

Regulation (EURATOM, ECSC, EEC) No 549/69 of the Council of 25 March 1969 determining the categories of officials and other servants of the European Communities to whom the provisions of Article 12, the second paragraph of Article 13 and Article 14 of the Protocol on the Privileges and Immunities of the Communities apply

REGULATION (EURATOM, ECSC, EEC) No 549/69 OF THE COUNCIL

of 25 March 1969

determining the categories of officials and other servants of the European Communities to whom the provisions of Article 12, the second paragraph of Article 13 and Article 14 of the Protocol on the Privileges and Immunities of the Communities apply

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing a Single Council and a Single Commission of the European Communities, and in particular the first paragraph of Article 28 thereof;

Having regard to the Protocol on the Privileges and Immunities of the European Communities, and in particular Articles 16 and 22 thereof;

Having regard to the proposal from the Commission;

Having regard to the Opinion of the European Parliament⁽¹⁾;

Having regard to the Opinion of the Court of Justice of the European Communities;

Whereas the privileges, immunities and facilities conferred on officials and other servants of the Communities by the Protocol on the Privileges and Immunities are granted solely in the interest of the Communities;

Whereas it is therefore important to ensure that officials and other servants, in view of their duties and responsibilities and of their particular situation, benefit from such privileges, immunities and facilities as are necessary for the proper functioning of the Communities;

HAS ADOPTED THIS REGULATION:

Article 1

The provisions of Article 12 of the Protocol on the Privileges and Immunities of the Communities shall apply to the following categories:

- (a) officials coming under the Staff Regulations of Officials of the Communities, with the exception of officials placed on non-active status, to whom only Article 12 (a) and, in respect of allowances paid by the Communities, Article 12 (c) shall apply;
- (b) staff coming under the Conditions of Employment of Other Servants of the Communities, with the exception of:
 1. Local staff, to whom only Article 12 (a) shall apply;

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2. part-time auxiliary staff, to whom only Article 12 (a) and (b) and, in respect of remuneration paid by the Communities, Article 12 (c) shall apply.

[^{F1}Article 1a

Article 12(a) of the Protocol on the Privileges and Immunities of the Communities shall not apply to Europol staff placed at the disposal of a joint investigation team in respect of official acts required to be undertaken in fulfilment of the tasks set out in Article 6 of Council Decision 2009/371/JHA of 6 April 2009 establishing the European Police Office (Europol)⁽²⁾.]

Textual Amendments

- F1** Inserted by Council Regulation (EC) No 371/2009 of 27 November 2008 amending Regulation (Euratom, ECSC, EEC) No 549/69 determining the categories of officials and other servants of the European Communities to whom the provisions of Article 12, the second paragraph of Article 13 and Article 14 of the Protocol on the Privileges and Immunities of the Communities apply.

Article 2

The provisions of the second paragraph of Article 13 of the Protocol on the Privileges and Immunities of the Communities shall apply to the following categories:

- (a) persons coming under the Staff Regulations of Officials or the Conditions of Employment of Other Servants of the Communities, including those who receive the compensation provided for in the case of retirement in the interests of the service, with the exception of local staff;
- (b) persons receiving disability, retirement or survivors' pensions paid by the Communities;
- (c) persons receiving the compensation provided for in Article 5 of Regulation (EEC, Euratom, ECSC) No 259/68⁽³⁾ in the case of termination of service;
- (d) [^{F2}those entitled to the allowance provided for in the event of termination of service under Article 3 of Regulation (Euratom, ECSC, EEC) No 2530/72;
- (e) those entitled to the allowance provided for in the event of termination of service under Article 4 of Regulation (Euratom, ECSC, EEC) No 2530/72;]
- (f) [^{F3}those entitled to the allowance provided for in the event of termination of service under Articles 3 and 4 of Regulation (ECSC, EEC, Euratom) No 1543;
- (g) those entitled to the allowance provided for in the event of termination of service under Article 5 of Regulation (ECSC, EEC, Euratom) No 1543;]
- (h) [^{F4}those entitled to the allowance provided for in the event of termination of service under Article 2 of Regulation (ECSC, EEC, Euratom) No 2150/82;]
- (i) [^{F5}those entitled to the allowance provided for in the event of termination of service under Article 3 of Regulation (ECSC, EEC, Euratom) No 1679/85;
- (j) those entitled to the unemployment benefit provided for under Article 28 a of the Conditions of Employment of Other Servants as resulting from Article 33 of Regulation (ECSC, EEC, Euratom) No 2799/85;

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- (k) those entitled to the allowance provided for in the event of termination of service under Article 4 of Regulation (ECSC, EEC, Euratom) No 3518/85;]
- (l) [^{F6}those entitled to the allowance provided for in the event of termination of service under Article 4 of Regulation (Euratom, ECSC, EEC) No 2274/87⁽⁴⁾;
- (m) those entitled to the allowance provided for in the event of termination of service under Article 3 of Regulation (EEC) No 1857/89⁽⁵⁾;
- (n) those entitled to the allowance provided for in the event of termination of service under Article 4 of Regulation (EC, Euratom, ECSC) No 2688/95⁽⁶⁾;
- (o) those entitled to the allowance provided for in the event of termination of service under Article 4 of Regulation (EC, Euratom, ECSC) No 2689/95⁽⁷⁾.]
- (p) [^{F7}those entitled to the allowance provided for in the event of termination of service under Article 4 of Regulation (EC, Euratom) No 1746/2002;
- (q) those entitled to the allowance provided for in the event of termination of service under Article 4 of Regulation (EC, Euratom) No 1747/2002;
- (r) those entitled to the allowance provided for in the event of termination of service under Article 4 of Regulation (EC, Euratom) No 1748/2002.]

Textual Amendments

- F2** Inserted by Regulation (Euratom, ECSC, EEC) No 2532/72 of the Council of 4 December 1972 amending Regulation (Euratom, ECSC, EEC) No 549/69 determining the categories of officials and other servants of the European Communities to whom the provisions of Article 12, the second paragraph of Article 13 and Article 14 of the Protocol on the Privileges and Immunities of the Communities apply.
- F3** Inserted by Regulation (ECSC, EEC, Euratom) No 1545/73 of the Council of 4 June 1973 amending Council Regulation (Euratom, ECSC, EEC) No 549/69 determining the categories of officials and other servants of the European Communities to whom the provisions of Article 12, the second paragraph of Article 13, and Article 14 of the Protocol on the Privileges and Immunities of the Communities apply.
- F4** Inserted by Council Regulation (ECSC, EEC, Euratom) No 2152/82 of 28 July 1982 amending Regulation (Euratom, ECSC, EEC) No 549/69 determining the categories of officials and other servants of the European Communities to whom the provisions of Article 12, the second paragraph of Article 13 and Article 14 of the Protocol on the Privileges and Immunities of the Communities apply.
- F5** Inserted by Council Regulation (ECSC, EEC, Euratom) No 3520/85 of 12 December 1985 amending Regulation (Euratom, ECSC, EEC) No 549/69 determining the categories of officials and other servants of the European Communities to whom the provisions of Article 12, the second paragraph of Article 13 and Article 14 of the Protocol on the Privileges and Immunities of the Communities apply.
- F6** Inserted by Council Regulation (ECSC, EC, Euratom) No 2191/97 of 30 October 1997 amending Regulation (Euratom, ECSC, EEC) No 549/69 determining the categories of officials and other servants of the European Communities to whom the provisions of Article 12, the second paragraph of Article 13 and Article 14 of the Protocol on the Privileges and Immunities of the Communities apply.
- F7** Inserted by Council Regulation (EC, Euratom) No 1749/2002 of 30 September 2002 amending Regulation (Euratom, ECSC, EEC) No 549/69 determining the categories of officials and other servants of the European Communities to whom the provisions of Article 12, the second subparagraph of Article 13 and Article 14 of the Protocol on the Privileges and Immunities of the Communities apply.

*Status: Point in time view as at 31/01/2020.**Changes to legislation: There are currently no known outstanding effects for the Regulation (EURATOM, ECSC, EEC) No 549/69 of the Council. (See end of Document for details)*

Article 3

The provisions of Article 14 of the Protocol on the Privileges and Immunities of the Communities shall apply to the following categories:

- (a) officials coming under the Staff Regulations of Officials of the Communities;
- (b) staff coming under the Conditions of Employment of Other Servants of the Communities, with the exception of local staff.

Article 4

Without prejudice to the provisions of the first paragraph of Article 22 of the Protocol on the Privileges and Immunities of the European Community concerning members of the organs of the European Investment Bank, the privileges and immunities provided for in Article 12, in the second paragraph of Article 13 and in Article 14 of the Protocol shall apply under the same conditions and within the same limits as those laid down in Articles 1, 2 and 3 of this Regulation to:

- staff of the European Investment Bank;
- persons receiving disability, retirement or survivors' pensions paid by the European Investment Bank.

^{F8}Article 4a

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Textual Amendments

- F8** Deleted by [Council Regulation \(EC, ECSC, Euratom\) No 1198/98 of 5 June 1998 amending Regulation \(Euratom, ECSC, EEC\) No 549/69 determining the categories of officials and other servants of the European Communities to whom the provisions of Article 12, the second subparagraph of Article 13 and Article 14 of the Protocol on the privileges and immunities of the Communities apply.](#)

^{F9}Article 4b

The privileges and immunities provided for in Article 12, in the second paragraph of Article 13 and in Article 14 of the Protocol shall apply under the same conditions and within the same limits as those laid down in Articles 1, 2 and 3 of this Regulation to:

- members of the organs of the European Investment Fund in the performance of their duties as such,
- staff of the European Investment Fund,
- persons receiving disability, retirement or survivor's pensions paid by the European Investment Fund.]

Textual Amendments

- F9** Inserted by [Council Regulation \(ECSC, EC, Euratom\) No 3163/94 of 19 December 1994 amending Regulation \(Euratom, ECSC, EEC\) No 549/69 determining the categories of officials and other servants of the European Communities to whom the provisions of Article 12, the second paragraph of Article 13 and Article 14 of the Protocol on the Privileges and Immunities of the Communities apply.](#)

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[^{F10}Article 4c

Without prejudice to Article 23 of the Protocol on the privileges and immunities of the European Communities with regard to the members of the Governing Council and of the General Council of the European Central Bank, the privileges and immunities provided for in Article 12, in the second subparagraph of Article 13 and in Article 14 of the Protocol shall apply under the same conditions and within the same limits as those laid down in Articles 1, 2 and 3 of this Regulation to:

- staff of the European Central Bank,
- persons receiving disability, retirement or survivors' pensions paid by the European Central Bank.]

Textual Amendments

F10 Inserted by [Council Regulation \(EC, ECSC, Euratom\) No 1198/98 of 5 June 1998 amending Regulation \(Euratom, ECSC, EEC\) No 549/69 determining the categories of officials and other servants of the European Communities to whom the provisions of Article 12, the second subparagraph of Article 13 and Article 14 of the Protocol on the privileges and immunities of the Communities apply.](#)

Article 5

Regulation No 8/63 Euratom, 127/63/EEC⁽⁸⁾ is hereby repealed.

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

Status: Point in time view as at 31/01/2020.

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- (1) OJ No C 135, 14.12.1968, p. 31.
- (2) [^{F1}OJ L 121, 15.5.2009, p. 37.]
- (3) OJ No L 56, 4.3.1968, p. 1.
- (4) [^{F6}OJ L 209, 31.7.1987, p. 1. Regulation amended by Regulation (EEC) No 2168/89 (OJ L 208, 20.7.1989, p. 4).]
- (5) [^{F6}OJ L 181, 28.6.1989, p. 2.]
- (6) [^{F6}OJ L 280, 23.11.1995, p. 1.]
- (7) [^{F6}OJ L 280, 23.11.1995, p. 4.]
- (8) OJ No 181, 11.12.1963, p. 2880/63.

Textual Amendments

- F1** Inserted by Council Regulation (EC) No 371/2009 of 27 November 2008 amending Regulation (Euratom, ECSC, EEC) No 549/69 determining the categories of officials and other servants of the European Communities to whom the provisions of Article 12, the second paragraph of Article 13 and Article 14 of the Protocol on the Privileges and Immunities of the Communities apply.
- F6** Inserted by Council Regulation (ECSC, EC, Euratom) No 2191/97 of 30 October 1997 amending Regulation (Euratom, ECSC, EEC) No 549/69 determining the categories of officials and other servants of the European Communities to whom the provisions of Article 12, the second paragraph of Article 13 and Article 14 of the Protocol on the Privileges and Immunities of the Communities apply.

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