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COMMISSION DECISION

of 16.12.2013

**General Implementing Provisions
on removal expenses (Article 9 of Annex VII to the Staff Regulations)**

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General Implementing Provisions on removal expenses (Article 9 of Annex VII to the Staff Regulations)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to the Staff Regulations of Officials of the European Union, in particular Article 9 of Annex VII thereto, and the Conditions of Employment of Other Servants of the European Union¹,

After having consulted the Staff Regulations Committee and the Staff Committee,

Whereas:

- (1) Article 9 of Annex VII to the Staff Regulations, as amended with effect from 1 January 2014, provides that officials are entitled to the reimbursement of expenses incurred in respect of removal of furniture and personal effects, including the cost of insurance against ordinary risks, subject to cost ceilings.
- (2) General implementing provisions should be adopted by the Appointing Authority of each institution to give effect to the provisions of the amended Staff Regulations on removal expenses.
- (3) The ceilings should take into account the official's family situation at the time of removal and the average cost of removal and associated insurance, these should be established and reviewed by taking into account these aspects as well as the distance for the removal,

HAS DECIDED AS FOLLOWS:

Article 1

The following rules shall apply to officials, as well as temporary and contract staff who fulfil the conditions laid down in Articles 23 and 92 of the Conditions of Employment of Other Servants, (hereinafter staff members).

The provisions of this decision shall not apply to staff members to whom Articles 17 and 21 of Annex X to the Staff Regulations apply.

Upon entry into service, staff members shall be entitled to the reimbursement of removal expenses not more than one year after the end of the probationary period. They shall not be entitled to reimbursement of removal costs during the probationary period unless prior authorisation is given by the Appointing Authority. Staff members who do not have to serve a probationary period shall be entitled to the reimbursement of removal expenses not more than one year from taking up the duties or from changing to a new place of employment.

The costs for a removal effected prior to the entry into service of a staff member shall not be reimbursed.

¹ OJ L 287, 29.10.2013, p. 15–62.

On termination of service, staff members shall be entitled to the reimbursement of removal expenses not more than three years after termination of service. When a staff member becomes entitled to invalidity allowance, he shall be entitled to the reimbursement of removal expenses not more than three years from the day when he becomes entitled to invalidity allowance.

The Appointing Authority may decide to extend the period for the reimbursement of removal once for one year for duly justified reasons, such as health issues or other reasons beyond the control of the staff member.

Article 2

The staff member shall be entitled to a reimbursement of removal costs within costs ceilings taking into account the staff member's family situation.

The family situation shall be taken into account at the time when the removal takes place. The family situation shall mean the staff member and the following family members: the spouse or registered partner within the meaning of Article 1 of Annex VII of the Staff Regulations, the unmarried partner within the meaning of Article 72 of the Staff Regulations, the dependent children within the meaning of Article 2 of Annex VII of the Staff Regulations and the persons recognised as dependent children within the meaning of Article 2(4) of Annex VII of the Staff Regulations on condition that they are actually living in the household of the staff member and are changing the residence together with the staff member.

If both spouses are entitled under the Staff Regulations to a reimbursement of removal costs at the same time and to the same destination, the reimbursement of removal costs shall be paid only once. If only one of the spouses is moving, the expenses shall be reimbursed as for a single person, with additional volume for every dependent child who is moving with him as provided in Article 7(b).

Article 3

In order to determine which items are covered by the reimbursement of removal expenses, reference shall be made to the interpretation of the definition of "personal property" in Article 2(1)(c) of Council Regulation (EC) No 1186/2009². With the exception of the costs for the removal of one cycle or motorcycle per family member as defined in Article 2 of these implementing provisions, the costs for the removal of other items, such as saddle animals, pets, vehicles, trailers, cycles and motor cycles shall not be reimbursed under Article 9 of Annex VII of the Staff Regulations.

Article 4

Upon entry into service, the staff member shall be entitled to the reimbursement of the expenses for the removal from his place of habitual residence to the place of employment.

Upon transfer or change of the place of employment, the staff member shall be entitled to the reimbursement of the expenses for the removal from his previous place of employment to his new place of employment.

Upon leaving the service of the EU, the staff member shall be entitled to the reimbursement of the expenses for the removal from his place of employment to his place of origin, determined

² Council Regulation (EC) No 1186/2009 setting up a Community system of reliefs from customs duty, OJ L 324, 10.12.2009, p. 23–57.

in accordance with the general implementing provisions giving effect to Article 7(4) of Annex VII to the Staff Regulations on determining the place of origin, or to any other place at the same or shorter distance.

Article 5

The contract for the removal shall be concluded between the staff member and the removal company. At least six weeks before the date of removal, the staff member shall send the estimate of removal expenses and an inventory to the responsible Commission department, using the form available on intranet.

The responsible Commission department shall approve the estimate of removal expenses and shall grant the reimbursement of the removal expenses within the limit of the cost ceilings as laid down in Article 6 of these implementing provisions.

If the removal was carried out without prior approval of the estimate by the responsible Commission department, the staff member shall not be entitled to the reimbursement of the removal expenses, except in duly justified cases.

The reimbursement shall be made on presentation of the invoice and proof of payment as well as an official document issued by the removal company confirming the date of delivery of the items removed. The Appointing Authority may agree to advance payment on presentation of the invoice if the removal expenses represent an amount equal or superior to two months basic salary.

Article 6

The cost ceiling for the reimbursement of removal expenses referred to in Article 9 of Annex VII shall be determined based on the following parameters:

- a) Volume: the volume of the removal shall be the maximum volume as defined in Article 7. A fixed amount for loading/unloading, packing/unpacking and other handling operations shall be calculated on the basis of maximum volume;
- b) Distance: amount based on kilometric distance depending on the price ranges defined in Article 9;
- c) Insurance cost: Amount for the insurance calculated on the basis of the maximum volume as defined in Article 7.

Article 7

The maximum volume to calculate the fixed amount referred to in Article 6(a) shall be as follows:

- a) For a single staff member who has no dependent children: 40 m³.
- b) For a staff member who is entitled to the household allowance or who has a spouse, a registered or unmarried partner as referred to in Article 2: 50 m³ and additional volume of 10 m³ for every dependent child as defined in Article 2, with an overall maximum of 100 m³ for the entire family.

Article 8

The calculation of the fixed amount referred to in Article 6 (a) shall result from the multiplication of the volume of the removal by the moving index. The moving index shall

correspond to the average of reimbursements per m³ for all removals over the last 36 months. The moving index shall be reviewed monthly.

Article 9

The calculation of the amount referred to in Article 6 (b) shall be made on the basis of kilometric ranges. The distance between the places specified in Article 9 of Annex VII is based on the geographic distance between these two places. The "geographic distance" between the two places is determined by the orthodromic distance between the two points according to their latitude and longitude (geographic data) based on a appropriate database determined by the Appointing Authority. The maximum total amount shall be determined by adding each individual amount of every specific range:

The ranges used are:

Kilometric range	Amount to be refunded
0 - 100 km	300 EUR lump sum
101-300 km	3 EUR/km
301-1500 km	2 EUR/km
1501-5000 km	1 EUR/km
5001-10.000 km	0,5 EUR/km
10.001 km or more	0 EUR/km

Article 10

The amount referred in Article 6 (c) shall be determined by multiplying the transported volume, within the limits set out in Article 7, by the fixed price of EUR 15 per m³.

Article 11

The removal expenses to be reimbursed shall be capped at the amount that is calculated by adding the fixed amount for volume, the amount based on the kilometric distance and the amount for the insurance as defined in Articles 8, 9 and 10, disregarding individual elements of calculations. This overall amount shall be the cost ceiling for the reimbursement of removal costs. If the actual removal costs are higher than the established cost ceiling, then the amount of correspond to the ceiling shall be reimbursed. In duly justified cases, the Appointing Authority may establish a higher ceiling than determined according to this methodology.

Article 12

If one or more family members as defined in Article 2 carry out the removal at a different date than the staff member, the staff member may ask for the reimbursement to be divided into not more than two instalments. Notwithstanding any such reimbursement by instalments, each part of the removal must be carried out within the time-limits provided for in Article 1.

Article 13

In order to ensure sufficient protection of legitimate interests of the staff members who made arrangements for their removals before the entry into force of this Decision, staff members who submitted estimates before 1 January 2014 shall not be subject to the cost ceilings established according to these implementing provisions. However, if the Appointing Authority considers the estimates to be excessive because the removal expenses significantly exceed the average price for such removals, the Appointing Authority shall determine a maximum amount to be reimbursed, taking into account the cost ceilings laid down in these implementing provisions.

Article 14

This decision shall be reviewed before the end of 2015 regarding the average cost of removals.

This decision shall take effect on 1 January 2014.

Done at Brussels, 16.12.2013

For the Commission
Maroš ŠEFČOVIČ
Vice-President