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from: Secretary-General of the European Commission,  
signed by Mr Jordi AYET PUIGARNAU, Director

date of receipt: 7 December 2015

to: Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of  
the European Union

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Subject: REPORT FROM THE COMMISSION TO THE COUNCIL AND THE  
EUROPEAN PARLIAMENT on the use made in 2013 by the institutions of  
Council Regulations No 495/77, last amended by Regulation No  
1945/2006 (on standby duty), No 858/2004 (on particularly arduous  
working conditions), and No 300/76, last amended by Regulation No  
1873/2006 (on shift work)

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Delegations will find attached Commission document COM(2015) 612 final.

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**REPORT FROM THE COMMISSION TO THE COUNCIL AND THE EUROPEAN  
PARLIAMENT**

**on the use made in 2013 by the institutions of Council Regulations No 495/77, last amended by Regulation No 1945/2006 (on standby duty), No 858/2004 (on particularly arduous working conditions), and No 300/76, last amended by Regulation No 1873/2006 (on shift work)**

# REPORT FROM THE COMMISSION TO THE COUNCIL AND THE EUROPEAN PARLIAMENT

**on the use made in 2013 by the institutions of Council Regulations No 495/77, last amended by Regulation No 1945/2006 (on standby duty), No 858/2004 (on particularly arduous working conditions), and No 300/76, last amended by Regulation No 1873/2006 (on shift work)**

## 1. INTRODUCTION

The Council Regulations on standby duty (No 495/77) and on particularly arduous working conditions (No 858/2004) require the Commission to report annually to the Council on the number of officials and other servants in each category receiving the allowances referred to in the respective Regulations and the total related expenditure.

This report is based on the latest full-year figures available at the time of its preparation and thus refers to 2013. It covers all the Institutions, and for the sake of completeness also contains the same type of information on the use of shift work (Council Regulation No 300/76).

## 2. STANDBY DUTY ALLOWANCE

The legal bases for this allowance are Articles 55 and 56b of the Staff Regulations and Council Regulation No 495/77 of 8 March 1977, as last amended by Council Regulation No 1945/2006 of 11 December 2006.

Payment of the allowance is limited to officials and other servants paid from *research appropriations* and employed in:

- an establishment of the Joint Research Centre (JRC), or
- indirect action, or

paid from *operating appropriations* and employed in:

- the running or supervision of technical installations,
- a safety and security department,
- an information and communication technology (ICT) services department,
- a department providing support for the Common Foreign and Security Policy (CFSP)/European Security and Defence Policy (ESDP) or for emergency and crisis coordination arrangements, or
- a mechanism established to provide assistance to Member States 24 hours a day, seven days a week (MS 24/7), for emergency and crisis coordination arrangements or in services where there is a confirmed necessity for the execution of tasks in order to guarantee a mechanism for providing assistance to Member States.

The standby duty allowance is expressed in points. The number of points granted for each hour of actual standby duty is fixed as follows:

- standby duty at home, working day: 2.15 points;
- standby duty at home, weekend and public holidays: 4.3 points;
- standby duty at the place of work, working day: 11 points;
- standby duty at the place of work, weekend and public holidays: 22 points.

Each point is equal to 0.032 % of the basic salary of an official in grade 1, step 1 (= EUR 0.86 in 2013).

## 2.1. Number of beneficiaries per type of standby duty:

Institution	At home	At home and at the place of work	At the place of work	Total
Commission:	330	18	54	<b>402</b>
- of which JRC:	180	4	33	217
Council	51	0	0	<b>51</b>
Parliament	0	0	0	0
Court of Justice	0	0	0	0
Court of Auditors	9	0	0	<b>9</b>
EESC	0	0	0	0
CoR	0	0	0	0
EDPS	0	0	0	0
Ombudsman	0	0	0	0
EEAS	17	0	0	<b>17</b>
<b>Total</b>	<b>407</b>	<b>18</b>	<b>54</b>	<b>479</b>

## 2.2. Number of beneficiaries (officials/temporary staff and contract staff)<sup>1</sup>:

Institution	AD	AST	CA				Total
			FG I	FG II	FG III	FG IV	
Commission:	117	248.5	26.5	3	6	1	<b>402</b>
- of which JRC:	71	125	19	1	1	0	217
Council	3	46	2	0	0	0	<b>51</b>
Parliament	0	0	0	0	0	0	0
Court of Justice	0	0	0	0	0	0	0
Court of Auditors	0	0	9	0	0	0	<b>9</b>
EESC	0	0	0	0	0	0	0
CoR	0	0	0	0	0	0	0
EDPS	0	0	0	0	0	0	0
Ombudsman	0	0	0	0	0	0	0
EEAS	7	10	0	0	0	0	<b>17</b>
<b>Total</b>	<b>127</b>	<b>304.5</b>	<b>37.5</b>	<b>3</b>	<b>6</b>	<b>1</b>	<b>479</b>

<sup>1</sup> Some numbers are given to one decimal place (248.5 and 26.5) because two people share standby duty at OLAF to provide a 24/7 security presence as members of the security standby team.

### 2.3. Number of beneficiaries per type of employment:

Institution	JRC	Indirect action	Technical installations	Security	ICT	CFSP/ESDP	MS 24/7	Total
Commission	217	0	35	29	79	0	42	<b>402</b>
- of which JRC:	217	0	0	0	0	0	0	217
Council	0	0	26	14	0	11	0	<b>51</b>
Parliament	0	0	0	0	0	0	0	<b>0</b>
Court of Justice	0	0	0	0	0	0	0	<b>0</b>
Court of Auditors	0	0	0	9	0	0	0	<b>9</b>
EESC	0	0	0	0	0	0	0	<b>0</b>
CoR	0	0	0	0	0	0	0	<b>0</b>
EDPS	0	0	0	0	0	0	0	<b>0</b>
Ombudsman	0	0	0	0	0	0	0	<b>0</b>
EEAS	0	0	0	3	10	4	0	<b>17</b>
<b>Total</b>	<b>217</b>	<b>0</b>	<b>61</b>	<b>55</b>	<b>89</b>	<b>15</b>	<b>42</b>	<b>479</b>

### 3. ALLOWANCE FOR PARTICULARLY ARDUOUS WORKING CONDITIONS

The legal bases for this allowance are Article 56c of the Staff Regulations and Council Regulation No 858/2004 of 29 April 2004, which replaced Council Regulation No 1799/72.

The allowance for particularly arduous working conditions is expressed in terms of points granted for each hour of actual work, with a distinction being made between special working conditions connected with 'safety of the individual', 'place of work' and 'nature of work'. The number of points varies between 2, e.g. for an average sound level exceeding 85 decibels, and an upper limit of 50 in the case of an official wearing a self-contained fire protection suit. Each point is equal to 0.032 % of the basic salary of an official in grade 1, step 1 (= EUR 0.86 in 2013).

### 3.1. Number of beneficiaries (officials/temporary staff and contract staff):

Institution	AD	AST	Contract staff				Total
			FG I	FG II	FG III	FG IV	
Commission:	33	174	28	0	0	1	236
- of which JRC:	33	168	19	0	0	1	221
Council	0	0	0	0	0	0	0
Parliament	0	0	0	0	0	0	0
Court of Justice	0	0	0	0	0	0	0
Court of Auditors	0	0	0	0	0	0	0
EESC	0	0	0	0	0	0	0
CoR	0	0	0	0	0	0	0
EDPS	0	0	0	0	0	0	0
Ombudsman	0	0	0	0	0	0	0
EEAS	0	0	0	0	0	0	0
<b>Total</b>	<b>33</b>	<b>174</b>	<b>28</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>236</b>

#### 4. SHIFT WORK ALLOWANCE

The legal bases for this allowance are Article 56a of the Staff Regulations and Council Regulation No 300/76 of 9 February 1976, as last amended by Council Regulation No 1873/2006 of 11 December 2006.

Payment of the allowance is limited to officials and other servants paid from *research appropriations* and employed in:

- an establishment of the Joint Research Centre (JRC), or
- indirect action, or

paid from *operating appropriations* and employed in:

- an information and communication technology (ICT) services department,
- a safety and security department,
- a telephone switchboard/information service or on a reception desk,
- a department providing support for the Common Foreign and Security Policy (CFSP)/European Security and Defence Policy (ESDP) or for emergency and crisis coordination arrangements,
- a service providing support for emergency or crisis coordination arrangements, or
- the running or supervision of technical installations.

Four different rates of the monthly allowance are provided for (2013 figures):

- rate 1: work involving two shifts, excluding weekends and public holidays: EUR 385.23;
- rate 2: work involving two shifts, including nights, weekends and public holidays: EUR 581.45;
- rate 3: 24 hours a day, excluding weekends and public holidays: EUR 635.74;
- rate 4: 24 hours a day, 7 days a week: EUR 866.72.

The following figures indicate the number of allowances granted by each institution for 2013.

#### 4.1. Number of beneficiaries per rate:

Institution	Rate 1	Rate 2	Rate 3	Rate 4	Total
	EUR 385.23	EUR 581.45	EUR 635.74	EUR 866.72	
Commission:	13	20	8	62	<b>103</b>
- of which JRC:	0	20	8	22	50
Council	35	0	0	26	<b>61</b>
Parliament	50	49	0	46	<b>145</b>
Court of Justice	0	0	0	0	<b>0</b>
Court of Auditors	2	0	0	9	<b>11</b>
European Economic and Social Committee (EESC)	0	0	0	0	<b>0</b>
Committee of the Regions (CoR)	0	0	0	0	<b>0</b>
European Data Protection Supervisor (EDPS)	0	0	0	0	<b>0</b>
Ombudsman	0	0	0	0	<b>0</b>
EEAS	26	0	0	9	<b>35</b>
<b>Total</b>	<b>126</b>	<b>69</b>	<b>8</b>	<b>152</b>	<b>355</b>

#### 4.2. Number of beneficiaries (officials/temporary staff and contract staff):

Institution	AD	AST	CA				Total
			FG I	FG II	FG III	FG IV	
Commission:	9	69	17	4	4	0	<b>103</b>
- of which JRC:	9	35	6	0	0	0	50
Council	0	61	0	0	0	0	<b>61</b>
Parliament	0	33	83	16	13	0	<b>145</b>
Court of Justice	0	0	0	0	0	0	<b>0</b>
Court of Auditors	0	0	11	0	0	0	<b>11</b>
EESC	0	0	0	0	0	0	<b>0</b>
CoR	0	0	0	0	0	0	<b>0</b>
EDPS	0	0	0	0	0	0	<b>0</b>
Ombudsman	0	0	0	0	0	0	<b>0</b>
EEAS	0	34	0	1	0	0	<b>35</b>
<b>Total</b>	<b>9</b>	<b>197</b>	<b>111</b>	<b>21</b>	<b>17</b>	<b>0</b>	<b>355</b>

#### 4.3. Number of beneficiaries per type of employment:

Institution	JRC	Crisis /emerg. coord.	ICT	Security	Switchboard/Reception	CFSP/ESDP	Tech. installations	Indirect action	Total
Commission:	50	0	2	48	0	0	3	0	103
- of which JRC:	50	0	0	0	0	0	0	0	50
Council	0	0	0	58	0	3	0	0	61
Parliament	0	0	0	118	27	0		0	145
Court of Justice	0	0	0	0	0	0	0	0	0
Court of Auditors	0	0	0	9	2	0	0	0	11
EESC	0	0	0	0	0	0	0	0	0
CoR	0	0	0	0	0	0	0	0	0
EDPS	0	0	0	0	0	0	0	0	0
Ombudsman	0	0	0	0	0	0	0	0	0
EEAS	0	0	13	13	0	9	0	0	35
<b>Total</b>	<b>50</b>	<b>0</b>	<b>15</b>	<b>246</b>	<b>29</b>	<b>12</b>	<b>3</b>	<b>0</b>	<b>355</b>

#### 5. SERVICES CONCERNED AND REASONS

Parliament, the Council, the Commission, the EEAS (which took over much of the Commission's former DG RELEX) and the Court of Auditors use standby duty and shift work and pay the allowances provided for by the legislation. The Commission remains the only institution to pay allowances for particularly arduous working conditions, at the JRC and the Office for Infrastructure and Logistics in Brussels (OIB).

##### 5.1. Reasons for standby duty

###### **Commission:**

###### *Joint Research Centre (JRC)*

In 2013, the Commission paid standby allowance to some 402 members of staff, approximately 54 % (217) of whom are employed in one of the research centres. The reasons for standby duty are, as in previous years, generally security- and safety-related (fire-fighting service, radiation monitoring, radiation protection, etc.). In most cases at the JRC, standby duty is carried out at home, with the exception of Ispra and Karlsruhe, where the duties are undertaken at the place of work - or at home and at the place of work - owing to the specific nature of the tasks to be performed.

###### *Other*

In the other Commission Directorates-General, the standby services are mainly used for security and safety, technical installations and IT services, plus assistance for Member States.

**Council:** The Council paid allowances for standby services at home to 51 members of its staff in 2013. The fields in question remain the running and supervision of technical installations, security services and support for CFSP/ESDP. Standby duty was performed exclusively at home.

**Court of Auditors:** The Court of Auditors paid allowances for standby services at home to 9 members of its staff in 2013.



**EEAS:** In 2013, the EEAS paid allowances for standby services at home to 17 members of its staff in three fields: security services, support for CFSP/ESDP, and information and communication technology (ICT) services.

## **5.2. Reasons for using the allowance for particularly arduous working conditions**

**Commission:** The Commission is the only institution to have used this possibility in 2013. The Office for Infrastructure and Logistics in Brussels (OIB) introduced it in one of its services (reproduction service) in 2008; the Joint Research Centre was already using it.

With respect to the criteria for arduous working conditions, all three categories listed in the Regulation for which the allowance can be granted were applicable, i.e.:

- a) individual protection (for example the wearing of particularly uncomfortable protective clothing),
- b) the place of work (for example high noise levels, dangerous sites), and
- c) the nature of the work (for example handling of corrosive substances).

In 2013, the total number of hours worked under such conditions were broken down as follows:

- 69 725.48 hours relating to individual protection,
- 126 436.30 hours relating to the place of work, and
- 17 064.38 hours relating to the nature of the work.

## **5.3. Reasons for shift work**

**Commission:** Within the Commission, it is the JRC (for reasons relating to the nature of the tasks) and DG HR (safety and security department) which have the greatest need for this type of work organisation (50 and 32 persons respectively in 2013). In 2013 shift work was performed in the other DGs (operating budget) by 21 persons in the following types of services:

- Security and prevention: 16
- Technical installations: 3
- Information and communication technology (ICT): 2

All four rates (types of allowance) are applied in the Commission, especially rates 1, 2 and 4, with the latter (continuous work) being used mainly in the security services.

**Council:** The number of shift work allowances in the Council stands at 61 for 2013. This allowance is used primarily in the fields of security and prevention (58 members of staff) and CFSP/ESDP (3 members of staff). Shift work consists of either a two-shift arrangement (rate 1) or a continuous 24-hour service (rate 4).

**European Parliament:** To safeguard and protect people, infrastructure, information and events occurring during public holidays, weekends or nights and to ensure the continued presence of security staff in buildings while avoiding recourse to overtime, which would increase Parliament's budget, it was decided to apply Council Regulation 300/76 of 9 February 1976, as last amended by Council Regulation No 1873/2006 of 11 December 2006, and to replace overtime by specific work patterns. Therefore, security and prevention staff are entitled to the allowance for shift work.

In 2013, 145 allowances were granted for shift work at the European Parliament. This allowance is currently used in the fields of security and the telephone service/reception. Shift work consists of either a two-shift arrangement (rate 1), a two-shift arrangement including nights, weekends and public holidays (rate 2) or a continuous 24-hour service (rate 4).

**Court of Auditors:** In 2011, the Court of Auditors introduced shift work in the fields of security and telephone service/reception. Shift work consists of either a two-shift arrangement (rate 1) or a continuous 24-hour service (rate 4). A total of 11 allowances were paid in 2013.

**EEAS:** In 2013, the EEAS paid 35 allowances in the fields of information and communication technology (ICT), security, CFSP/ESDP.

#### **6. BUDGET EXPENDITURE, PER INSTITUTION AND PER ALLOWANCE (IN EUR)**

<b>Institution</b>	<b>Shift work</b>	<b>Standby duty</b>	<b>Arduous working conditions</b>	<b>Total</b>
Commission:	745 008.10	1 343 139.13	572 188.75	<b>2 660 335.98</b>
- of which JRC:	<i>266 966.56</i>	<i>595 962.28</i>	<i>547 723.37</i>	<i>1 410 652.21</i>
Council	430 877.82	161 735.29	0	<b>592 613.11</b>
Parliament	477 617.97	0	0	<b>477 617.97</b>
Court of Justice	0	0	0	<b>0</b>
Court of Auditors	93 293.06	12 725.91	0	<b>106 018.97</b>
EESC	0	0	0	<b>0</b>
CoR	0	0	0	<b>0</b>
EDPS	0	0	0	<b>0</b>
Ombudsman	0	0	0	<b>0</b>
EEAS	170 540.77	65 317.63	0	<b>235 858.40</b>
<b>Total</b>	<b>1 917 337.72</b>	<b>1 582 917.96</b>	<b>572 188.75</b>	<b>4 072 444.43</b>

The amount spent on the three allowances in all the European Institutions stood at EUR 4 072 444.43 in 2013.