

RESTRICTED PROCEDURE No PMO3/PR/2016/027

INSURANCE AGAINST THE RISKS OF ACCIDENT, OCCUPATIONAL DISEASE AND DEATH FROM NATURAL CAUSES
OF OFFICIALS, TEMPORARY STAFF AND CONTRACT STAFF OF THE INSTITUTIONS, BODIES AND AGENCIES OF THE
EUROPEAN UNION AND THE EUROPEAN UNIVERSITY INSTITUTE

Annex 5: LEGAL BASIS

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Article 72

1. An official, his spouse, where such spouse is not eligible for benefits of the same nature and of the same level by virtue of any other legal provision or regulations, his children and other dependants within the meaning of Article 2 of Annex VII are insured against sickness up to 80 % of the expenditure incurred subject to rules drawn up by agreement between the appointing authorities of the institutions of the Union after consulting the Staff Regulations Committee. This rate shall be increased to 85 % for the following services: consultations and visits, surgical operations, hospitalization, pharmaceutical products, radiology, analyses, laboratory tests and prostheses on medical prescription with the exception of dental prostheses. It shall be increased to 100 % in cases of tuberculosis, poliomyelitis, cancer, mental illness and other illnesses recognized by the appointing authority as of comparable seriousness, and for early detection screening and in cases of confinement. However, reimbursement at 100 % shall not apply in the case of occupational disease or accident having given rise to the application of Article 73.

The unmarried partner of an official shall be treated as the spouse under the sickness insurance scheme, where the first three conditions in Article 1(2)(c) of Annex VII are met.

The appointing authorities of the institutions may, under the rules referred to in the first subparagraph, confer on one of their number the power to lay down the rules governing the reimbursement of expenses in accordance with the procedure laid down in Article 110.

One-third of the contribution required to meet such insurance cover shall be charged to the official but so that the amount charged to him shall not exceed 2 % of his basic salary.

1a. An official whose service terminates and who provides evidence that he is not in gainful employment may, not later than one month following that in which his service terminates apply to continue, for a maximum of six months after termination of service, to be insured against sickness as provided in paragraph 1. The contribution referred to in the previous paragraph shall be calculated by reference to the last basic salary received by the official, half the contribution being borne by him.

By decision of the appointing authority taken after consulting the institution's medical officer, the period of one month for making application and the six months' limit specified in the preceding paragraph shall not apply where the person concerned is suffering from a serious or protracted illness which he contracted before leaving the service and of which he notified the institution before the end of the six months' period specified in the preceding subparagraph, provided that the person concerned undergoes a medical examination arranged by the institution.

1b. Where the ex-spouse of an official, a child who ceases to be an official's dependant or a person who ceases to be treated as a dependent child within the meaning of Article 2 of Annex VII to the Staff Regulations can provide evidence that he or she is not in gainful employment, he or she may continue for a maximum of one year to be insured against sickness as provided for in paragraph 1, in his or her capacity as insured persons covered under that official's insurance; this cover shall not give rise to the levy of a contribution. This one-year period shall commence on the date of the decree absolute of divorce or of the loss of status of dependent child or of person treated as a dependent child.

2. An official who has remained in the service of the Union until pensionable age or who is in receipt of an invalidity allowance shall be entitled to the benefits provided for in paragraph 1 after he has left the service. The amount of contribution shall be calculated by reference to the amount of pension or allowance.

Those benefits shall also apply to the person entitled to survivor's pension following the death of an official who was in active employment or who remained in the service of the Union until pensionable age, or the death of a person entitled to an invalidity allowance. The amount of contribution shall be calculated by reference to the amount of the survivor's pension.

2a. The following shall likewise be entitled to the benefits provided for in paragraph 1, on condition that they are not in gainful employment:

- (i) former officials entitled to retirement pensions who leave the service of the Union before reaching pensionable age,
- (ii) persons entitled to a survivor's pension as a result of the death of a former official who left the service of the Union before reaching pensionable age.

The contribution referred to in paragraph 1 shall be calculated by reference to the former official's pension before application, where appropriate, of the reduction coefficient provided for in Article 9 of Annex VIII to the Staff Regulations.

However, persons entitled to an orphan's pension shall not receive the benefit provided for in paragraph 1 unless they apply for it. The contribution shall be calculated by reference to the orphan's pension.

2b. In the case of persons entitled to a retirement pension or a survivor's pension, the contribution referred to in paragraphs 2 and 2a may not be less than that calculated by reference to the basic salary corresponding to the first step in grade AST 1.

2c. Officials dismissed in accordance with Article 51 and not entitled to a retirement pension shall likewise be entitled to the benefits provided for in paragraph 1, on condition that they are not gainfully employed and that they bear half the contribution calculated by reference to their last basic salary.

3. Where the total expenditure not reimbursed for any period of twelve months exceeds half the official's basic monthly salary or pension special reimbursement shall be allowed by the appointing authority, account being taken of the family circumstances of the person concerned, in manner provided in the rules referred to in paragraph 1.

4. Persons entitled to the foregoing benefits shall declare the amount of any reimbursements paid or which they can claim under any other sickness insurance scheme provided for by law or regulation for themselves or for persons covered by their insurance.

Where the total which they would receive by way of reimbursement exceeds the sum of the reimbursements provided for in paragraph 1, the difference shall be deducted from the amount to be reimbursed pursuant to paragraph 1, with the exception of reimbursements obtained under a private supplementary sickness insurance scheme covering that part of the expenditure which is not reimbursable by the sickness insurance scheme of the Union.

Article 73

1. An official is, from the date of his entry into the service, insured against the risk of occupational disease or accidents in the manner provided for in rules drawn up by common agreement of the appointing authorities of the institutions of the Union after consulting the Staff Regulations Committee. He shall contribute to the cost of insuring against non-occupational risks up to 0.1 % of his basic salary.

Such rules shall specify which risks are not covered.

2. The benefits payable shall be as follows:

- (a) In the event of death:

Payment to the persons listed below of a lump sum equal to five times the deceased's annual basic salary calculated by reference to the amounts of salary received during the twelve months before the accident:

- to the deceased official's spouse and children in accordance with the law of succession governing the official's estate; the amount payable to the spouse shall not, however, be less than 25 % of the lump sum;
- where there are no persons of the category above, to the other descendant in accordance with the law of succession governing the official's estate;
- where there are no persons of either of the two categories above, to the relatives in the ascending line in accordance with the law of succession governing the official's estate;
- where there are no persons of any of the three categories above, to the institution.

- (b) In the event of total permanent invalidity:

Payment to the official of a lump sum equal to eight times his annual basic salary calculated on the basis of the amounts of salary received during the twelve months before the accident.

- (c) In the event of partial permanent invalidity:

Payment to the official of a proportion of the sum provided for in subparagraph (b), calculated by reference to the scale laid down in the rules referred to in paragraph 1.

As provided in these rules an annuity may be substituted for the payments provided for above.

The benefits listed above may be paid in addition to the benefits provided for in Chapter 3.

3. The following shall also be covered in the manner provided for in the rules referred to in paragraph 1: medical, pharmaceutical, hospital, surgical, prosthesis, radiography, massage, orthopaedic, clinical and transport expenses and any other similar expenditure incurred as a result of the accident or occupational disease.

Reimbursement shall, however, only be made where the amount paid to the officials under Article 72 does not fully cover the expenditure incurred.

Article 85 bis - Subrogation in favour of the Union

1. Where the death, accidental injury or sickness of a person covered by these Staff Regulations is caused by a third party, the Union shall, in respect of the obligations incumbent upon them under the Staff Regulations consequent upon the event causing such death, injury or sickness, stand subrogated to the rights, including rights of action, of the victim or of those entitled under him against the third party.

2. The subrogation provided for by paragraph 1 shall extend *inter alia* to the following:

- continued payment of remuneration in accordance with Article 59 to the official during the period when he is temporarily unfit to work,
- payments effected in accordance with Article 70 following the death of an official or of a former official entitled to a pension,
- benefits paid under Articles 72 and 73 and their implementing rules, relating to insurance against sickness and accident,
- payment of the costs involved in transporting the body, as referred to in Article 75,
- supplementary family allowances paid in accordance with Article 67 (3) and with Article 2 (3) and (5) of Annex VII in respect of a dependent child suffering from serious illness, infirmity or handicap,
- invalidity allowances paid in the event of accident or sickness resulting in permanent invalidity preventing the official from performing his duties,
- survivor's pensions paid in the event of the death of an official or of a former official or the death of the spouse of an official or of a former official entitled to a pension, where the spouse is not an official nor a member of the temporary staff,
- orphan's pensions paid regardless of age to the child of an official or former official where that child is prevented by serious illness, infirmity or handicap from earning a livelihood after the death of the person on whom he was dependent.

3. However, the Union shall not be subrogated to rights of compensation in respect of purely personal damage such as non-material injury, damages for pain and

suffering or compensation for disfigurement and loss of amenity over and above the allowance granted for those headings under Article 73.

4. The provisions of paragraphs 1, 2 and 3 may not be a bar to direct action by the Union.

<p style="text-align: center;">Annex VII Section 1 : FAMILY ALLOWANCES Article 1</p>

1. The household allowance shall be set at a basic amount of EUR 176,01, plus 2 % of an official's basic salary.

2. The household allowance shall, be granted to:

- (a) a married official;
- (b) an official who is widowed, divorced, legally separated or unmarried and has one or more dependent children within the meaning of Article 2 (2) and (3) below;
- (c) an official who is registered as a stable non-marital partner, provided that:
 - (i) the couple produces a legal document recognised as such by a Member State, or any competent authority of a Member State, acknowledging their status as non-marital partners,
 - (ii) neither partner is in a marital relationship or in another non-marital partnership,
 - (iii) the partners are not related in any of the following ways: parent, child, grandparent, grandchild, brother, sister, aunt, uncle, nephew, niece, son-in-law, daughter-in-law,
 - (iv) the couple has no access to legal marriage in a Member State; a couple shall be considered to have access to legal marriage for the purposes of this point only where the members of the couple meet all the conditions laid down by the legislation of a Member State permitting marriage of such a couple;
- (d) by special reasoned decision of the appointing authority based on supporting documents, an official who, while not fulfilling the conditions laid down in (a), (b) and (c), nevertheless actually assumes family responsibilities.

3. If the spouse of an official is gainfully employed, with an annual income, before deduction of tax, of more than the basic annual salary of an official in the second step of grade AST 3, weighted at the rate for the country where the spouse carries out his or her occupation, the official entitled to the household allowance shall not

receive this allowance save by special decision of the appointing authority. The official shall, however, be entitled to the allowance where the married couple have one or more dependent children.

4. In cases where, under the foregoing provisions, a husband and wife employed in the service of the Union are both entitled to the household allowance, this shall be payable only to the person whose basic salary is the higher.

5. If the official is entitled to the household allowance only by virtue of paragraph 2 (b) and a person other than the official has by law or by an order of court or of the competent administrative authority been given custody of all his dependent children within the meaning of Articles 2 (2) and (3) below, the household allowance shall be paid to that other person in the name and on behalf of the official. This condition shall be deemed to be fulfilled in the case of dependent children who have reached their majority if such children have their normal residence with the other parent.

If, however, the official's children are in the care of several different persons, the household allowance shall be divided among them according to the number of children in their care.

If the person eligible by virtue of the foregoing to receive the household allowance paid in the official's name is also eligible to receive this allowance by reason of his or her own status as official or other member of staff, that person shall receive the higher of the two allowances only.

Articles 37 and 56 of the Conditions of Employment of Teaching Staff of the European University Institute (Florence)

Article 37

1. A contract holder shall be insured, from the date of his entry into the service, insured against the risk of accidents or occupational disease, on similar terms to those laid down by the regulation drawn up by common agreement among the appointing authorities of the Institutions of the European Union provided for in the Article 73(1) of the Staff Regulations of the European Union. He shall contribute to the cost of insuring against non-occupational risks up to 0.5 % of his basic salary.

2. The benefits payable shall be as follows:

(a) In the event of death:

Payment to the persons listed below of a lump sum equal to five times the deceased's annual basic salary calculated by reference to the monthly amounts of salary received during the twelve months before the accident:

- to the deceased contract holder's spouse and children in accordance with the law of succession governing the contract holder's estate; the amount payable to the spouse shall not, however, be less than 25 % of the lump sum;
- where there are no persons of the category above, to the other descendant in accordance with the law of succession governing the contract holder's estate;
- where there are no persons of either of the two categories above, to the relatives in the ascending line in accordance with the law of succession governing the contract holder's estate;
- where there are no persons of any of the three categories above, to the institution.

(b) In the event of total permanent invalidity:

Payment to the contract holder of a lump sum equal to eight times his annual basic salary calculated on the basis of the monthly amounts of salary received during the twelve months before the accident.

(c) In the event of partial permanent invalidity:

Payment to the contract holder of a proportion of the sum provided for in subparagraph (b), calculated by reference to the scale laid down in the rules referred to in paragraph 1.

As provided in these rules an annuity may be substituted for the payments provided for above.

The benefits listed above may be paid in addition to the benefits provided for in Article 38.

3. The following shall also be covered in the manner provided for in the rules referred to in paragraph 1: medical, pharmaceutical, hospital, surgical, prosthesis, radiography, massage, orthopaedic, clinical and transport expenses and any other similar expenditure incurred as a result of the accident or occupational disease.

Reimbursement shall, however, only be made where the amount paid to the contract holders under Article 36 or where appropriate Article 44 does not fully cover the expenditure incurred.

Article 56

1. The part-time contract holder shall be insured by the Institute against accidents which may arise while travelling and during his stay in Florence.

2. Where the death or accidental injury of a part-time contract holder is caused by a third party, the Institute shall, in respect of the obligations incumbent upon it under these Conditions consequent upon the events causing such death or injury, stand subrogated to the rights, including rights of actions, of the victim or of those entitled under him against the third party.

However, the Institute shall not be subrogated to the rights of compensation in respect of purely personal damage such a non-material injury, damages for pain and suffering of compensation for disfigurement and loss of amenity over and above the allowance granted for those headings under the foregoing paragraph.

3. The provisions of paragraph 2 may not be a bar to direct action by the Institute.