



Council of the  
European Union

065112/EU XXVI. GP  
Eingelangt am 17/05/19

Brussels, 17 May 2019  
(OR. en)

9433/19

STAT 12  
FIN 362

#### COVER NOTE

---

From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
date of receipt:	8 May 2019
To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2019) 217 final
Subject:	REPORT FROM THE COMMISSION TO THE COUNCIL AND THE EUROPEAN PARLIAMENT on the use made in 2017 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)

---

Delegations will find attached document COM(2019) 217 final.

---

Encl.: COM(2019) 217 final



Brussels, 8.5.2019  
COM(2019) 217 final

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

**on the use made in 2017 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 2017 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 2017. 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, 7 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 0.92 in 2017).

The following figures indicate the number of allowances granted by each institution for 2017.

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

Institution	AD	SC/AST	CA				Total
			FG I	FG II	FG III	FG IV	
Commission	110.33	205.33	49.33	10	16	3	394
- of which JRC:	43	88	17	1	2	1	152
Council	11	57	3	0	0	0	71
Parliament	0	0	0	0	0	0	0
Court of Justice	7	16	1	0	0	0	24
Court of Auditors	0	0	14	0	0	0	14
EESC	0	2	0	0	0	0	2
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	6	9	0	0	0	0	15
<b>Total</b>	<b>134.33</b>	<b>292.33</b>	<b>67.33</b>	<b>10</b>	<b>17</b>	<b>3</b>	<b>524</b>

## 2.2. 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	379	0	15	394
- of which JRC:	138	0	14	152
Council	71	0	0	71
Parliament	0	0	0	0
Court of Justice	24	0	0	24
Court of Auditors	14	0	0	14
EESC	2	0	0	2
CoR	4	0	0	4
EDPS	0	0	0	0
Ombudsman	0	0	0	0
EEAS	15	0	0	15
<b>Total</b>	<b>509</b>	<b>0</b>	<b>15</b>	<b>524</b>

<sup>1</sup> At OLAF, standby duty is carried out 24/7 by 0.33 AD/0.33 SC/AST/0.33 FG I (total = 1 beneficiary) from the security standby team.

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

Institution	JRC	Indirect action	Technical installations	Security	ICT	CFSP/E SDP	MS 24/7	Total
Commission	152	3	72	39	83	0	45	<b>394</b>
- of which JRC:	152	0	0	0	0	0	0	152
Council	0	0	0	19	45	7	0	<b>71</b>
Parliament	0	0	0	0	0	0	0	<b>0</b>
Court of Justice	0	0	14	10	0	0	0	<b>24</b>
Court of Auditors	0	0	0	14	0	0	0	<b>14</b>
EESC	0	0	0	2	0	0	0	<b>2</b>
CoR	0	0	0	4	0	0	0	<b>4</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	9	3	0	<b>15</b>
<b>Total</b>	<b>152</b>	<b>3</b>	<b>86</b>	<b>91</b>	<b>137</b>	<b>10</b>	<b>45</b>	<b>524</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 0.92 in 2017).

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

Institution	AD	SC/AST	Contract staff				Total
			FG I	FG II	FG III	FG IV	
Commission	33	155	25	1	0	8	<b>222</b>
- of which JRC:	33	149	16	1	0	8	207
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>155</b>	<b>25</b>	<b>1</b>	<b>0</b>	<b>8</b>	<b>222</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.

The following figures indicate the number of allowances granted by each institution for 2017.

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

Institution	AD	SC/AST	CA				Total
			FG I	FG II	FG III	FG IV	
Commission	2	75	18	10	8	1	114
- of which JRC:	0	22	6	0	0	1	29
Council	0	76	0	9	0	0	85
Parliament	1	45	516	10	7	2	581
Court of Justice	0	0	0	0	0	0	0
Court of Auditors	0	0	16	0	0	0	16
EESC	0	2	0	0	0	0	2
CoR	0	3	0	0	1	0	4
EDPS	0	0	0	0	0	0	0
Ombudsman	0	0	0	0	0	0	0
EEAS	0	37	0	1	0	0	38
<b>Total</b>	<b>3</b>	<b>238</b>	<b>550</b>	<b>30</b>	<b>16</b>	<b>3</b>	<b>840</b>

Four different rates of the monthly allowance are provided for (2017 figures):

- rate 1: work involving two shifts, excluding weekends and public holidays: EUR 413.61;
- rate 2: work involving two shifts, including nights, weekends and public holidays: EUR 624.28;
- rate 3: 24 hours a day, excluding weekends and public holidays: EUR 682.57;
- rate 4: 24 hours a day, 7 days a week: EUR 930.56.

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

Institution	Rate 1	Rate 2	Rate 3	Rate 4	Total
	€ 413.61	€ 624.28	€ 682.57	€ 930.56	
Commission	23	0	8	83	114
- of which JRC:	0	0	8	21	29
Council	32	0	0	53	85
Parliament	307	205	0	69	581
Court of Justice	0	0	0	0	0
Court of Auditors	2	0	0	14	16
EESC	2	0	0	0	2
CoR	4	0	0	0	4
EDPS	0	0	0	0	0
Ombudsman	0	0	0	0	0
EEAS	27	0	0	11	38
<b>Total</b>	<b>397</b>	<b>205</b>	<b>8</b>	<b>230</b>	<b>840</b>

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

Institution	JRC	Crisis/ emerg. coord.	ICT	Security	Switchboard/ reception	CFSP/ ESDP	Tech. Inst.	Ind. Action	Total
Commission	29	8	22	54	0	0	1	0	114
- of which JRC:	29	0	0	0	0	0	0	0	29
Council	0	0	0	85	0	0	0	0	85
Parliament	0	0	0	417	164	0	0	0	581
Court of Justice	0	0	0	0	0	0	0	0	0
Court of Auditors	0	0	0	13	3	0	0	0	16
EESC	0	0	0	2	0	0	0	0	2
CoR	0	0	0	4	0	0	0	0	4
EDPS	0	0	0	0	0	0	0	0	0
Ombudsman	0	0	0	0	0	0	0	0	0
EEAS	0	0	11	16	0	11	0	0	38
<b>Total</b>	<b>29</b>	<b>8</b>	<b>33</b>	<b>591</b>	<b>167</b>	<b>11</b>	<b>1</b>	<b>0</b>	<b>840</b>

## 5. SERVICES CONCERNED AND REASONS

The Council, the Commission, the EEAS, the European Parliament, the Court of Justice and the Court of Auditors use standby duty and/or shift work and pay the allowances provided for by the legislation.

From 2017, the Committee of the Regions and the Economic and Social Committee have been running a joint standby duty and shift work service.

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:**

In 2017, the Commission paid allowances for standby duty to 394 members of its staff (350 staff in 2016). About 40 % (152) of them work 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 owing to the specific nature of the tasks to be performed.

In the other Commission Directorates-General, there was little change compared to 2016. The standby services are used mainly for security and safety, technical installations and IT services. There has, however, been an increase in the number of beneficiaries of the standby allowance in order to provide assistance to Member States 24/7 (45 staff in 2017 up from 32 in 2016), particularly within DG ECHO, to monitor incidents in real-time and respond immediately to disasters around the world at all times.

**Council:** The Council paid allowances for standby duty to 71 members of its staff in 2017 (62 in 2016). Three services have been set up to cover the following areas: (1) Information and Communication Technologies (ICT), to ensure that staff are available to guarantee the protection and proper functioning of the IT and communications networks, (2) Safety/Security to respond immediately to any incident that could affect GSC staff and the activities of the Council and the European Council, and to provide 24/7 support to security officers on mission, (3) to take swift action to draft, publish on the internet and disseminate immediate and urgent statements by the rotating Presidency and the President of the European Council in the context of the CFSP/ESDP. In 2017, standby duty was performed exclusively at home.

**Court of Auditors:** In 2017, the monthly planning of the security and safety department set up in 2011 includes standby duties at home for 14 staff members (10 in 2016). They ensure the safety of buildings and their occupants round the clock throughout the year.

**EEAS:** In 2017, the EEAS paid allowances for standby services at home to 15 members of its staff (16 in 2016) in three fields: (1) security services, to provide round-the-clock protection to EEAS staff, visitors, premises and property in Brussels and to protect classified information (at Headquarters and in the Delegations); (2) support to the CFSP/ESDP to monitor events around the world 24/7, respond to crises, incidents, critical events, specific situations or



emergencies, provide support to the High Representative and EU actors, facilitate meetings of the EEAS Crisis Platform outside normal working hours; (3) the information and communication technology service via the COMCEN (Communication Centre) which provides services for the transmission of classified information to all EEAS staff members, while also providing services to the General Secretariat of the Council in order to ensure swift handling of urgent classified information.

**Court of Justice:** In 2017, the Court of Justice paid allowances for standby services at home to 24 members of its staff. This service was established in November 2014 at the Directorate-General for Infrastructure. The Buildings Directorate is responsible for protecting the institution, fire prevention, and health and safety at work. It comprises three units responsible for new work, buildings management and safety and security.

**CoR-EESC:** A joint standby service was set up within the security service at the CoR and the EESC on 1 March 2017 to ensure that security staff can be reached and are ready to react at all times should incidents requiring action arise when the institution is closed. In 2017, the standby service at home concerned 4 CoR staff and 2 EESC staff.

## 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 2017. 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.

In 2017, the total number of hours worked under particularly arduous conditions was broken down as follows:

- 63 598.72 hours relating to individual protection (for example, the wearing of particularly uncomfortable protective clothing),
- 115 068.21 hours relating to the place of work (for example, high noise levels, dangerous sites), and
- 12 803.10 hours relating to the nature of the work (for example, handling of corrosive substances).

## 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 (29 and 46 persons respectively in 2017).

In 2017 shift work was performed in the other Directorates-General (operating budget) by 39 persons in the following types of services:

- Security and prevention: 8 (OIL)
- Technical installations: 1 (OP)
- Information and communication technology (ICT): 22 (DG COMM)
- Assistance to Member States: 8 (DG ECHO)

The shift work arrangement at DG COMM was established in 2015 in order to prepare press reviews for the President, the College and the Spokesperson's Service.

The round-the-clock service at DG ECHO has been operational since 2013 following the establishment of a Monitoring and Information Centre to assist Member States and the Commission during disasters.

All four rates (types of allowance) are applied in the Commission, with rate 4 (continuous service) being used mainly in the security services.

**Council:** The Council has a system of shift work, which is essential to ensure the continuity of the services responsible for the safety and security of buildings and persons in the two Council buildings.

Directorate-General A has been reorganised to ensure optimal efficiency in terms of the staff in place. The Prevention Unit has been merged with the Safety and Security Directorate, as they required a round-the-clock presence (rate 4) throughout 2017 in order to carry out their tasks. As before, the other units guaranteeing the various aspects of security required shift work (rate 1) and continuous work (rate 4).

The reorganisation of these services, which include AST officials and contract staff (FGII), did not lead to a rise in the number of allowances in 2017 (85) compared to 2016 (86).

**European Parliament:** In 2017, the European Parliament paid shift work allowances to cover (1) safety and security services in the 3 places of work: Brussels, Strasbourg and Luxembourg, (2) services related to the reception, security and control of visitors (Parliamentarium, House of European History (since 2017), Sports Centre (since 2017)) and communication via the switchboard, which offers a variety of services in several languages, including the transfer of incoming and outgoing calls, the provision of contact information (telephone and fax numbers, email and office addresses), information on meetings and the buildings of the European Parliament.

The set-up 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). There were 581 beneficiaries in 2017 (570 in 2016).

**Court of Auditors:** The Court of Auditors has been using shift work in the fields of security and telephone service/reception since 2011. The types of shift work put in place are a two-shift arrangement (rate 1) and a continuous 24-hour service (rate 4). There were 16 beneficiaries in 2017 (14 in 2016).

**EEAS:** In 2017, the EEAS paid 38 shift work allowances to ensure the daily monitoring, assessment and flagging up of politically significant events or situations on a 24/7 basis and to provide services for the transmission of classified information to all EEAS staff and to the High Representative and other EU actors (European Commission, General Secretariat of the Council, EU Agencies, EU Member States).

Two types of allowance are applicable at the EEAS, mainly rate 1 and rate 4. The number of beneficiaries remained stable.

**CoR-EESC:** The joint shift work service has been operating at the CoR and at the EESC since 1 March 2017 to meet the need for continuous presence in the security service. The CoR pays allowances to 4 beneficiaries (rate 1) and the EESC to 2 beneficiaries (rate 1).

**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	1 016 105.21	1 357 562.14	622 521.54	<b>2 996 188.89</b>
<i>- of which JRC:</i>	<i>260 638.58</i>	<i>543 164.63</i>	<i>595 924.90</i>	<i>1 399 728.11</i>
Council	672 443.72	201 886.92	0	<b>874 330.64</b>
Parliament	3 717 011.75	0	0	<b>3 717 011.75</b>
Court of Justice	0	60 811.47	0	<b>60 811.47</b>
Court of Auditors	149 853.04	14 806.32	0	<b>164 659.36</b>
EESC	8 223.32	0	0	<b>8 223.32</b>
CoR	16 446.64	11 773.65	0	<b>28 220.29</b>
EDPS	0	0	0	<b>0</b>
Ombudsman	0	0	0	<b>0</b>
EEAS	211 538.69	57 982.14	0	<b>269 520.83</b>
<b>Total</b>	<b>5 791 622.37</b>	<b>1 704 822.64</b>	<b>622 521.54</b>	<b>8 118 966.55</b>

The amount spent on the three allowances in all the European Institutions stood at EUR 8 118 966.55 in 2017 (EUR 7 364 776.86 in 2016).