable.

⁽¹⁾ Council Regulation (EEC, Euratom, ECSC) No 259/68 of 29 February 1968; OJ No L 56, 4. 3. 1968).

2. Entitlement to the allowance shall cease not later than the last day of the month in which the former official attains the age of 65 and in any event as soon as the former official is eligible for the maximum retirement pension.

At that point the former official shall automatically receive a retirement pension, which shall take effect on the first day of the calendar month following the month in which the allowance was paid for the last time.

3. The allowance provided for in paragraph 1 shall be adjusted by the weighting fixed for the country in which the recipient proves that he is resident.

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

The allowance shall be expressed in Belgian francs. It shall be paid in the currency of the country of residence of the recipient. However, if it is subject to the weighting of 100 under the second subparagraph, it shall be paid in Belgian francs.

Allowances paid in a currency other than the Belgian franc shall be calculated on the basis of the exchange rates specified in the second paragraph of Article 63 of the Staff Regulations.

4. Gross income accruing to the former official from any new employment shall be deducted from the allowance provided in paragraph 1, in so far as that income plus that allowance exceeds the total gross remuneration last received by the official, determined by reference to the salary scales in force on the first day of the month for which the allowance is payable. That remuneration shall be weighted as provided for in paragraph 3.

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

The former official concerned shall provide any written proof which may be required and shall notify the institution of any factor which may affect his right to the allowance.

5. Under the conditions set out in Article 67 of the Staff Regulations and Articles 1, 2 and 3 of Annex VII to the Staff Regulations, family allowances shall be payable either to the recipient of the allowance provided for in paragraph 1 or to the person or persons to whom custody of the child or children has been entrusted by law or by an order of court or of the competent administrative authority; the household allowance shall be calculated by reference to that allowance.

6. Recipients of the allowance shall be entitled, in respect of themselves and persons covered by their insurance, to benefit under the sickness insurance scheme provided for in Article 72 of the Staff Regulations, provided they pay the relevant contribution, calculated on the basis of the allowance provided for in paragraph 1, and are not covered by another sickness insurance by virtue of legal or statutory provisions.

7. During the period for which he is entitled to receive the allowance, the former official shall continue to acquire further rights to retirement pension based on the salary attaching to his grade and step, provided that the contribution provided for in the Staff Regulations by reference to that salary is paid during that period and provided that the total pension does not exceed the maximum specified in the second paragraph of Article 77 of the Staff Regulations. For the purposes of Article 5 of Annex VIII to the Staff Regulations and Article 108 of the former Rules and Regulations of the European Coal and Steel Community such period shall be considered to be a period of service.

8. Subject to Articles 1 (1) and 22 of Annex VIII to the Staff Regulations, the surviving spouse of a former official who dies while in receipt of the monthly allowance provided for in paragraph 1 shall be entitled, provided that he or she had been his or her spouse for at least one year when the former official left the service of an institution, to a survivor's pension equal to 60 % of the retirement pension which, irrespective of length of service or age, would have been payable to the former official if he had qualified for it at the time of death.

The amount of the survivor's pension referred to in the previous subparagraph shall not be less than the amounts specified in the second paragraph of Article 79 of the Staff Regulations. However, in no case may it exceed the amount of the retirement pension to which the former official would have been entitled had he survived and been granted a retirement pension when he ceased to be eligible for the allowance referred to above.

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

The same shall apply if the former official's death resulted from one of the circumstances referred to at the end of the second paragraph of Article 17 of Annex VIII to the Staff Regulations.

9. On the death of a former official in receipt of the allowance provided for in paragraph 1, dependent children within the meaning of Article 2 of Annex VII to the Staff Regulations shall be entitled to an orphan's pension under the conditions set out in the first, second and third paragraphs of Article 80 of the Staff Regulations and in Article 21 of Annex VIII to the Staff Regulations.

10. For the purposes of Article 107 of the Staff Regulations and of Article 102 (2) of the Staff Regulations of

Officials of the European Coal and Steel Community, an official affected by the measure provided for in Article 1 shall be treated as an official who has remained in service until the age of 65 provided he continues to pay the contribution during the period of receipt of the allowance referred to in paragraph 1 of this Article.

Article 5

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

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

Proposal for a Council Regulation laying down implementing rules for Regulation (EEC) No 3331/82 on food-aid policy and food-aid management

COM(85) 482 final

(Submitted by the Commission to the Council on 18 September 1985)

(85/C 250/07)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community,

Having regard to Council Regulation (EEC) No 3331/82⁽¹⁾, and in particular to the first, fourth, fifth, sixth and seventh indents of Article 4 (1) and to Article 4 (2) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,

Whereas, in order to implement Council Regulation (EEC) No 3331/82, it is necessary to determine the total quantities of each product to be supplied under the food-aid programmes in compliance with the Community's international commitments;

Whereas the Community has entered into certain commitments under the Food Aid Convention;

Whereas the Community also intends entering into certain commitments under a Convention to be concluded with the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA)⁽²⁾;

Whereas a list of the countries and organizations eligible for food-aid operations should be drawn up without prejudice to emergency operations;

Whereas provisions should be made for the possibility of making food available to non-governmental organizations; whereas the latter must meet certain conditions guaranteeing the successful execution of food-aid operations;

Whereas the basic and derived products which may be supplied under food-aid operations should be determined by taking account, in particular, of the available stocks of the products in question;

Whereas general criteria should also be established for the transport of food aid beyond the fob stage, taking into account the financial and geographical situation of the countries concerned and the channels and intermediaries via which the aid will be dispatched; whereas account should also be taken to this end of the need to ensure that the effectiveness of the food-aid operations is increased;

Whereas, in order to ensure that the objectives of food-aid operations are attained, it is furthermore necessary to stipulate that aid is granted only where the recipients undertake to comply with the supply terms laid down by the Commission;

Whereas the methods of mobilizing, transporting and delivering the products should be specified; whereas it is also necessary to determine the procedure for mobilizing the products outside the Community;

Whereas the Commission must be able to take all the measures necessary for the proper execution of food-aid programmes and operations; whereas, to this end, Member States must provide the Commission with all the assistance required and, in particular, with all relevant information;

Whereas, in circumstances and subject to appropriate conditions, multiannual food-aid programmes can make a positive contribution to the development of the recipient country; whereas, however, it is not intended to lay down multiannual quantities of food aid,

⁽¹⁾ OJ No L 352, 14. 12. 1982, p. 1.

⁽²⁾ OJ No L 188, 16. 7. 1984, p. 18.