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| Subject: | REPORT FROM THE COMMISSION TO THE COUNCIL AND THE EUROPEAN PARLIAMENT on the use made in 2021 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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REPORT FROM THE COMMISSION TO THE COUNCIL AND THE EUROPEAN PARLIAMENT

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1. INTRODUCTION

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

This report is based on the latest full-year figures available at the time of its preparation and refers to 2021. It covers all the institutions. To be complete, this report 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 amended.

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 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 0.98 in 2021).

The following figures indicate the number of allowances granted by each institution for 2021.

2.1. Number of beneficiaries (officials/temporary staff and contract staff)

| Institution | AD | AST | AC | | | | Total |
|------------------------|------------|------------|-----------|-----------|-----------|-----------|------------|
| | | | FG I | FG II | FG III | FG IV | |
| Parliament | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Council | 14 | 80 | 3 | 0 | 1 | 0 | 98 |
| Commission | 136 | 253 | 48 | 11 | 16 | 12 | 476 |
| <i>- of which JRC:</i> | <i>46</i> | <i>79</i> | <i>18</i> | <i>0</i> | <i>2</i> | <i>7</i> | <i>152</i> |
| Court of Justice | 11 | 14 | 1 | 0 | 0 | 1 | 27 |
| Court of Auditors | 0 | 3 | 16 | 0 | 0 | 0 | 19 |
| EESC | 0 | 1 | 0 | 0 | 1 | 0 | 2 |
| CoR | 0 | 3 | 0 | 0 | 1 | 0 | 4 |
| EEAS | 14 | 7 | 0 | 0 | 0 | 1 | 22 |
| Ombudsman | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| EDPS | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Total | 175 | 361 | 68 | 11 | 19 | 14 | 648 |

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 |
|------------------------|------------|----------------------------------|----------------------|------------|
| Parliament | 0 | 0 | 0 | 0 |
| Council | 98 | 0 | 0 | 98 |
| Commission | 461 | 6 | 9 | 476 |
| <i>- of which JRC:</i> | <i>138</i> | <i>6</i> | <i>8</i> | <i>152</i> |
| Court of Justice | 27 | 0 | 0 | 27 |
| Court of Auditors | 19 | 0 | 0 | 19 |
| EESC | 0 | 2 | 0 | 2 |
| CoR | 0 | 4 | 0 | 4 |
| EEAS | 22 | 0 | 0 | 22 |
| Ombudsman | 0 | 0 | 0 | 0 |
| EDPS | 0 | 0 | 0 | 0 |
| Total | 627 | 12 | 9 | 648 |

2.3. Number of beneficiaries per type of employment

| Institution | JRC | Indirect action | Technical installations | Safety/ Security | ICT | CFSP/ ESDP | MS 24/7 | Total |
|------------------------|------------|-----------------|-------------------------|------------------|------------|------------|-----------|------------|
| Parliament | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Council | 0 | 0 | 0 | 28 | 56 | 14 | 0 | 98 |
| Commission | 152 | 2 | 59 | 108 | 113 | 0 | 42 | 476 |
| <i>- of which JRC:</i> | <i>152</i> | <i>0</i> | <i>0</i> | <i>0</i> | <i>0</i> | <i>0</i> | <i>0</i> | <i>152</i> |
| Court of Justice | 0 | 0 | 16 | 11 | 0 | 0 | 0 | 27 |
| Court of Auditors | 0 | 0 | 0 | 19 | 0 | 0 | 0 | 19 |
| EESC | 0 | 0 | 0 | 2 | 0 | 0 | 0 | 2 |
| CoR | 0 | 0 | 0 | 4 | 0 | 0 | 0 | 4 |
| EEAS | 0 | 0 | 0 | 4 | 7 | 11 | 0 | 22 |
| Ombudsman | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| EDPS | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Total | 152 | 2 | 75 | 176 | 176 | 25 | 42 | 648 |

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, as amended. The allowance is granted to compensate for particularly arduous working conditions relating to (i) ‘safety of the individual’ (wearing of particularly uncomfortable special clothing, partial protection), (ii) ‘place of work’ (confined, noisy and dangerous places) and (iii) ‘nature of work’ (for example, handling of corrosive substances, work with explosives)¹.

The allowance is expressed in terms of points granted for each hour of actual 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 protective suit against fire. Each point is equal to 0.032% of the basic salary of an official in grade 1, step 1 (= EUR 0.98 in 2021).

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

| Institution | AD | AST | AC | | | | Total |
|------------------------|-----------|------------|-----------|----------|----------|----------|------------|
| | | | FG I | FG II | FG III | FG IV | |
| Parliament | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Council | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Commission | 19 | 112 | 25 | 0 | 2 | 7 | 165 |
| <i>- of which JRC:</i> | <i>18</i> | <i>109</i> | <i>15</i> | <i>0</i> | <i>2</i> | <i>7</i> | <i>151</i> |
| 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 |
| EEAS | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Ombudsman | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| EDPS | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Total | 19 | 112 | 25 | 0 | 2 | 7 | 165 |

¹ Article 3 of Council Regulation No 858/2004.

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 amended.

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

- an establishment of the 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 2021.

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

| Institution | AD | AST | AC | | | | Total |
|------------------------|----------|------------|------------|-----------|-----------|----------|------------|
| | | | FG I | FG II | FG III | FG IV | |
| Parliament | 2 | 87 | 506 | 9 | 21 | 2 | 627 |
| Council | 0 | 74 | 0 | 5 | 0 | 0 | 79 |
| Commission | 0 | 98 | 21 | 8 | 25 | 1 | 153 |
| <i>- of which JRC:</i> | <i>0</i> | <i>17</i> | <i>10</i> | <i>0</i> | <i>0</i> | <i>0</i> | <i>27</i> |
| Court of Justice | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Court of Auditors | 0 | 1 | 16 | 0 | 0 | 0 | 17 |
| EESC | 0 | 1 | 0 | 0 | 1 | 0 | 2 |
| CoR | 0 | 3 | 0 | 0 | 1 | 0 | 4 |
| EEAS | 0 | 31 | 0 | 1 | 0 | 0 | 32 |
| Ombudsman | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| EDPS | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Total | 2 | 295 | 543 | 23 | 48 | 3 | 914 |

Four different rates of the monthly allowance are provided for (2021 figures):

- rate 1: work involving two shifts, excluding weekends and public holidays: EUR 440.26;
- rate 2: work involving two shifts, including nights, weekends and public holidays: EUR 664.51;
- rate 3: 24 hours a day, excluding weekends and public holidays: EUR 726.56;
- rate 4: 24 hours a day, 7 days a week: EUR 990.54.

4.2. Number of beneficiaries per rate

| Institution | Rate 1 | Rate 2 | Rate 3 | Rate 4 | Total |
|------------------------|------------|------------|----------|------------|------------|
| | 432.05 | 652.12 | 713.01 | 972.07 | |
| Parliament | 80 | 319 | 0 | 228 | 627 |
| Council | 23 | 0 | 0 | 56 | 79 |
| Commission | 14 | 0 | 8 | 131 | 153 |
| <i>- of which JRC:</i> | <i>0</i> | <i>0</i> | <i>8</i> | <i>19</i> | <i>27</i> |
| Court of Justice | 0 | 0 | 0 | 0 | 0 |
| Court of Auditors | 0 | 0 | 0 | 17 | 17 |
| EESC | 2 | 0 | 0 | 0 | 2 |
| CoR | 4 | 0 | 0 | 0 | 4 |
| EEAS | 21 | 0 | 0 | 11 | 32 |
| Ombudsman | 0 | 0 | 0 | 0 | 0 |
| EDPS | 0 | 0 | 0 | 0 | 0 |
| Total | 144 | 319 | 8 | 443 | 914 |

4.3. Number of beneficiaries per type of employment

| Institution | JRC | Crisis/ emerg. Coord. | ICT | Safety/ Security | Switch board/ Recep- tion | CFSP/ ESDP | Tech- nical install ations | Ind. action | Total |
|------------------------|-----------|-----------------------------|-----------|---------------------|------------------------------------|---------------|-------------------------------------|----------------|------------|
| Parliament | 0 | 0 | 0 | 560 | 38 | 0 | 29 | 0 | 627 |
| Council | 0 | 0 | 0 | 79 | 0 | 0 | 0 | 0 | 79 |
| Commission | 27 | 22 | 14 | 90 | 0 | 0 | 0 | 0 | 153 |
| <i>- of which JRC:</i> | <i>27</i> | <i>0</i> | <i>0</i> | <i>0</i> | <i>0</i> | <i>0</i> | <i>0</i> | <i>0</i> | <i>27</i> |
| Court of Justice | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Court of Auditors | 0 | 0 | 0 | 17 | 0 | 0 | 0 | 0 | 17 |
| EESC | 0 | 0 | 0 | 2 | 0 | 0 | 0 | 0 | 2 |
| CoR | 0 | 0 | 0 | 4 | 0 | 0 | 0 | 0 | 4 |
| EEAS | 0 | 0 | 12 | 9 | 0 | 11 | 0 | 0 | 32 |
| Ombudsman | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| EDPS | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Total | 27 | 22 | 26 | 761 | 38 | 11 | 29 | 0 | 914 |

5. SERVICES CONCERNED AND REASONS

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

The Commission is still the only institution that pays allowances for particularly arduous working conditions. These allowances are paid to beneficiaries working at the JRC, the Office for Infrastructure and Logistics in Brussels (OIB) and the Directorate-General for Energy (DG ENER).

For the year 2021, two of the ten institutions and bodies indicated that the COVID-19 health crisis still had an impact on the number of beneficiaries. More staff are teleworking than before the crisis, some buildings were still closed or had restricted access, and sometimes it was difficult to replace staff who had contracted COVID-19. The specific impact is indicated in the explanations provided by the institution concerned.

5.1. Reasons for standby duty

Council: The Council paid allowances for standby duty to 98 members of its staff in 2021 (97 in 2020).

The standby services have been set up to cover the following areas: (i) Information and Communication Technologies (ICT), to guarantee the protection and proper functioning of the IT and communications networks, to provide support for the unforeseen activities of the European Council, the Council and their preparatory bodies, and to cover urgent needs of the European Council, the Council and the General Secretariat, in terms of managing the EU's classified information and support for the activities of the President and the Secretary-General as part of external policy; (ii) Safety/Security, to respond immediately to any incident that could affect the staff of the European Council, the Council and the activities of the General Secretariat, and to provide 24/7 support to security officers on mission; (iii) swift action to draft, publish on the internet and disseminate immediate and urgent statements by the rotating Presidency of the Council and the President of the European Council in the context of the CFSP/ESDP, and support for the activities of the President of the European Council and the Secretary-General as part of external policy.

In 2021, standby duty was performed exclusively at home.

Commission: In 2021, the Commission paid allowances for standby duty to 476 members of its staff, representing an increase of 13% compared to 2020 (421 beneficiaries). This increase is mainly due to an extra 65 beneficiaries in DG HR, due to an increase in the number of posts allocated to the close protection service in order to guarantee compliance with health and safety requirements.

Almost 32% of the beneficiaries (152) work at one of the Commission's Joint Research Centres. Compared to last year there were four extra beneficiaries in JRC, due to the

substitution of staff on leave and the creation of a new service to comply with the host state's legislation. Most of the standby duty at the JRC is carried out at home, with the exception of the JRC in Ispra, 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 Commission's other Directorates-General, the number of beneficiaries has decreased slightly for DG DIGIT (-4) and DG ECHO (-9) due to change of function, end of contract or retirement. For the other services, there was little to no change compared to 2020.

Court of Justice: In 2021, the Court of Justice paid allowances for standby services at home to 27 members of its staff (26 in 2021). All the beneficiaries work in the Directorate for Buildings and Security in the Directorate-General for Administration. The units where the beneficiaries work are responsible for the Court's development projects and for managing buildings and security.

Court of Auditors: In 2021, the monthly planning of the Security and Safety service includes the need for standby duties at home for 19 staff members (17 in 2020). They ensure the safety of buildings and their occupants round the clock throughout the year.

EESC-CoR: The EESC and the CoR have a joint standby service within the security service 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 2021, the standby service (at home and at the place of work) was performed by two EESC staff (3 in 2020) and four CoR staff (same as in 2020).

EEAS: In 2021, the EEAS paid allowances for standby duty to 22 members of its staff (28 staff in 2020). This decrease is mainly due to the end of the standby duty regime in the Strategic Communication Division and the replacement of the former Secretary General and her team. No new standby duty system was established for the team of the new Secretary General in 2021. Nevertheless, a new standby duty regime was established for the Special Envoy for Space and the Space Task Force of which the work fall under the Galileo Threat Response Architecture.

The standby services in the EEAS cover three areas of work: (i) security services, to provide round-the-clock protection to EEAS staff, visitors, premises and property in Brussels and to protect classified information at Headquarters; (ii) support to the CFSP/ESDP by monitoring 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 EEAS crisis meetings outside normal working hours and providing support to Human Resources and the Secretary General in their operational tasks protecting the security and essential interests of the Union and its member States in case of a threat to or through the Galileo system; (iii) 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 the operational management of the Central Cortesy system hub and the Cortesy Point of Presence, and via Central EUCI registry ensuring registering of C-UE/EU-C and S-UE/EU-s documents.

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

Commission: As in 2020, the Commission is the only institution to have used this possibility in 2021. Allowances were given to staff working for the reproductions service of the Office for Infrastructure and Logistics in Brussels (OIB), the JRC and for DG ENER for inspections of installations at nuclear sites. A total of 165 beneficiaries received the allowance in 2021 (199 in 2020). This decrease of almost 17% is due, among other things, to the COVID-19 health crisis, during which some beneficiaries did not perform their duties in particularly arduous working conditions, and during which it was not necessary to replace those beneficiaries who retired or left the service.

In 2021, the total number of hours worked under particularly arduous conditions were categorised as follows:

- 23 565.25 hours (25 282.64 in 2020) relating to safety of the individual (for example, the wearing of particularly uncomfortable protective clothing);
- 39 351.35 hours (42 379.07 in 2020) relating to the place of work (for example, high noise level, dangerous sites);
- 4 819.58 hours (5 073.61 in 2020) relating to the nature of the work (for example, handling of corrosive substances);
- 148.25 hours (0 in 2020) relating to the safety of the individual and to the place of work.

The number of hours considerably decreased due to the decrease in the number of beneficiaries. The COVID-19 health crisis, which has led to a greater number of teleworkers, explains the decrease in the number of hours worked under particularly arduous conditions compared to 2020.

5.3. Reasons for shift work

European Parliament: In 2021, the European Parliament paid shift work allowances to cover (i) safety and security services in the three places of work: Brussels, Strasbourg and Luxembourg; (ii) services related to the reception, security and control of visitors (Parliamentarium, House of European History and the Jean Monnet House, Sports Centre) 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; (iii) technical installation services to supervise and coordinate external maintenance service providers, in particular outside the normal working hours and to take part in the upkeep of certain type of sensitive information, such as Parliament's plans.

The set-up consists of: a two-shift arrangement (rate 1), a two-shift arrangement including nights, weekends and public holidays (rate 2), and a continuous 24-hour service (rate 4). The number of beneficiaries in 2021 increased considerably (627 compared to 545 in 2020). This increase is due to a new service for technical installation that became operational in 2021 and due to the reopening of buildings after their closures due to the COVID-19 crisis.

Council: The Council has a system of shift work in place to ensure the continuity of the services responsible for prevention and for the safety and security of buildings and persons in the two Council buildings. There was little change in the number of beneficiaries, 79 in 2021, compared to 78 in 2020.

Commission: Within the Commission, the JRC (for reasons relating to the nature of the activities) and DG HR (safety and security department) are mainly using shift work services (27 and 82 persons respectively in 2021). Compared to 2020, for both the JRC and DG HR there was a decrease in number of beneficiaries by one beneficiary.

As in 2020, in 2021, shift work was performed in the other Directorates-General by 44 persons in the following areas:

- Security and prevention: 8 (OIL);
- Information and Communication Technologies: 14 (DG COMM);
- Assistance to Member States: 22 (DG ECHO).

Rates 1, 3 and 4 are applied in the Commission, with rate 4 (continuous service) being used mainly in the security services.

Court of Auditors: In 2021, the only shift work service reported by the Court of Auditors was a service put in place in the Human Resources, Finance and General Services Directorate to ensure the safety of buildings and their occupants. It is a continuous 24-hour service (rate 4) with 17 beneficiaries (the same as in 2020).

EESC-CoR: The EESC and the CoR have a joint shift work service in place to meet the need for continuous presence in the security service. The EESC paid allowances to two beneficiaries (rate 1; three in 2020) and the CoR to four beneficiaries (rate 1; same as in 2020).

EEAS: In 2021, the EEAS paid shift work allowances to 32 beneficiaries (30 in 2020) to provide round-the-clock protection to EEAS staff, visitors, premises and physical assets in Brussels, 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, including to Delegations and to the General Secretariat of the Council.

Both rate 1 and 4 are applicable at the EEAS.

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

| Institution | Shift work | Standby duty | Particularly arduous working conditions | Total |
|------------------------|---------------------|---------------------|---|----------------------|
| Parliament | 5 396 651.55 | 0 | 0 | 5 396 651.55 |
| Council | 740 853.00 | 325 127.00 | 0 | 1 065 980.00 |
| Commission | 1 616 936.14 | 1 672 011.34 | 262 111.90 | 3 551 059.38 |
| <i>- of which JRC:</i> | <i>238 986.33</i> | <i>647 637.89</i> | <i>241 769.76</i> | <i>1 128 393.98</i> |
| Court of Justice | 0 | 74 965.88 | 0 | 74 965.88 |
| Court of Auditors | 193 189.35 | 21 162.47 | 0 | 214 351.82 |
| EESC | 10 467.72 | 6 530.84 | 0 | 16 998.56 |
| CoR | 20 084.24 | 12 977.34 | 0 | 33 061.58 |
| EEAS | 245 510.75 | 84 550.22 | 0 | 330 060.97 € |
| Ombudsman | 0 | 0 | 0 | 0 |
| EDPS | 0 | 0 | 0 | 0 |
| Total | 8 223 692.75 | 2 197 325.09 | 262 111.90 | 10 683 129.74 |

The amount spent on the three allowances in all the European institutions in 2021 was EUR **10 683 129.74** (EUR **10 092 450.72** in 2020).

The increase in expenditure for standby duty allowances is mainly due to the increase in number of beneficiaries at the Commission (from 421 to 476) and the creation of new standby duty teams in the Council President and Secretary General's cabinets and in SMART (Classified information services) at the Council at the end of 2020, which made 2021 the first year during which the new beneficiaries received allowances for a whole calendar year.

Moreover, for the shiftwork allowances, the main reasons for the increase in expenditure are the increase in number of beneficiaries at the European Parliament (from 545 to 672) and the increase in posts allocated to the close protection service at the Commission in 2020, which made 2021 the first year during which the beneficiaries recruited in 2020 received the shiftwork allowances for a whole calendar year.