

(Acts adopted pursuant to Title VI of the Treaty on European Union)

**COUNCIL ACT**

**of 15 March 2001**

**amending the Staff Regulations applicable to Europol employees**

(2001/C 112/01)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Convention on the establishment of a European Police Office (Europol Convention)<sup>(1)</sup>, and in particular Article 30(3) thereof,

Having regard to the initiative of the Kingdom of Sweden<sup>(2)</sup>,

Having regard to the opinion of the European Parliament,

Having regard to the opinion of the Management Board of Europol,

Whereas:

(1) It is desirable to amend the Staff Regulations applicable to Europol employees, as laid down in the Council Act of 3 December 1998<sup>(3)</sup> (hereinafter referred to as the 'Staff Regulations').

(2) It is for the Council, acting unanimously, to lay down detailed arrangements applicable to Europol employees, and subsequent amendments,

HAS ADOPTED THIS ACT:

*Article 1*

The Staff Regulations shall be amended as follows:

1. Article 6 shall be replaced by the following:

*'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.'

2. The following sentence shall be added to Article 24(3):

'Europol may, at the request of a Member State, agree bilateral arrangements with that Member State on the administrative cooperation in such procedures.'

<sup>(1)</sup> OJ C 316, 27.11.1995, p. 2.

<sup>(2)</sup> OJ C 18, 19.1.2001, p. 1.

<sup>(3)</sup> OJ C 26, 30.1.1999, p. 23.

3. Article 25 shall be replaced by the following:

*'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 Invalidity Committee. The medical officer responsible for the initial negative medical opinion shall be heard by the Invalidity Committee. The candidate may refer the opinion of a doctor of his/her choice to the Invalidity Committee.'

4. The first subparagraph of Article 27 shall read as follows:

'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.'

5. The following sentence shall be added to the second subparagraph of Article 28:

'Europol may, at the request of a Member State, agree bilateral arrangements with that Member State on the administrative cooperation in assessment procedures.'

6. The fourth subparagraph of Article 32 shall be replaced by the following:

'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.'

7. Article 38(3) shall be replaced by the following:

'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.'

8. The first subparagraph of Article 44 shall be replaced by the following:

'The Management Board shall each year review the remuneration of the officials of Europol. During this review the Management Board shall consider whether, as a consequence of changes in the cost of living in the Netherlands, the remuneration should be adjusted. Particular account should be taken of any changes in salaries in the public service in the Member States and the needs of recruitment to Europol.'

9. The last subparagraph of Article 58 shall be deleted.

10. The last subparagraph of Article 68 shall be deleted.

11. Paragraph 1 of Appendix 1 shall be replaced by the following:

'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	Second officers	<b>Development</b>
	Legal affairs		<b>Analysis</b>
	Conference, travel and relocation		<b>Research</b>
	General services		Open sources and documentation
	Research		ICT
<b>First officers</b>	<b>Specialised law enforcement areas</b>		Central affairs
	<b>Investigation support</b>		Planning
	<b>Operational and technical support</b>		Legal affairs
	<b>Development</b>		Data protection
	<b>Analysis</b>		Human resources
	<b>Human resources — recruitment</b>		Finance
	<b>Press and public relations</b>		CTR
	<b>Research</b>		General services
			Press and public relations
			[Security] <sup>(1)</sup>
First officers	Open sources and documentation	Directorate assistants	Assistants to the Director and to the deputy directors
	ICT		
	Central affairs	Assistants	Administrative assistants (all relevant departments and units)
	Planning		Technical assistants*
	Legal affairs		
	Data protection		
	CTR	<b>Assistants</b>	<b>Analytical assistants</b>
	Finance		
	General services	Other personnel	Specialised drivers*
	Human resources — salary and allowance administration		Drivers*
	Human resources — internal training		[Security officers] <sup>(1)</sup> *
	[Security] <sup>(1)</sup>		Operators*
			Qualified workers*

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

**Second officers** **Specialised law enforcement areas**  
**Investigation support**  
**Operational and technical support**

<sup>(1)</sup> 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.'

12. Article 2(1) to (6) of Appendix 2 shall be replaced by the following:

*'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.'

13. The second subparagraph of Article 9 of Appendix 2 shall be replaced by the following:

'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.'

14. Article 1 of Appendix 5 shall be amended as follows:

— paragraph 1 shall read as follows:

'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.'

— paragraph 3 shall read as follows:

'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.'

15. Article 5 of Appendix 5 shall be replaced by the following:

*'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 EUR 1 477,05 for a single official, EUR 1 969,41 for an official sharing the accommodation with his spouse and/or up to two dependent children within the meaning of Article 2(2), and EUR 2 461,76 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.

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.'

16. Article 8(1) of Appendix 5 shall be replaced by the following:

'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.'

17. The following shall be added to Appendix 5:

#### 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.'

18. The last subparagraph of Article 13 of Appendix 6 shall be replaced by the following:

'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.'

19. Article 18 of Appendix 6 shall be replaced by the following:

##### '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;'

*Article 2*

1. This Act shall enter into force on the first day after its adoption.

2. Article 5(1) to (7) of Appendix 5 to the Staff Regulations shall apply as from 1 July 1999.

*Article 3*

This Act shall be published in the *Official Journal of the European Communities*.

Done at Brussels, 15 March 2001.

*For the Council*

*The President*

M.-I. KLINGVALL

---