



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 21.6.2005
COM(2005) 289 final

Proposal for a

COUNCIL REGULATION (EC, EURATOM)

repealing Regulation No 6/66/Euratom, 121/66/EEC of the Councils, Regulation No 7/66/Euratom, 122/66/EEC of the Councils and Regulation No 174/65/EEC, 14/65/Euratom of the Councils

(presented by the Commission)

EXPLANATORY MEMORANDUM

1) CONTEXT OF THE PROPOSAL

- **Grounds for and objectives of the proposal**

Council Regulation (EC, Euratom) No 723/2004 of 22 March 2004 amended Regulation (EEC, Euratom, ECSC) No 259/68 laying down the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Communities. It repealed Articles 14a and 14b of Annex VII and Article 39 of Annex VIII to the Staff Regulations, inter alia.

These Articles related, respectively, to:

- The granting of the rent allowance and the transport allowance. To implement Articles 14a and 14b of Annex VII to the Staff Regulations, the Councils adopted Regulation No 6/66/Euratom, 121/66/EEC laying down the list of places for which a rent allowance may be granted, the maximum amount of that allowance and the rules for granting it, and Regulation No 7/66/Euratom, 122/66/EEC laying down the list of places for which a transport allowance may be granted, the maximum amount of that allowance and the rules for granting it.

- The adoption by the budgetary authorities of the mortality and disability tables and the assumed salary increases to be used for calculating the actuarial values. These parameters for calculating the actuarial values were laid down by Regulation No 174/65/EEC, 14/65/Euratom of the Councils, adopted to implement Article 39 of Annex VIII to the Staff Regulations.

Following the reform of the Staff Regulations, those Regulations have now become obsolete. For reasons of clarity and legal certainty, they should be expressly repealed.

- **General context**

The proposal is made in the more general framework of action to repeal 84 implementing provisions that have become obsolete as a result of the reform of the Staff Regulations. The other provisions concerned are joint rules of the institutions, general implementing provisions, Commission decisions and conclusions of the Heads of Administration.

- **Existing provisions in the area of the proposal**

There are no provisions in force in the area of the proposal (with the exception of those which it is proposed repealing).

- **Consistency with other policies and objectives of the Union**

The proposal is consistent with the objective of improving transparency and legal certainty by expressly repealing legal provisions that have become obsolete.

2) CONSULTATION OF INTERESTED PARTIES AND IMPACT ASSESSMENT

- **Consultation of interested parties**

Methods of consultation used, main sectors covered and general profile of respondents

The proposal has been the subject of consultations with the trade unions and staff associations within the meaning of Article 24 of the Staff Regulations. The Staff Committee of the Commission and the Staff Regulations Committee (see Article 10 of the Staff Regulations) have also been consulted.

Summary of replies received and the way in which they have been taken into account.

The parties consulted delivered positive opinions and made no proposals for amendments.

- **Collection and use of expertise**

There was no need for external expertise.

- **Impact assessment**

The alternative option would be to retain the three regulations in question, which would be contrary to the objective of improving legal certainty and transparency.

The proposal will contribute to the pruning of the *acquis communautaire* which should only contain provisions of practical value.

3) LEGAL ELEMENTS OF THE PROPOSAL

- **Summary of the proposed action**

Repeal of three Council regulations that have become obsolete as a result of the reform of the Staff Regulations.

- **Legal basis**

Staff Regulations of officials of the European Communities.

- **Subsidiarity principle**

The proposal concerns an area that falls within the exclusive competence of the Community. The principle of subsidiarity does not therefore apply.

- **Proportionality principle**

The proposal is consistent with the principle of subsidiarity for the following reasons:

The proposal seeks to repeal three regulations, an objective that cannot be achieved by simpler measures.

It imposes no financial or administrative burden on the Community or the Member States.

- **Choice of instruments**

Proposed instrument: regulation.

Other instruments would have been inappropriate for the following reasons:

It is a matter of repealing three regulations, which must be done in the form of a regulation.

4) BUDGETARY IMPLICATIONS

The proposal has no implications for the Community budget.

5) ADDITIONAL INFORMATION

- **Simplification**

The proposal simplifies the legislative framework.

It makes it possible for the *acquis communautaire* to be reduced.

- **Withdrawal of legal provisions in force**

Adoption of the proposal will entail the withdrawal of certain legal provisions.

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Staff Regulations of officials of the European Communities (hereinafter referred to as the Staff Regulations) and the Conditions of Employment of other servants of the European Communities laid down by Council Regulation (EEC, Euratom, ECSC) No 259/68¹,

Having regard to the proposal from the Commission,

Having regard to the opinion of the Staff Regulations Committee,

Whereas:

- (1) Regulation No 6/66/Euratom, 121/66/EEC of the Councils of 28 July 1966 laying down the list of places for which a rent allowance may be granted, the maximum amount of that allowance and the rules for granting it² lays down detailed rules for the application of Article 14a of Annex VII to the Staff Regulations. As that Article was repealed by Council Regulation (EC, Euratom) No 723/2004 amending the Staff Regulations of officials of the European Communities and the Conditions of Employment of other servants of the European Communities³, Regulation No 6/66/Euratom, 121/66/EEC has become obsolete.
- (2) The same applies to Regulation No 7/66/Euratom, 122/66/EEC of the Councils of 28 July 1966 laying down the list of places for which a transport allowance may be granted, the maximum amount of that allowance and the rules for granting it⁴, which lays down detailed rules for granting the transport allowance provided for in Article 14b of Annex VII to the Staff Regulations. That Article was also repealed by Regulation (EC, Euratom) No 723/2004.
- (3) The same applies to Regulation No 174/65/EEC, 14/65/Euratom of the Councils of 28 December 1965 laying down mortality and disability tables and the assumed salary increases to be used for calculating the actuarial values provided for in the Staff

¹ OJ L 56, 4.3.1968, p. 1. Regulation as last amended by Regulation (EC, Euratom) No 31/2005 (OJ L 8, 12.01.2005, p. 1).

² OJ 150, 12.8.1966, p. 2749. Regulation as last amended by Regulation (ECSC, EC, Euratom) No 3358/94 (OJ L 356, 31.12.1994, p. 1).

³ OJ L 124, 27.4.2004, p.1.

⁴ OJ 150, 12.8.1966, p. 2751. Regulation as amended by Regulation (EC, ECSC, Euratom) No 2460/98 (OJ L 307, 17.11.1998, p. 4).

Regulations of Officials of the Communities⁵, adopted to implement Article 39 of Annex VIII to the Staff Regulations, which was also repealed by Regulation (EC, Euratom) No 723/2004.

- (4) For reasons of clarity and legal certainty, the above Council Regulations, which have now become obsolete, should be expressly repealed,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation No 6/66/Euratom, 121/66/EEC, Regulation No 7/66/Euratom, 122/66/EEC and Regulation No 174/65/EEC, 14/65/Euratom are hereby repealed.

Article 2

This Regulation shall enter into force on the seventh day following that of its publication in the *Official Journal of the European Union*.

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

Done at Brussels, [...]

For the Council
The President

⁵ OJ 226, 31.12.1965, p. 3309.