

REGULATION OF THE COUNCILS

determining the emoluments of members of the Court of Justice

(No 62 EEC) (No 13 EAEC)

THE COUNCIL OF THE EUROPEAN ECONOMIC COMMUNITY,

THE COUNCIL OF THE EUROPEAN ATOMIC ENERGY COMMUNITY,

THE SPECIAL COUNCIL OF MINISTERS OF THE EUROPEAN COAL AND STEEL COMMUNITY,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 154 thereof, and to Article 20 of the Protocol on the Privileges and Immunities of the Community;

Having regard to the Treaty establishing the European Atomic Energy Community, and in particular Article 123 thereof, and to Article 20 of the Protocol on the Privileges and Immunities of the Community;

Having regard to the Treaty establishing the European Coal and Steel Community, and in particular Article 29 thereof, and to Articles 5, 13 and 15 of the Protocol on the Statute of the Court of Justice;

Having regard to the Decision of the Special Council of Ministers of 13 and 14 October 1958;

Having regard to the proposal from the Committee provided for in Article 78 (3) of the Treaty establishing the European Coal and Steel Community;

HAVE ADOPTED THIS REGULATION:

Article 1

From the date of taking up their duties until they cease to hold office, members of the Court shall be entitled to a basic salary, family allowances and other allowances, paid in the currency of the country where the European Coal and Steel Community has its provisional seat.

Article 2

The basic monthly salary shall be:

President	Bfrs 85 600
Judges and Advocates-General	Bfrs 68 750
Registrar	Bfrs 61 600

Article 3

1. Family allowances shall comprise:

- (a) Head of household allowance, equal to 5% of the basic salary;
- (b) Dependent child's allowance, equal to Bfrs 1000 per child per month;
- (c) Education allowance.

2. 'Head of household' means a married member of the Court or a member who has dependent children. Where the spouse is gainfully employed, the member shall not be entitled to a head of household allowance.

3. 'Dependent child' means the legitimate, natural or adopted child of a member of the Court, or of his spouse, who is actually being maintained by the member of the Court.

The allowance shall be granted in respect of:

- a child under eighteen years of age;
- a child between eighteen and twenty-five years of age who is receiving full-time education or vocational training.

Payment of the allowance in respect of a child prevented by serious illness or disablement from earning a livelihood shall continue throughout the period of that illness or disablement, irrespective of age.

4. In respect of each dependent child within the meaning of paragraph 3 who is in regular full-time attendance at an educational establishment, the member of the Court shall in addition be entitled to an education allowance equal to the actual education costs incurred by him up to a maximum of 900 francs per month.

Entitlement to this allowance shall commence on the first day of the month in which the child reaches the age of six years and shall cease at the end of the month in which the child reaches the age of twenty-one years.

Article 4

1. Members of the Court shall be entitled to a residence allowance equal to 15% of the basic salary.

2. A monthly representation allowance shall be granted to the members of the Court as follows:

President	Bfrs 17 500
Judges and Advocates-General	Bfrs 7 500
Registrar	Bfrs 6 875

3. Presiding Judges of the Chambers of the Court shall in addition receive during their term of office a special duty allowance of Bfrs 10 000 per month.

Article 5

On taking up his duties and on ceasing to hold office a member of the Court shall be entitled to:

- (a) an installation allowance equal to two months' basic salary on taking up his duties and a resettlement allowance equal to one month's basic salary on ceasing to hold office;
- (b) reimbursement of the cost of removal of his personal effects and furniture, including insurance against ordinary risks (theft, breakage, fire).

If his term of office is renewed he shall not be entitled to any of the allowances set out in this Article. Nor shall he be so entitled if he is appointed member of another institution of the Communities, if that institution has its provisional seat in the town where he was formerly required to reside by reason of his office and if at the time of the new appointment he has not already effected his resettlement.

Article 6

A member of the Court required in the course of his duties to travel away from the provisional seat of the European Coal and Steel Community shall be entitled to:

- (a) reimbursement of travelling expenses;
- (b) reimbursement of hotel expenses (room, service and taxes only);
- (c) a subsistence allowance of Bfrs 650 for each complete day of absence; for journeys outside Europe the allowance shall be Bfrs 1250.

Article 7

1. For three years from the first day of the month following that in which he ceases to hold office, a former member of the Court shall receive a monthly transitional allowance equal to 40% of the basic salary which he was receiving when he ceased to hold office if he has served for less than two years, to 45% of such basic salary if he has served for more than two but less than three years and to 50% in other cases.

2. Entitlement to this allowance shall cease if the former member of the Court is reappointed to office in one of the institutions of the Communities or upon his death. In the event of reappointment, the allowance shall be paid up to the date of taking up his duties; in the event of death, the payment for the month in which death occurred shall be the last.

3. If during this three-year period the person concerned takes up any new gainful activity, the amount by which his gross monthly remuneration (i.e. before deduction of taxes) together with the allowance provided for in paragraph 1 exceeds the remuneration, before compensatory adjustment or deduction of tax, which he was receiving as a member of the Court under Articles 2, 3 and 4 (1) shall be deducted from the allowance. In calculating the amount of remuneration received for the new activity, all forms of remuneration shall be included, except those representing reimbursement of expenses.

The Councils shall take all measures required to ensure the application of the preceding paragraph.

Article 8

1. After ceasing to hold office, members of the Court shall be entitled to a pension for life payable from the date when they reach the age of sixty-five years.

2. They may, however, ask to start drawing such pension from the age of sixty years. In that case, a coefficient shall be applied to the pension as follows:

Age	Coefficient
60 years	0.64271
61 years	0.69762
62 years	0.75985
63 years	0.82157
64 years	0.90554

Article 9

The amount of the pension shall be 4.5% of the basic salary last received for each full year of office and one-twelfth of that sum for each complete month. The maximum pension shall be 50% of the basic salary last received.

Article 10

A member of the Court who is suffering from disablement deemed to be total which prevents him from performing his duties and who on these grounds resigns or is compulsorily retired shall be entitled from the date of resignation or compulsory retirement to the following benefits:

- (a) where the disablement is recognised as permanent, he shall be entitled to a pension for life calculated in accordance with the provisions of Article 9, which shall be not less than 25% of the basic salary last received. He shall be entitled to the maximum pension if the incapacity is the result of disablement or illness contracted in the performance of his duties.
- (b) Where disablement is temporary, he shall be entitled, until he recovers, to a pension at the rate of 50% of the basic salary last received if the disablement or illness was contracted in the performance of his duties, and 25% in other cases. When the recipient of such disability pension reaches the age of sixty-five years or the disability pension has been in effect for seven years, it shall be replaced by a pension for life calculated in accordance with the provisions of Article 9.

Article 11

Members of the Court shall be entitled to the benefits of the social security scheme provided for in Articles 72 to 75 of the Staff Regulations of Officials of the European Economic Community and the European

Atomic Energy Community and of the Staff Regulations of Officials of the European Coal and Steel Community.

Article 12

Where a third party is responsible for the disablement or death of a member of the Court, the rights of that member or of those entitled under him to bring legal proceedings against the third party shall devolve on the Communities to the extent to which they incur obligations under this pension scheme.

Article 13

The transitional allowance provided for in Article 7, the pension provided for in Article 8 and the pensions provided for in Article 10 shall not be drawn concurrently by the same person. Where a member of the Court is entitled to claim benefit under more than one of those provisions, only that provision which is the most favourable to the claimant shall be applied.

Article 14

Where a member of the Court dies during his term of office, the surviving spouse or dependent children shall be entitled, until the end of the third month following that in which death occurs, to the remuneration to which the member of the Court would have been entitled under Articles 2, 3 and 4 (1).

Article 15

1. The widow and dependent children of a member or former member of the Court to whom pension rights have accrued at the time of his death shall be entitled to a survivor's pension.

That pension shall be equal to a percentage of the pension accruing to the member or former member of the Court under Article 9 at the date of death, namely:

for the widow	50%
for each child where the mother is still alive	10%
for each child where both father and mother are dead	20%

However, if the death of the member of the Court occurs during his term of office, the survivor's

pension shall be calculated on the basis of a pension equal to 50% of the basic salary received at the time of death.

2. The total amount of these survivors' pensions shall not exceed the amount of the pension of the member or former member of the Court on which they are calculated. The maximum total survivors' pensions payable shall be divided, where applicable, between the beneficiaries in accordance with the above percentages.

3. Survivors' pensions shall be granted from the first day of the calendar month following the date of death. However, where the provisions of Article 14 are applied, eligibility shall not commence until the first day of the fourth month following that in which death occurred.

4. Entitlement to a survivor's pension shall cease at the end of the calendar month in which the person entitled dies. Moreover, entitlement to an orphan's pension shall cease at the end of the month in which the child reached the age of twenty-one years. However, entitlement shall be extended while the child is receiving vocational training, though not beyond the end of the month in which he reaches the age of twenty-five years.

The pension shall remain payable to an orphan who is prevented through illness or disablement from earning a livelihood.

5. Where a former member of the Court marries and at the date of marriage has pension rights accruing to him under this Regulation, the wife and any children of that marriage shall not be entitled to a survivor's pension save where the marriage precedes the death of the former member of the Court by five years or more.

6. A widow's entitlement to a survivor's pension shall cease on remarriage. She shall then be entitled to immediate payment of a lump sum equal to twice the annual amount of her survivor's pension.

Article 16

A member of the Court who is relieved of his duties or has his pension rights withdrawn shall forfeit any right to transitional allowance. The loss of pension rights shall not affect those entitled under him.

Article 17

Should the Councils decide to increase the basic salary, they shall at the same time decide on a appropriate increase in the rates of existing pensions.

Article 18

Payment of the benefits provided for in this pensions scheme shall be entered in the budget of the European Economic Community and the European Atomic Energy Community and in the general estimate of expenditure of the European Coal and Steel Community.

Article 19

1. Payment of the sums due under Articles 2, 3, 4, 5, 11 and 14 shall be made in the currency of the country where the European Coal and Steel Community has its provisional seat.

2. Beneficiaries may elect to have sums due under Articles 7, 8, 10 and 15 paid in the currency either of the country of which they are nationals or of their country of residence or of the country where the Community has its provisional seat; their choice shall remain operative for at least two years. Where neither the first nor the second of these countries is a Member country of the Community, the sums due shall be paid in the currency of the country where the European Coal and Steel Community has its provisional seat.

Article 20

Members of the Court who have resigned between the date when this Regulation is adopted and the date of its entry into force may at their request opt within two months of publication of this Regulation for the continued application in their entirety of the provisions on emoluments previously applicable.

Article 21

In pursuance of Article 20 of the Protocols on the Privileges and Immunities of the European Economic Community and the European Atomic Energy Community and of Article 11 (b) of the Protocol on the Privileges and Immunities of the European Coal and Steel Community, the emoluments of members of the Court under this Regulation shall be subject, where they are covered by the funds of the European Economic Community and the European Atomic Energy Community, to the tax for the benefit of the Community in accordance with the Regulation laying down the conditions and procedure for applying that tax or, where they are covered by the funds of the European Coal and Steel Community, to compensatory adjustment to bring them to the same level as those of members of the Commissions of the European Economic Community and the European Atomic Energy Community who are liable to Community tax. The amounts must be calculated in

such a way that the adjustment and the tax together equal the amount which members of the Court would have paid as Community tax if they had been members of the Commission of the European Economic Community, or of the European Atomic Energy Community, in accordance with the Regulation laying down the conditions and procedure for applying the tax adopted by the Councils of the European Economic Community and the European Atomic Energy Community, and with all the regulations adopted in application of that regulation.

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

Article 22

This Regulation shall enter into force on 10 January 1962.

With effect from that date all previous decisions governing the emoluments of members of the Court shall be repealed. The Decision of the Special Council of Ministers of the European Coal and Steel Community of 13 and 14 October 1958, shall, however, remain in force.