Council Regulation (EU) 2016/300 of 29 February 2016 determining the emoluments of EU high-level public office holders

COUNCIL REGULATION (EU) 2016/300

of 29 February 2016

determining the emoluments of EU high-level public office holders

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 243 and Article 286(7) thereof,

Whereas:

(1) It is for the Council to determine the salaries, allowances and pensions of EU high-level public office holders ('public office holders'), including the President of the European Council[(1)], the President and members of the Commission[(2)], the High Representative of the Union for Foreign Affairs and Security Policy[(3)], the Presidents, Judges, Advocates-General and Registrars of the Court of Justice of the European Union[(4)], the President and members of the Court of Auditors[(5)], and the Secretary-General of the Council[(6)], together with any payment to be made instead of remuneration.

(2) It is appropriate that the emoluments and other benefits of public office holders reflect their high responsibilities, and therefore such emoluments and other benefits may differ from those referred to in the Staff Regulations of Officials of the European Union ('Staff Regulations').

(3) Some adjustments to the current emoluments and other benefits of public office holders are nonetheless appropriate in order to reflect the institutional developments in the Union and to modernise the structure of emoluments, in particular by reflecting, where necessary, the amendments introduced by Regulation (EU, Euratom) No 1023/2013 of the European Parliament and of the Council[(7)] ('Staff Regulations'). In light of the reforms to the Staff Regulations, several amendments need to be made to Regulation No 422/67/EEC, No 5/67/Euratom. Similarly, Regulation (EEC, Euratom, ECSC) No 2290/77[(8)] also needs to be updated to take account of reforms to the Staff Regulations. In light of the number of substantial modifications to both Regulations (EEC, Euratom, ECSC) No 2290/77 and Regulation No 422/67/EEC, No 5/67/Euratom, regulating emoluments of various public office holders, it is appropriate, in the interests of clarity, transparency and good legislative practice, to merge the two Regulations.

(4) With a view to safeguarding a balance between EU staff members and public office holders, as regards emoluments, it is appropriate to include measures to align the treatment of public office holders with that of EU staff members in situations where the latter have benefited from a modernised structure of emoluments, such as with regard to automatic updates of allowances and to the possibility of joining the Joint Sickness Insurance Scheme, including after termination of a mandate.

Changes to legislation: *Council Regulation (EU) 2016/300 is up to date with all changes known to be in force on or before 28 December 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(5) Furthermore, it is appropriate to adjust the annual pension accrual rate and to align the pensionable age with the amendments to the Staff Regulations and the applicable accrual rate to be determined with reference to the Staff Regulations, to ensure automatic adjustment with regard to future amendments to the Staff Regulations.

(6) Other amendments should ensure that the duration of the entitlement of former public office holders to the monthly transitional allowance should correspond directly to the period of service. However, this duration should not be less than 6 months and no more than 2 years, on the understanding that the purpose of the transitional allowance for public office holders is to ensure, for a limited period directly following their term of office, a certain level of financial security until their next paid employment with a similar level of remuneration, or other source of income such as their pension.

(7) It is also appropriate to align the allowances and reimbursement of costs due upon taking up duties and when ceasing to hold office with those paid to officials and other servants under the Staff Regulations, while providing for some flexibility when it is necessary, in particular in the case of the reimbursement of removal costs that takes into account the representative functions of public office holders.

(8) It is necessary to bring into line the conditions for sickness insurance cover for current and former public office holders by aligning them with the conditions of insurance cover applicable to officials and other servants under Articles 72 and 73 of the Staff Regulations.

(9) For the same reasons, since the rules established by this Regulation should replace those laid down in Regulation No 422/67/EEC, No 5/67/Euratom, Regulation (EEC, Euratom, ECSC) No 2290/77, and Decisions 2009/909/EU, 2009/910/EU, and 2009/912/EU with the exception of Article 5 thereof, those acts should be repealed without prejudice to their continuing application to all public office holders to whom one or more of those acts apply and whose mandates are ongoing on, or have ended before, the date of entry into force of this Regulation,

HAS ADOPTED THIS REGULATION:

CHAPTER I

GENERAL PROVISIONS

Article 1

Scope

1 This Regulation shall apply to the following EU high-level public office holders (‘public office holders’):

a the President of the European Council;

b the President and members of the European Commission, including the High Representative of the Union for Foreign Affairs and Security Policy;

***Changes to legislation:** Council Regulation (EU) 2016/300 is up to date with all changes known to be in force on or before 28 December 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

c the President and members, as well as the Registrar, of the Court of Justice of the European Union, including those of the General Court and of specialised tribunals;

d the Secretary-General of the Council;

e the President and members of the Court of Auditors.

2 This Regulation shall apply to all public office holders who are appointed or reappointed with effect after 4 March 2016.

3 For the purposes of this Regulation, non-marital partnerships shall be treated as marriage provided that all the conditions listed in Article 1(2)(c) of Annex VII to the Staff Regulations are fulfilled. The unmarried partner of a public office holder or former public office holder shall be considered as that holder's spouse under the sickness insurance scheme where the conditions set out in points (i), (ii) and (iii) of paragraph (2)(c) of that Article are met.

CHAPTER II

REMUNERATION

Article 2

Salaries

From the date of taking up their duties until the last day of the month in which they cease to hold office, public office holders shall be entitled to a basic salary equal to the amount resulting from application of the following percentages to the basic salary of an official of the Union on the third step of grade 16:

Salary						
Institution	**President**	**Vice-President**	**High-Representative of the Union for Foreign Affairs and Security Policy**	**Member**	**Registrar**	**Secretary-General**
European Council	138 %					
Council						100 %
European Commission	138 %	125 %	130 %	112,5 %		
Court of Justice	138 %	125 %		112,5 %	101 %	
General Court	112,5 %	108 %		104 %	95 %	

Changes to legislation: Council Regulation (EU) 2016/300 is up to date with all changes known to be in force on or before 28 December 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

Specialised Tribunals	104 %			100 %	90 %	
Court of Auditors	115 %			108 %		

Article 3

Tax for the benefit of the Union — Solidarity levy

1 Council Regulation (EEC, Euratom, ECSC) No 260/68[9] shall apply to public office holders.

2 Article 66a of the Staff Regulations shall apply *mutatis mutandis* to public office holders.

CHAPTER III

ALLOWANCES

Article 4

Installation and resettlement allowances — Removal and travelling expenses

Public office holders shall be entitled to:

(a) an installation allowance on taking up their duties as provided for in Article 5 of Annex VII to the Staff Regulations which is to apply *mutatis mutandis*;

(b) a resettlement allowance on ceasing to hold office as provided for in Article 24(2) of the Conditions of Employment of Other Servants of the European Union which is to apply *mutatis mutandis*;

(c) reimbursement of travelling expenses incurred for themselves and for members of their family;

and

(d) reimbursement of the cost of removal of their personal effects and furniture, including insurance against ordinary risks, such as theft, breakage, and fire, up to the ceiling fixed for officials of the institution to which public office holders are appointed, pursuant to Article 9 of Annex VII to the Staff Regulations. Upon presentation of invoices, the institutions may provide for derogations for reimbursement of the effective removal costs that in any case shall not exceed by more than 50 % the ceiling fixed by the corresponding institutions for their staff.

If their term of office is renewed, public office holders shall not be entitled to any of the allowances set out in this Article. Nor shall they be so entitled if they are appointed as public office holders, or elected members, of another institution of the Union, if that institution has its seat in the town where they were formerly required to reside by reason of their office and if, at the time of the new appointment or election, they have not already effected their resettlement.

***Changes to legislation:** Council Regulation (EU) 2016/300 is up to date with all changes known to be in force on or before 28 December 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Article 5

Residence allowance

From the date of taking up their duties until the last day of the month in which they cease to hold office, public office holders shall be entitled to a residence allowance equal to 15 % of their basic salary.

Article 6

Family allowances

From the date of taking up their duties until the last day of the month in which they cease to hold office, public office holders shall be entitled to family allowances fixed by analogy with Article 67 of the Staff Regulations and Articles 1 to 3 of Annex VII to those Regulations.

Article 7

Entertainment allowance

Public office holders shall receive a monthly entertainment allowance, in euros, amounting to:

Institution	President	Vice-President	High-Representative of the Union for Foreign Affairs and Security Policy	Member	Registrar
European Council	1 418,07				
European Commission	1 418,07	911,38	911,38	607,71	
Court of Justice	1 418,07	911,38		607,71	554,17
General Court	607,71	573,98		554,17	471,37
Specialised Tribunals	554			500	400