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### ***Disclaimer***

Conformément au règlement (CEE, Euratom) n° 354/83 du Conseil du 1er février 1983 concernant l'ouverture au public des archives historiques de la Communauté économique européenne et de la Communauté européenne de l'énergie atomique (JO L 43 du 15.2.1983, p. 1), tel que modifié par le règlement (CE, Euratom) n° 1700/2003 du 22 septembre 2003 (JO L 243 du 27.9.2003, p. 1), ce dossier est ouvert au public. Le cas échéant, les documents classifiés présents dans ce dossier ont été déclassifiés conformément à l'article 5 dudit règlement.

In accordance with Council Regulation (EEC, Euratom) No 354/83 of 1 February 1983 concerning the opening to the public of the historical archives of the European Economic Community and the European Atomic Energy Community (OJ L 43, 15.2.1983, p. 1), as amended by Regulation (EC, Euratom) No 1700/2003 of 22 September 2003 (OJ L 243, 27.9.2003, p. 1), this file is open to the public. Where necessary, classified documents in this file have been declassified in conformity with Article 5 of the aforementioned regulation.

In Übereinstimmung mit der Verordnung (EWG, Euratom) Nr. 354/83 des Rates vom 1. Februar 1983 über die Freigabe der historischen Archive der Europäischen Wirtschaftsgemeinschaft und der Europäischen Atomgemeinschaft (ABl. L 43 vom 15.2.1983, S. 1), geändert durch die Verordnung (EG, Euratom) Nr. 1700/2003 vom 22. September 2003 (ABl. L 243 vom 27.9.2003, S. 1), ist diese Datei der Öffentlichkeit zugänglich. Soweit erforderlich, wurden die Verschlussachen in dieser Datei in Übereinstimmung mit Artikel 5 der genannten Verordnung freigegeben.

# COMMISSION OF THE EUROPEAN COMMUNITIES

COM(76) 190 final.

Brussels, 3 May 1976.

Proposal for a  
COUNCIL REGULATION

determining the categories of officials entitled  
to, and the conditions and rates of, allowances for regular standby  
duty.

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(submitted to the Council by the Commission)

COM(76) 190 final.

## EXPLANATORY MEMORANDUM

1. By Regulation (Euratom, ECSC, EEC) No 1601/75 of 24 June 1975 the Council amended Article 56b and the third paragraph of Article 55 of the Staff Regulations, deleting the phrase which restricted standby duty and the allowances for this work to officials paid from appropriations in the research and investment budget and employed in an establishment of the Joint Research Centre or on indirect action.

The amended text of Article 56b requires the Council, acting on a proposal from the Commission, presented after consulting the Staff Regulations Committee, to determine the categories of officials entitled to, and the conditions and rates of, allowances for standby duty.

2. The Commission proposal is attached. It takes account of the need for certain staff who are employed outside the Joint Research Centre to run and supervise technical installations or work in the medical service or as drivers, to remain at the disposal of their institution at the place of employment or at home, outside and in addition to normal working hours.

The conditions and rates of the proposed allowances are the same as those laid down for research staff in Council Regulation (Euratom) No 1371/72 of 27 June 1972.

However, to compensate to some extent for the disruption to family and social life caused by standby duty, it is proposed to grant one day's leave in some cases, for instance following seven days' continuous standby duty at home or standby duty at the place of employment on Saturdays, Sundays or public holidays.

3. As the representatives of the Staff Committees refused to attend meetings of the Staff Regulations Committee duly convened by the Chair since the beginning of February, the Staff Regulations Committee could not give an opinion on the Commission's proposal, which it received in September 1975.

In the absence of an opinion from the Staff Regulations Committee the Commission has adopted the attached proposal pursuant to Article 10a of the Staff Regulations.

Agreement was reached on the Commission proposal as a result of consultation with staff representatives before the proposal was presented to the Staff Regulations Committee.

Proposal for

Council Regulation (ECSC, Euratom, EEC) No ..... of .....  
determining the categories of officials entitled to, and the conditions  
and rates of, allowances for regular standby duty

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Staff Regulations of Officials and the Conditions of  
Employment of Other Servants of the European Communities laid down in  
Regulation (EEC, Euratom, ECSC) No 259/68<sup>1</sup>, as last amended by  
Regulation No .....<sup>2</sup>, and in particular the second paragraph of  
Article 56b of the Staff Regulations,

Having regard to the proposal from the Commission,

Whereas it is for the Council, acting on a proposal from the Commission,  
to determine  
the categories of officials entitled to, and the conditions and rates of  
allowances which may be granted to officials who are regularly required to  
be at the disposal of the institution at the place of employment or at  
home outside normal working hours,

HAS ADOPTED THIS REGULATION:

Article 1

1. Officials paid from appropriations in the research and investment  
budget and employed in an establishment of the Joint Research Centre or  
on indirect action, or paid from appropriations in the operating budget  
and employed to run or supervise technical installations or to work in the  
medical service or as drivers, who are regularly required to carry out  
standby duty in accordance with Article 56b of the Staff Regulations, shall  
be entitled to an allowance determined as follows:

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<sup>1</sup>OJ No L 56, 4 March 1968, p. 1.  
<sup>2</sup>OJ No ....., , p. .

- (a) The allowance shall be expressed in points. A point shall be equal to 0.032% of the basic salary of an official in Grade D4, Step 1. Such allowance shall be adjusted by the weighting applicable to the remuneration of the official;
- (b) The number of points per hour of actual standby duty shall be:
  - (i) for standby duty at the place of employment: 11 for working days and 22 for Saturdays, Sundays and public holidays;
  - (ii) for standby duty at home: 2.15 for working days and 4.3 for Saturdays, Sundays and public holidays.

2. No allowance shall be granted for standby duty at home if the actual period of duty is less than 14 hours.

3. An official who can show that for a period not exceeding one month he was prevented from doing standby duty at the place of employment as a result of illness or accident or because he was on annual leave shall retain his entitlement to the allowance. If he is prevented from doing standby duty for more than one month owing to sickness or accident, his entitlement to the allowance shall be suspended at the end of that month until he resumes work.

For the period referred to in the previous subparagraph, the official shall be entitled to an allowance of 42 points for each day of absence because of sickness, for which he has a medical certificate, or for each day of annual leave.

#### Article 2

The officials referred to in Article 1(1) shall also be entitled to:

- (i) one day of leave for each period of standby duty at home involving at least 7 consecutive days, including absences for sickness or on leave;

- (ii) one day of leave for each Saturday, Sunday or public holiday on which they are actually required to carry out standby duty at the place of employment.

Article 3

This Regulation shall apply by analogy to temporary, auxiliary and establishment staff.

Article 4

Council Regulation (Euratom) No 1371/72 is hereby repealed.

Article 5

This Regulation shall enter into force on the third day following its publication in the Official Journal of the European Communities. However the provisions of the first, second and third articles take effect on the 1st July 1975.

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

For the Council