EUROPEAN
COMMISSION

Brussels, 26.4.2021
COM(2021) 204 final

REPORT FROM THE COMMISSION TO THE COUNCIL AND THE EUROPEAN PARLIAMENT

on the use made in 2019 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 2019 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 2019. 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 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 0.95 in 2019).

The following figures indicate the number of allowances granted by each institution for 2019.

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

Institution	AD	SC-AST	CA				Total
			FG I	FG II	FG III	FG IV	
Commission	139	206	50	8	12	9	**424**
- of which JRC:	*48*	*81*	*18*	*0*	*1*	*3*	***151***
Council	15	68	2	0	0	0	**85**
Parliament	0	0	0	0	0	0	**0**
Court of Justice	11	15	1	0	0	1	**28**
Court of Auditors	0	1	16	0	0	0	**17**
EESC	0	3	0	0	0	0	**3**
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	14	11	0	2	5	1	**33**
Total	**179**	**307**	**69**	**10**	**18**	**11**	**594**

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	409	5	10	**424**
- of which JRC:	*137*	*5*	*9*	***151***
Council	85	0	0	**85**
Parliament	0	0	0	**0**
Court of Justice	28	0	0	**28**
Court of Auditors	17	0	0	**17**
EESC	3	0	0	**3**
CoR	4	0	0	**4**
EDPS	0	0	0	**0**
Ombudsman	0	0	0	**0**
EEAS	33	0	0	**33**
Total	**579**	**5**	**10**	**594**

2.3. Number of beneficiaries per type of employment

Institution	JRC	Indirect action	Technical installations	Security	ICT	CFSP/ ESDP	MS 24/7	Total
Commission	151	2	58	39	133	0	41	**424**
- of which JRC:	*151*	*0*	*0*	*0*	*0*	*0*	*0*	***151***
Council	0	0	0	28	46	11	0	**85**
Parliament	0	0	0	0	0	0	0	**0**
Court of Justice	0	0	16	12	0	0	0	**28**
Court of Auditors	0	0	0	17	0	0	0	**17**
EESC	0	0	0	3	0	0	0	**3**
CoR	0	0	0	4	0	0	0	**4**
EDPS	0	0	0	0	0	0	0	**0**
Ombudsman	0	0	0	0	0	0	0	**0**
EEAS	0	0	0	4	9	20	0	**33**
Total	**151**	**2**	**74**	**107**	**188**	**31**	**41**	**594**

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 (1) 'personal protection'

(wearing of uncomfortable special clothing, partial protection), (2) 'place of work' (confined, noisy and dangerous places) and (3) '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 fire protection suit. Each point is equal to 0.032% of the basic salary of an official in grade 1, step 1 (= EUR 0.95 in 2019).

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

Institution	AD	SC-AST	CA				Total
			FG I	FG II	FG III	FG IV	
Commission	36	144	26	0	1	9	**216**
- of which JRC:	*32*	*132*	*16*	*0*	*1*	*9*	***190***
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**
Total	**36**	**144**	**26**	**0**	**1**	**9**	**216**

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 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,

[1] Article 3 of Council Regulation No 858/2004.

– 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 2019.

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	0	75	20	24	6	0	**125**
- of which JRC:	*0*	*21*	*9*	*0*	*0*	*0*	***30***
Council	0	65	0	10	0	0	**75**
Parliament	4	57	516	4	12	2	**595**
Court of Justice	0	0	0	0	0	0	**0**
Court of Auditors	0	1	16	0	0	0	**17**
EESC	0	3	0	0	0	0	**3**
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	36	0	0	0	0	**36**
Total	**4**	**240**	**552**	**38**	**19**	**2**	**855**

Four different rates of the monthly allowance are provided for (2019 figures):
– rate 1: work involving two shifts, excluding weekends and public holidays: EUR 429.05;
– rate 2: work involving two shifts, including nights, weekends and public holidays: EUR 647.59;
– rate 3: 24 hours a day, excluding weekends and public holidays: EUR 708.05;
– rate 4: 24 hours a day, 7 days a week: EUR 965.31.

4.2. Number of beneficiaries per rate

Institution	Rate 1	Rate 2	Rate 3	Rate 4	Total
	429.05	647.59	708.05	965.31	
Commission	14	0	8	103	**125**
- of which JRC:	*0*	*0*	*8*	*22*	*30*
Council	25	0	0	50	**75**
Parliament	50	281	0	264	**595**
Court of Justice	0	0	0	0	**0**
Court of Auditors	0	0	0	17	**17**
EESC	3	0	0	0	**3**
CoR	4	0	0	0	**4**
EDPS	0	0	0	0	**0**
Ombudsman	0	0	0	0	**0**
EEAS	27	0	0	9	**36**
Total	**123**	**281**	**8**	**443**	**855**

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	30	16	14	65	0	0	0	0	**125**
- of which JRC:	*30*	*0*	*0*	*0*	*0*	*0*	*0*	*0*	***30***
Council	0	0	0	75	0	0	0	0	**75**
Parliament	0	0	0	545	50	0	0	0	**595**
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	3	0	0	0	0	**3**
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	14	13	0	9	0	0	**36**
Total	**30**	**16**	**28**	**722**	**50**	**9**	**0**	**0**	**855**

5. SERVICES CONCERNED AND REASONS

The Council, the Commission, the EEAS, the European Parliament, the Court of Justice, the Court of Auditors and both Committees 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, at the JRC, the Office for Infrastructure and Logistics in Brussels (OIB) and, since 2018, for the nuclear inspectors at DG ENER.

5.1. Reasons for standby duty

Commission: In 2019, the Commission paid allowances for standby duty to 410 members of its staff, representing a slight decrease compared to 2018 (416 beneficiaries).

There was an increase in the information communication and technology (ICT) services department (+16). This increase is due to a larger number of beneficiaries (103 compared to 89 in 2018) forming part of the 23 existing standby services within DG DIGIT. By contrast, there has been a slight decrease in the technical installation services over the last few years (abolition of standby services at the Publications Office, fewer beneficiaries in OIB/OIL). The

same trend can be observed in the area of crisis/emergency coordination (-9).
About 37% (151) of the beneficiaries work at one of the research centres. In most cases at the JRC, standby duty is carried out at home, with the exception of 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, there was a slight decrease in the number of beneficiaries (54 in 2018, 47 in 2019) in DG ECHO (MS 24/7), following an increase (+5) in 2018. For the other services, there was little change compared to 2018.

Council: The Council paid allowances for standby duty to 85 members of its staff in 2019 (77 in 2018).

Four services have been set up to cover the following areas: (1) Information and Communication Technologies (ICT), 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 the staff of the General Secretariat of the Council and the activities of the Council and the European Council, and to provide 24/7 support to security officers on mission, (3) 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 2019, standby duty was performed exclusively at home.
This upward trend can be explained by a slight increase in the number of beneficiaries in the existing services on the one hand, and by the creation of a new service in unit ORG.5 'Information Security' on the other.

Court of Auditors: In 2019, the monthly planning of the security and safety department includes standby duties at home for 17 staff members, the same as in 2018. They ensure the safety of buildings and their occupants round the clock throughout the year.

EEAS: In 2019, the EEAS paid allowances for standby duty to 33 members of its staff (29 staff in 2018). The creation of a new service in unit SG AFF GEN 6 'Strategic communication' explains this increase. The standby services cover three areas of work: (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 2019, the Court of Justice paid allowances for standby services at home to 28 members of its staff (27 in 2018). 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: There is a joint standby service within the security service at the CoR and the EESC 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 2019, the standby service at home concerned 4 CoR staff (the same as in 2018) and 3 EESC staff (2 in 2018).

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

Commission: The Commission is still the only institution to have used this possibility in 2019: the Office for Infrastructure and Logistics in Brussels (OIB) for the reproduction service, the Joint Research Centre and DG ENER for inspections of installations at nuclear sites, for a total of 216 beneficiaries in 2019 (209 in 2018).

In 2019, the total number of hours worked under particularly arduous conditions was broken down as follows:

- 64 889.11 hours (65 808.19 in 2018) relating to individual protection (for example, the wearing of particularly uncomfortable protective clothing);
- 115 973.35 hours (117 127.13 in 2018) relating to the place of work (for example, high noise level, dangerous sites);
- 12 162.74 hours (11 539.68 in 2018) relating to the nature of the work (for example, handling of corrosive substances);
- 8 hours (26.20 in 2018) relating to the combination of personal protection and places of work (nuclear inspectors: high noise level, protective clothing with self-contained breathing apparatus).

5.3. Reasons for shift work

Commission: Within the Commission, the JRC (for reasons relating to the nature of the tasks) and DG HR (safety and security department) made the greatest use of this type of work organisation (30 and 57 persons respectively in 2019).

In 2019 shift work was performed in the other Directorates-General (operating budget) by 38 persons in the following areas:

- Security and prevention: 8 (OIL);
- Information and Communication Technologies: 14 (DG COMM);
- Assistance to Member States: 16 (DG ECHO).

The shift work arrangement at DG COMM prepares press reviews for the President, the College and the Spokesperson's Service.

The around-the-clock service in the Monitoring and Information Centre at DG ECHO assists Member States and the Commission during disasters.

Rates 1, 3 and 4 (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 prevention and for the safety and security of buildings and persons in the two Council buildings.

The number of beneficiaries remained stable (75 in 2019 as in 2018).

European Parliament: In 2019, 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 (Parlamentarium, House of European History and the Jean Monnet House (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). The number of beneficiaries remained almost stable with 595 beneficiaries in 2019 (603 in 2018).

In 2019, the Parliament reported a sharp decrease in the number of people receiving the rate 1 allowance but an increase in the number of beneficiaries of the rate 2 and 4 allowances, which led to a significant increase in the budget used.

Court of Auditors: In 2019, the only service reported by the Court of Auditors was shift work put in place in unit RH 2 'General services'. It is a continuous 24-hour service (rate 4) with 17 beneficiaries (19 in 2018). Shift work in the telephone service/reception domain reported in 2018 (2 beneficiaries) was abolished.

EEAS: In 2019, the EEAS paid 36 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: A joint shift work service is operating at the CoR and at the EESC to meet the need for continuous presence in the security service. The CoR pays allowances to 4 beneficiaries (rate 1) and the EESC to 3 beneficiaries (rate 1).

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

Institution	Shift work	Standby duty	Arduous working conditions	Total
Commission	1 114 753.93	1 565 038.22	650 195.23	**3 329 987.38**
- of which JRC:	*216 008.78*	*634 304.88*	*616 763.55*	***1 467 077.21***
Council	645 516.00	258 689.00	0	**904 205.00**
Parliament	5 581 878.31	0	0	**5 581 878.31**
Court of Justice	0	67 265.00	0	**67 265.00**
Court of Auditors	192 198.69	12 314.87	0	**204 513.56**
EESC	12 753.76	6 958.64	0	**19 712.40**
CoR	20 392.56	12 718.72	0	**33 111.28**
EDPS	0	0	0	**0**
Ombudsman	0	0	0	**0**
EEAS	249 700.00	101 874.00	0	**351 574.00**
Total	**7 817 193.25**	**2 024 858.45**	**650 195.23**	**10 492 246.93**

The amount spent on the three allowances in all the European Institutions stood at EUR **10 492 246.93** in 2019 (EUR 9 378 337.37 in 2018).