Corrigendum to Council Regulation (EC, Euratom) No 858/2004 of 29 April 2004 determining the rates and conditions of the special allowances provided for in Article 56c of the Staff Regulations which may be granted to compensate for particularly arduous working conditions

(Official Journal of the European Union L 161 of 30 April 2004)

Regulation (EC, Euratom) No 858/2004 should read as follows:

COUNCIL REGULATION (EC, EURATOM) No 858/2004

of 29 April 2004

determining the rates and conditions of the special allowances provided for in Article 56c of the Staff Regulations which may be granted to compensate for particularly arduous working conditions

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Staff Regulations of officials and the Conditions of employment of other servants of the European Communities laid down in Regulation (EEC, Euratom, ECSC) No 259/68 [1] as last amended by Regulation (EC, Euratom) No 723/2004 [2], and in particular Article 56c of the Staff Regulations,

Having regard to the proposal from the Commission submitted after consulting the Staff Regulations Committee,

Whereas:

It is for the Council, acting on a proposal from the Commission, to determine the rates and conditions of the special allowances which may be granted to certain officials to compensate for particularly arduous working conditions,

HAS ADOPTED THIS REGULATION:

Article 1

Special allowances determined in accordance with the following Articles shall be granted to officials called upon to do particularly arduous work.

Article 2

The allowances shall be expressed in points. One point shall be equal to 0,032 % of the basic salary of an official in grade 1, step 1 [3]. The allowances shall be adjusted by the correction coefficients applicable to the remuneration of officials.

The allowances shall be paid monthly.

Article 3

1. The following table lists the special working conditions in which allowances may be granted and the number of points per hour of actual work:

Special working conditions	Number of points per hour of actual work for function groups AD and AST [1]
I. Safety of the individual	
(a) Wearing of particularly uncomfortable clothing for protection against fire, contamination, radiation or corrosive substances:	
1. Special heavy clothing	10
2. Self-contained protective suits against fire	50
3. Other self-contained protective suits	34
4. Protective clothing with self-contained breathing apparatus	25
5. Other protective clothing with breathing apparatus	20

[1] OJ L 56, 4.3.1968, p. 1.
[2] OJ L 124, 27.4.2004, p. 1.

[3] For the period from 1 May 2004 to 30 April 2006: grade D*1, step 1.

Special working conditions	Number of points per hour of actual work for function groups AD and AST (1)
(b) Partial protection:	
1. Self-contained breathing apparatus	16
2. Complete respirators	10
3. Anti-dust respirators	6
4. Other protective apparatus against toxic, asphyxiating, corrosive substances, etc.	2
5. Glove-boxes and remote handling devices	2
II. Place of work	
(a) Confined	
Work in confined spaces, without daylight, which are crossed by high-tension cables or by high-temperature pipework and which are so cluttered as to make it difficult to move about	2
(b) Noisy	
Work in spaces with an average sound volume exceeding 85 decibels	2
(c) Dangerous sites necessitating the use of onerous protective appliances	
1. Underground passages	2
2. Places where work is carried out at more than 6 metres above the ground involving exceptional risks	5
In these cases the allowance shall be granted by decision of the appointing authority after consulting, where appropriate, a joint committee.	
III. Nature of work	
(a) Handling or working with certain substances in conditions which make the work arduous (see list in Annex)	2
(b) Work with explosives as a certified explosives expert	5

(1) For the period from 1 May 2004 to 30 April 2006: categories A*, B*, C*, D*.

2. In order to make constant supervision possible, work performed under the conditions defined in paragraph 1 must be recorded promptly and in chronological order. The record must detail the work performed by reference to the above table.

The appointing authority shall lay down the procedure for carrying out the supervision; where the number of hours of work in question can be taken as being the same every month the appointing authority may dispense with the record.

Article 4

The allowances for work performed under the conditions defined in item I of the table in Article 3 may not be aggregated; nor may those provided for in items II and III of that table.

The allowances for work performed under the conditions defined in items I and III of that table may also not be aggregated.

For the purposes of applying the above paragraphs, where more than one allowance would be due at the same time the highest allowance only shall be paid.

Article 5

Subject to the application of Article 2 of Regulation (ECSC, EEC, Euratom) No 300/76 determining the categories of officials entitled to allowances for shiftwork, and the rates and conditions thereof (1), the allowances paid under this Regulation shall not exceed 1 500 points per official per month.

(1) OJ L 38, 13.2.1976, p. 1. Regulation as last amended by Regulation (EC, ECSC, Euratom) No 2461/98 (OJ L 307, 17.11.1998, p. 5).

Article 6

This Regulation shall apply by analogy to temporary, auxiliary and contract staff.

Article 7

In April each year the Commission shall submit to the Council a report on:

— the number of officials and servants in each category who received the allowances referred to in this Regulation, broken down by institution and location, and the number of hours worked under the various conditions set out in the table in Article 3,

— the total expenditure relating to these allowances.

Article 8

Regulation (EEC) No 1799/72 [1] is hereby repealed on the day on which this Regulation enters into force.

Article 9

This Regulation shall enter into force on 1 May 2004.

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

Done at Luxembourg, 29 April 2004.

For the Council

The President

M. McDOWELL

[1] OJ L 192, 22.8.1972, p. 1.

ANNEX

List referred to in Article 3

A. Corrosive and asphyxiating substances

1. In handling:

Halogens, hydrohalogen acids (hydrochloric and hydrofluoric acids), halogen fluorides; sulphuric acid, sulphur chloride, caustic soda and caustic potash, ammonia

2. In technical processes:

Scouring and passivation of stainless steels and light alloys by submersion in, or contact with, scouring or oxidising agents.

B. Toxic substances

1. In handling:

Toxic forms of radioactive substances; beryllium and compounds; arsenic and compounds; mercury, compounds and amalgams; tetraethyl lead; hydrocyanic acid; cyanides and acrylonitrile; nitrogen oxide and nitrogen dioxide; phosphorus and phosphoric ethers; selenium; deuterium oxide.

2. In technical processes:

Manufacture, concentration and storage of toxic forms of radioactive substances; casting, welding and working of lead and alloys or lead antimony and cadmium antimony.

C. Highly flammable and/or explosive substances

1. In handling:

Compressed gases: acetylene, oxygen, methane, ethane, ethylene and rare gases; volatile organic solvents such as methyl alcohol, ethyl alcohol, diethyl ether, acetone, benzene, toluene; liquid metals such as sodium or potassium; sulphur.

2. In technical processes:

Argon welding; cleaning and degreasing very dirty parts with solvents such as trichloroethylene; use of organic liquids such as diphenyl, triphenyl, polyphenyl, Dowtherm, highboiler residues in circuits; pouring of paraffin or bitumen.

D. Dirty products

1. In handling:

Cadmium, chromium, nickel, bismuth, barium, vanadium and manganese compounds in powder form; powdered iron oxide.

2. In technical processes:

Processing of graphite; greasing and draining pumps and motors such as vacuum pumps, fluid circulation pumps, decompression pumps, compressed air generators; polishing with special substances; handling of metal slag.

This Annex shall be amended by the Council on a proposal from the Commission in the light of scientific and technical developments.