EC staff regulation: weighting to payments (amending Regul. 259/68/EEC/Euratom/ECSC)

1998/0235(CNS) - 27/11/1998 - Final act

OBJECTIVE: to set at 100 the weighting to be applied to the pensions of Community officials living outside the EU. COMMUNITY MEASURE: Council Regulation (EC, ECSC, EURATOM) no. 2594/98 amending Regulation (EEC, EURATOM, ECSC) no. 259/68 laying down the Staff Regulations of Officials of the European Communities and the Conditions of Employment of Other Servants of the Communities. CONTENTS: pursuant to Council Regulation (ECSC, EEC, EURATOM) no. 2175/88, a weighting of 100 is applied to payments made under the Community pension scheme and allowances paid pursuant to Article 50 of the Staff Regulations to recipients who have established their residence in a non-member country, and to family allowances paid for dependent children of officials and former officials to other persons residing in a non-member country. A weighting is a tool to correct salaries in order to ensure that officials have equal purchasing power in the various countries in which they are required to take up residence. In its judgement of 14 December 1995 in Case T-285/94, the Court of First Instance found that Article 3 of the above regulation was unlawful because it conflicted with the provisions of the Staff Regulations, which provide that pensions are weighted at the rate fixed for the country where the recipient resides, whether inside or outside the Communities. By virtue of the principle of the hierarchy of norms, the Court ruled that this regulation could not amend a specific provision of the Staff Regulations. It has therefore been necessary in this Regulation to make the necessary amendments to remedy the conflict of norms. In addition, since the situation of former officials differs from that of serving staff, in particular with regard to the choice of place of residence, the Regulation maintains the distinction introduced by Regulation 2175/88 limiting the application of weightings exclusively to the remuneration of staff serving in non-member countries. ENTRY INTO FORCE: 3 December 1998.