

▼ **M67***ANNEX X***Special and exceptional provisions applicable to officials serving in a third country**

CHAPTER 1

GENERAL PROVISIONS*Article 1*

This Annex lays down the special and exceptional provisions applicable to officials of the ► **M128** European Union ◄ serving in a third country.

Only nationals of Member States of the ► **M128** Union ◄ may be recruited to serve in such a country, the appointing authority not being permitted to invoke the exception provided for in Article 28 (a) of the Staff Regulations.

General implementing provisions shall be adopted in accordance with Article 110 of the Staff Regulations.

Article 2

By decision of the appointing authority in the interests of the service, officials shall be transferred periodically, if necessary without regard to vacant posts.

▼ **M112**

The Appointing Authority shall make such transfers by a specific procedure referred to as the ‘mobility procedure’, for which it shall lay down detailed implementing rules, after consulting the Staff Committee.

▼ **M67***Article 3*

► **M112** Under the mobility procedure, an official assigned to a third country may, by decision of the Appointing Authority, be reassigned temporarily with his post to the seat of the institution or any other place of employment in the ► **M128** Union ◄; such assignments, which shall not be preceded by a vacancy notice, may not be for more than four years. ◄ By way of derogation from the first subparagraph of Article 1, the appointing authority may decide, on the basis of general implementing provisions, that the official shall remain subject to certain provisions of this Annex for the duration of this temporary assignment, excluding Articles 5, 10 and 12 thereof.

CHAPTER 2

OBLIGATIONS*Article 4*

An official shall carry out his duties at the place to which he is assigned on recruitment or on transfer in the interests of the service following the mobility procedure.

▼ **M112***Article 5*

1. If the institution provides the official with accommodation which corresponds to the level of his duties and to the composition of his dependent family, he shall reside in it.

▼ M112

2. Detailed rules for the application of paragraph 1 shall be laid down by the Appointing Authority, after consultation of the Staff Committee. The Appointing Authority shall also decide on the entitlement to furniture and other fittings for accommodation, in line with the conditions applying at each place of employment.

▼ M67

CHAPTER 3 WORKING CONDITIONS

▼ M131*Article 6*

An official shall, per calendar year, be entitled to annual leave of two working days for each month of service.

Notwithstanding the first paragraph of this Article, officials posted already in a third country on 1 January 2014 shall be entitled to:

- three working days from 1 January 2014 until 31 December 2014;
- two and half working days from 1 January 2015 until 31 December 2015.

Article 7

In the year in which an official takes up or ceases to perform his duties in a third country, he shall be entitled to two working days leave for each 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.

Where an official, for reasons other than the requirements of the service, has not used up 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 14 working days.

▼ M67*Article 8*

By way of exception, the appointing authority may, by special reasoned decision, grant an official rest leave on account of particularly difficult living conditions at his place of employment. For each such place, the appointing authority shall determine the town(s) where rest leave may be taken.

▼ M131

Officials who take part in professional training courses pursuant to Article 24a of the Staff Regulations and who have been granted rest leave pursuant to the first paragraph of this Article shall undertake, where appropriate, to combine their periods of professional training with their rest leave.

▼ M67*Article 9***▼ M131**

1. Annual leave may be taken all at once or in several periods, according to what the official desires and taking account of the requirements of the service. It must, however, include at least one period of two consecutive weeks.

▼ **M67**

2. The rest leave referred to in Article 8 may not exceed a period of 15 ► **M112** working days ◀ for each year of service. ► **M112** ————— ◀

The period of rest leave shall be extended by the addition of travelling time calculated in accordance with Article 7 of Annex V to the Staff Regulations.

▼ **M128***Article 9a*

During parental and family leave as provided for in Articles 42a and 42b of the Staff Regulations, Articles 5, 23 and 24 of this Annex shall continue to apply for a cumulative maximum period of six months within each two-year period of assignment to a third country, and Article 15 of this Annex shall continue to apply for a cumulative maximum period of nine months within each two-year period of assignment to a third country.

▼ **M67**

CHAPTER 4

EMOLUMENTS AND SOCIAL SECURITY BENEFITS

Section 1

EMOLUMENTS AND FAMILY ALLOWANCES

▼ **M131***Article 10*

1. An allowance for living conditions shall be fixed, according to the official's place of employment, as a percentage of a reference amount. That reference amount shall comprise the total basic salary, plus the expatriation allowance, household allowance and dependent child allowance, less the compulsory deductions referred to in the Staff Regulations or in the regulations adopted to implement them.

Where an official is employed in a country in which living conditions can be deemed equivalent to those normally obtaining in the European Union, no such allowance shall be payable.

In the case of other places of employment, the allowance for living conditions shall be fixed taking into account, *inter alia*, the following parameters:

- health and hospital environment,
- security,
- climate,
- degree of isolation,
- other local living conditions.

The allowance for living conditions fixed for each place of employment shall be reviewed and, where appropriate, adjusted each year by the appointing authority after the opinion of the Staff Committee has been obtained.

The appointing authority may decide to grant a supplementary premium in addition to the allowance for living conditions in cases where an official has had more than one assignment to a place of employment considered difficult or very difficult. That supplementary premium shall not exceed 5 % of the reference amount referred to in the first subparagraph and the appointing authority shall duly substantiate its individual decisions in order to respect equality of treatment, basing itself on the level of difficulty of the previous assignment.

▼ M131

2. If living conditions at the place of employment are such as to put the official at personal risk, a temporary additional allowance shall be paid to him by special reasoned decision of the appointing authority. That allowance shall be fixed as a percentage of the reference amount referred to in the first subparagraph of paragraph 1:

- where the authority recommends to its staff not to settle their families or other dependants in the place of employment, provided that they follow that recommendation;
- where the authority decides to reduce temporarily the number of staff serving in the place of employment.

In duly justified cases, the appointing authority may also determine that a post is a non-family posting. The above-mentioned allowance shall be paid to staff members who respect that determination.

3. Detailed provisions for the application of this Article shall be decided by the appointing authority.

▼ M67*Article 11*

Remuneration, as also the allowances referred to in Article 10, shall be paid in ►**M94** euros ◀ in ►**M131** the European Union ◀. They shall be subject to the weighting applicable to the remuneration of officials employed in Belgium.

Article 12

At the request of the official, the appointing authority may decide to pay all or part of his remuneration in the currency of the country of employment. In that event, it shall be subject to the weighting for the place of employment and shall be converted on the basis of the corresponding exchange rate.

In duly substantiated exceptional cases, the appointing authority may make all or part of this payment in a currency other than that of the country of employment in such a way as to maintain purchasing power.

▼ M131*Article 13*

In order to ensure as far as possible that officials enjoy equivalent purchasing power irrespective of their place of employment, the weighting referred to in Article 12 shall be updated once a year in accordance with Annex XI. With respect to the update, all values shall be understood as reference values. The Commission shall publish the updated values within two weeks after the update in the C series of the *Official Journal of the European Union* for information purposes.

Where, however, in the case of a given country, the variation in the cost of living measured on the basis of the weighting and the corresponding exchange rate is found to have exceeded 5 % since the last update, an interim update of the weighting in accordance with the procedure laid down in the first paragraph shall take place.

▼ M67*Article 14*

The Commission shall submit an annual report to the Council on the application of this Annex and in particular on the fixing of the rate of the allowance for living conditions as provided for in Article 10.

▼ **M67***Article 15*

On the conditions laid down by the appointing authority, the official shall receive an education allowance to cover the actual education costs incurred, payment of the allowance being made on the production of supporting documents. Except in cases deemed exceptional by the appointing authority, this allowance shall not exceed three times the doubled maximum education allowance.

Article 16

Reimbursements due to officials shall be paid in ► **M112** euro, in the currency of the country of employment or in the currency in which the expenditure was incurred ◀, on the basis of a reasoned request from the official.

Officials may opt to have installation or resettlement allowances paid in either ► **M94** euros ◀ or the currency of the place of installation or resettlement; in the latter case, they shall be subject to the weighting fixed for the place in question and converted at the corresponding exchange rate.

Section 2

RULES RELATING TO THE REIMBURSEMENT OF EXPENSES*Article 17*

An official ► **M112** provided accommodation pursuant to Article 5 or 23 of this Annex and ◀ who, for reasons beyond his control, is obliged to change his residence at the place of employment shall, by special reasoned decision of the appointing authority, be reimbursed the expenses incurred in respect of removal of furniture and personal effects, on production of supporting documents and in accordance with the rules on removals.

In such cases, he shall have ► **M112** the other expenses incurred by this change of residence ◀ reimbursed on production of supporting documents, subject to a ceiling equal to half the installation allowance.

Article 18

An official who, at his place of employment, is staying at a hotel because the accommodation provided for in Article 5 cannot yet be allocated to him or is no longer available to him or who, for reasons beyond his control, has not been able to take possession of his accommodation shall be reimbursed the hotel expenses of himself and his family on production of the hotel bills, after prior authorization by the appointing authority.

▼ **M112**

The official shall also receive the daily allowance provided for in Article 10 of Annex VII, less 50 %, except in cases of force majeure to be determined by the Appointing Authority.

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Where hotel accommodation cannot be provided, the official shall be entitled to reimbursement of the actual cost of renting temporary accommodation, after prior approval by the appointing authority.

▼ **M112***Article 19*

An official who does not have access to a staff car for travel on official business directly connected with the performance of his duties shall receive a mileage allowance for the use of his own car. The amount of the allowance shall be fixed by the Appointing Authority

▼ **M67***Article 20*

An official shall be entitled to travel expenses for rest leave from his place of employment to the authorized place of leave for himself and, if he is entitled to the household allowance, for his spouse and dependents if they live with him.

Where travel by train is impossible or impracticable, reimbursement shall be by special decision on production of the air tickets, whatever the distance.

Article 21▼ **M112**

Where an official is obliged to change his place of residence in order to comply with Article 20 of the Staff Regulations on taking up his appointment or on transfer, the institution shall, subject to the conditions laid down by the Appointing Authority and depending on the type of accommodation that can be provided for him at the place of employment, bear the cost of:

- (a) moving part or all of his furniture and personal effects from their location at the time to the place of employment and of transporting his personal effects, in the event that unfurnished accommodation is provided;

▼ **C16**

- (b) transporting his personal effects and of storage of his furniture and personal effects in the event that furnished accommodation is provided.

▼ **M67**

In the event of termination of service or death, the institution shall, subject to the conditions laid down by the appointing authority, bear the actual cost of moving an official's furniture and personal effects from their location at the time to his place of origin or of transporting his personal effects from the place of employment to his place of origin. Reimbursement may be made for any or all of these costs.

In the event of the death of an unmarried official, reimbursement shall be made to those entitled under him.

Article 22

The temporary accommodation allowance and the cost of transporting the personal effects of his spouse and dependants shall be advanced to a probationer official by the institution.

In the event of the probationer official not being established at the end of his probationary period, the institution may in exceptional cases take steps to recover up to half of these sums on the basis of the provisions laid down by the appointing authority.

▼ **M131***Article 23*

On the basis of a list of countries to be defined by the appointing authority, and where the official is not provided with accommodation by the institution, the appointing authority shall either pay the official an accommodation allowance or reimburse the rent paid by the official.

▼ M131

The accommodation allowance shall be paid upon presentation of a tenancy agreement unless the appointing authority waives that obligation for duly justified reasons linked to practices and local conditions in the place of employment in the third country concerned. The accommodation allowance shall be calculated depending primarily on the official's level of duties and subsequently on the composition of his dependent family.

The rent shall be reimbursed, provided that the accommodation has been expressly authorised by the appointing authority and corresponds primarily to the official's level of duties and subsequently to the composition of his dependent family.

Detailed rules for the application of this Article shall be laid down by the appointing authority. The accommodation allowance shall not in any case exceed the costs incurred by the official.

▼ M67

Section 3

SOCIAL SECURITY BENEFITS*Article 24*

The official, his spouse, his children and other persons dependent on him shall be covered by supplementary sickness insurance for the difference between expenditure actually incurred and payments from the scheme provided for in Article 72 of the Staff Regulations; no reimbursement shall be made under Article 72 (3).

Half the premium shall be paid by the official and half by the institution. However, the official's contribution shall not exceed 0,6 % of his basic salary, any balance shall be paid by the institution.

The official, his spouse, his children and other persons dependent on him shall be insured for repatriation on health grounds in the case of an emergency or extreme emergency; the premium shall be paid entirely by the institution.

Article 25

The spouse, children and other persons dependent on the official shall be insured against accidents occurring outside the ► **M128** Union ◀ in the countries appearing on a list adopted for this purpose by the appointing authority.

Half the premium shall be paid by the official and half by the institution.

▼ M112
