



Brussels, 16.12.2013  
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**COMMISSION DECISION**

**of 16.12.2013**

**laying down general implementing provisions to Article 7(4) of Annex VII to the Staff  
Regulations on determining the place of origin**

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### laying down general implementing provisions to Article 7(4) of Annex VII to the Staff Regulations on determining the place of origin

THE EUROPEAN COMMISSION,

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

Having regard to the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Union, laid down by Council Regulation (EEC, Euratom, ECSC) No 259/68<sup>1</sup>,

After consulting the Staff Regulations Committee,

After consulting the Staff Committee,

Whereas:

- (1) Article 7(4) and other provisions of Annex VII to the Staff Regulations, concerning the place of origin, have been amended with effect as of 1 January 2014. The Commission Decision of 15 April 2004 laying down general implementing provisions for giving effect to Article 7(3) of Annex VII to the Staff Regulations on determining the place of origin (C(2004) 1364/3) should be adapted accordingly.
- (2) For reasons of clarity and legal certainty, Decision C(2004) 1364/3, should be replaced by this Decision,

HAS DECIDED AS FOLLOWS:

#### *Article 1*

1. An official's place of origin as referred to in Article 7(4) of Annex VII to the Staff Regulations shall be determined or changed by the appointing authority according to the criteria laid down in this Decision. The location of a place of origin shall coincide with its geographical position on the basis of its longitude and latitude as determined in an appropriate database determined by the appointing authority.
2. Save as otherwise provided for in these general implementing provisions, the place of origin is determined for the purposes of applying Article 7(1)(b), Article 8 and Article 9(2) of Annex VII and Article 20(3) of Annex XIII to the Staff Regulations.
3. However, if an official's place of origin is situated outside the territories of the Member States of the Union as well as outside the countries and territories listed in Annex II to the Treaty on the Functioning of the European Union and the territories of the Member States of the European Free Trade Association, it shall, for the purpose of applying Article 8, paragraphs 1 – 3, of Annex VII to the Staff Regulations, be replaced by the capital city of the Member State whose nationality the official holds. If the official holds the nationalities of more than one Member State, Article 8, paragraphs 1 – 3, of Annex VII to the Staff Regulations shall be

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<sup>1</sup> OJ L 56, 4.3.1968, p. 1.

applied with reference to the capital city of the Member State of the official's first nationality as registered in the Commission's staff data base.

## *Article 2*

1. When an official takes up his duties, his place of origin shall be assumed to be the place from where he is recruited.

Upon express reasoned request, submitted by the official in writing within one year of taking up his duties, and on production of appropriate documentary evidence, his centre of interests shall be determined as his place of origin, if the centre of interests is not the same as the place of recruitment.

2. For the purposes of applying this Decision:

- "place of recruitment" shall mean the place where an official was habitually resident at the time of recruitment. Places of temporary residence, e.g. for the purpose of study, military service, training periods or holidays, shall not be regarded as places of habitual residence;
- "centre of interests" shall mean the place where an official retains:
  - (a) his or her main family ties which, barring duly substantiated exceptions, shall at the choice of the official mean:
    - (1)
      - mother and father or either parent; failing that grandparents, or one grandparent; failing that parents-in-law, or either parent-in-law; failing that brothers and sisters;
      - or
      - children, or one or more of them or
    - (2) the marital residence, on the dual condition that:
      - it was their permanent joint residence prior to the entry into the service of the European Union of the first spouse to enter an institution as an official or as a member of the temporary, auxiliary or contract staff, and
      - it consists of immovable property in which they have, or one of them has, heritable interests;
  - (b) heritable interests constituted by immovable property in the form of buildings;
  - (c) essential civic interests, both active and passive.

If all three criteria referred to in a), b) and c) do not coincide in the same place, the official's centre of interests shall be taken as the place where at least two of the three criteria are met or, failing that, the place where the official retains his or her main family ties, confined in this instance to the official's father, mother or children.

3. If an official's centre of interests cannot be established by means of the criteria listed in the second indent of paragraph 2, his or her place of recruitment shall be determined as the place of origin.

4. If officials move from another institution to the Commission, their place of origin shall continue to be that determined by their previous institution of employment.

#### *Article 3*

Upon express reasoned request, submitted by the official in writing, and on production of appropriate documentary evidence, his place of origin may exceptionally be changed during his period of employment.

Such changes cannot be allowed unless the main family ties taken into account for determining the official's centre of interests have ceased to exist and a different centre of interests can be determined in accordance with the criteria referred to in the second indent of Article 2(2).

#### *Article 4*

If an official's centre of interests moves to a place outside the territories of the Member States of the Union as well as outside the countries and territories listed in Annex II to the Treaty on the Functioning of the European Union and the territories of the Member States of the European Free Trade Association his or her place of origin may by special decision of the appointing authority be changed, for the purpose of applying Article 7(1)(b) and Article 9(2) of Annex VII to the Staff Regulations, so as to fix his or her place of origin at a point on the frontier of the territories of the Union on the direct route to the centre of interests. In such a case, the place of origin shall remain unchanged for the purposes of applying Article 8 of Annex VII and Article 20(3) of Annex XIII to the Staff Regulations.

#### *Article 5*

Once officials reach the age of 55, they may request that their place of origin be changed, on production of appropriate documentary evidence relating to heritable interests in the form of immovable property already built or under construction. Article 4 shall apply.

#### *Article 6*

1. Upon termination of service and in the light of their place of resettlement, the place of origin of officials may be changed at their request and on production of appropriate documentary evidence, by special decision of the appointing authority. Article 4 shall apply.
2. Following termination of service, for family or medical reasons, officials who entered the service before 1 May 2004 and were not receiving a pension at that time may exceptionally request the appointing authority to change their place of origin. This decision shall be taken on production of appropriate supporting evidence by the person concerned. Article 4 shall apply.

#### *Article 7*

This Decision shall apply *mutatis mutandis* to temporary staff and contract staff in the framework of Articles 22 and 92 of the Conditions of Employment of Other Servants of the European Union. Moreover, Article 2(4) shall apply to former accredited parliamentary assistants entering into service as officials, temporary staff or contract staff.

*Article 8*

The Commission Decision of 15 April 2004 laying down general implementing provisions for giving effect to Article 7(3) of Annex VII to the Staff Regulations on determining the place of origin (C(2004) 1364/3) is repealed.

This Decision shall take effect on 1 January 2014.

Done at Brussels, 16.12.2013

*For the Commission*  
*Maroš ŠEFČOVIČ*  
*Vice-President*