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REPORT FROM THE COMMISSION TO THE COUNCIL AND THE EUROPEAN PARLIAMENT

on the use made in 2022 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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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 2022. It covers all the institutions[1]. 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.

[1] Within the meaning of the Staff Regulations.

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 1.05 in 2022).

The following figures indicate the number of allowances granted by each institution for 2022.

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	33	110	3	0	2	1	**149**
Commission	141	274	47	16	39	11	**528**
- of which JRC:	*48*	*76*	*18*	*0*	*4*	*7*	***153***
Court of Justice	16	18	1	0	0	0	**35**
Court of Auditors	0	3	17	0	0	0	**20**
EESC	0	2	0	0	1	0	**3**
CoR	0	3	0	0	1	0	**4**
EEAS	12	7	0	0	0	1	**20**
Ombudsman	0	0	0	0	0	0	**0**
EDPS	0	0	0	0	0	0	**0**
Total	**202**	**417**	**68**	**16**	**43**	**13**	**759**

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	149	0	0	**149**
Commission	513	7	8	**528**
- of which JRC:	*140*	*5*	*8*	***153***
Court of Justice	35	0	0	**35**
Court of Auditors	20	0	0	**20**
EESC	0	3	0	**3**
CoR	0	4	0	**4**
EEAS	20	0	0	**20**
Ombudsman	0	0	0	**0**
EDPS	0	0	0	**0**
Total	**737**	**14**	**8**	**759**

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	18	32	65	34	0	**149**
Commission	153	2	65	129	117	0	62	**528**
- of which JRC:	*153*	*0*	*0*	*0*	*0*	*0*	*0*	***153***
Court of Justice	0	0	17	11	7	0	0	**35**
Court of Auditors	0	0	0	20	0	0	0	**20**
EESC	0	0	0	3	0	0	0	**3**
CoR	0	0	0	4	0	0	0	**4**
EEAS	0	0	0	5	7	8	0	**20**
Ombudsman	0	0	0	0	0	0	0	**0**
EDPS	0	0	0	0	0	0	0	**0**
Total	**153**	**2**	**100**	**204**	**196**	**42**	**62**	**759**

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. 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)[2].

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 1.05 in 2022).

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	23	107	15	2	5	12	**164**
- of which JRC:	*23*	*106*	*7*	*1*	*5*	*12*	***154***
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	**23**	**107**	**15**	**2**	**5**	**12**	**164**

[2] 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 2022.

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	589	9	21	1	**709**
Council	0	75	0	0	0	0	**75**
Commission	1	115	14	16	31	1	**178**
- of which JRC:	*0*	*15*	*10*	*0*	*4*	*0*	***29***
Court of Justice	0	0	0	0	0	0	**0**
Court of Auditors	0	1	16	0	0	0	**17**
EESC	0	2	0	0	1	0	**3**
CoR	0	3	0	0	1	0	**4**
EEAS	0	36	1	0	0	0	**37**
Ombudsman	0	0	0	0	0	0	**0**
EDPS	0	0	0	0	0	0	**0**
Total	**3**	**319**	**620**	**25**	**54**	**2**	**1023**

Four different rates of the monthly allowance are provided for (2022 figures):
- rate 1: work involving two shifts, excluding weekends and public holidays: EUR 471.12;
- rate 2: work involving two shifts, including one night, weekends and public holidays: EUR 711.08;
- rate 3: 24 hours a day, excluding weekends and public holidays: EUR 777.48;
- rate 4: 24 hours a day, 7 days a week: EUR 1059.95.

4.2. Number of beneficiaries per rate

Institution	Rate 1	Rate 2	Rate 3	Rate 4	Total
	EUR 471.12	EUR 711.08	EUR 777.48	EUR 1059.95	
Parliament	82	329	0	298	**709**
Council	33	0	0	42	**75**
Commission	17	0	9	152	**178**
- of which JRC:	*0*	*0*	*9*	*20*	***29***
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**
EEAS	27	0	0	10	**37**
Ombudsman	0	0	0	0	**0**
EDPS	0	0	0	0	**0**
Total	**166**	**329**	**9**	**519**	**1023**

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	Indire ct action	Total
Parliament	0	0	0	644	34	0	31	0	**709**
Council	0	0	0	75	0	0	0	0	**75**
Commission	29	26	12	111	0	0	0	0	**178**
- of which JRC:	*29*	*0*	*0*	*0*	*0*	*0*	*0*	*0*	***29***
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**
EEAS	0	0	17	10	0	10	0	0	**37**
Ombudsman	0	0	0	0	0	0	0	0	**0**
EDPS	0	0	0	0	0	0	0	0	**0**
Total	**29**	**26**	**29**	**864**	**34**	**10**	**31**	**0**	**1023**

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).

5.1. Reasons for standby duty

Council: The Council paid allowances for standby duty to 149 members of its staff in 2022 (98 in 2021). The increase of around 50% in beneficiairies was due to the regularisation of a standby duty service covering technical installations and the creation of several standby duty teams to be able to reply to an immediate reaction requested by the President of the European Council, specifically outside normal working hours, due to the difficult political situation since February 2022.

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; (ii) Safety and 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 Member State holding the rotating Presidency of the Council and by the President of the European Council in the context of the CFSP/ESDP, and (logistical) support for the activities of the President of the European Council and the Secretary-General as part of external policy; (iv) Technical Installations, to ensure that the occupants of the buildings are able to work in a safe, pleasant and comfortable environment and that the rooms and necessary technical equipment are properly maintained.

In 2022, standby duty was performed exclusively at home.

Commission: In 2022, the Commission paid allowances for standby duty to 528 members of its staff, representing an increase of almost 11% compared to 2021 (476 beneficiaries). This increase is mainly due to 20 and 19 extra beneficiaries in DG HR and DG ECHO respectively. The number of beneficiaries in DG HR increased 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 and the creation of two new standby duty services. The first new standby duty service provides technical surveillance to prevent and detect threats stemming from espionage during high-level sensitive meetings and the second is to ensure the operations of the Communication and Information System (SUE) that allows handling of European Union

Classified Information and handle incidents related to this system. The number of beneficiaries in DG ECHO increased to be able to cover the higher workload at the Emergency Response Coordination Centre following the increase of responsibilities of the Centre and the general increase in workload due to the evolution of the emergency landscape with new risks.

21% of the beneficiaries (153) work at one of the Commission's Joint Research Centres. 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 due to the specific nature of the tasks to be performed. OLAF is the other Directorate-General where the duties are undertaken at the place of work or at home. The remaining standby duty services at the Commission are performed at home.

In the Commission's other Directorates-General, the number of beneficiaries has increased slightly for DG DIGIT (+6), due to replacements of beneficiaries who left. For the other services, there was little to no change compared to 2021.

Court of Justice: In 2022, the Court of Justice paid allowances for standby services at home to 35 members of its staff (27 in 2021). The number of beneficiaries increased due to the creation of a new standby duty service covering the area of ICT as the international context revealed increased risks of cyberattacks, which requires special monitoring. The rest of 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 2022, the monthly planning of the Security and Safety service includes the need for standby duties at home for 20 staff members (19 in 2021). 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 2022, the standby service (at home and at the place of work) was performed by three EESC staff (2 in 2021) and four CoR staff (same as in 2021).

EEAS: In 2022, the EEAS paid allowances for standby duty to 20 members of its staff (22 staff in 2021).

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 2021, the Commission is the only institution to have used this possibility in 2022. Allowances were given to staff working for the reproductions service of the Office for Infrastructure and Logistics in Brussels (OIB), for DG ENER for inspections of installations at nuclear sites, and for the JRC. A total of 164 beneficiaries received the allowance in 2022 (165 in 2021). Therefore, the number of beneficiaries remained relatively stable.

In 2022, the total number of hours worked under particularly arduous conditions were categorised as follows:

- 32 752.00 hours (23 565.25 in 2021) relating to safety of the individual (for example, the wearing of particularly uncomfortable protective clothing);
- 61 073.75 hours (39 351.35 in 2021) relating to the place of work (for example, high noise level, dangerous sites);
- 5 522.13 hours (4 819.58 in 2021) relating to the nature of the work (for example, handling of corrosive substances);
- 0 hours (148.25 in 2021) relating to the safety of the individual and to the place of work.

The number of hours increased compared to 2021, because of the reopening of JRC laboratories after the COVID-19 health crisis. However, the activities are not yet back to pre-COVID-19 health crisis level.

5.3. Reasons for shift work

European Parliament: In 2022, 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 (Parlamentarium, 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 2022 increased considerably (709 compared to 627 in 2021). This increase of 13% is due to the internalisation of security in Luxembourg.

Council: The Council has a system of shift work in place to ensure the continuity of the services responsible for the safety and security of buildings and persons. There was a small change (-4) in the number of beneficiaries compared to 2021 (75 compared to 79 in 2021). Furthermore, following a reorganisation, 8 beneficiaries changed from shiftwork under rate 4 to rate 1 on 30 May 2022. These beneficiaries are included in the number of beneficiaries (33) under rate 1.

Commission: Within the Commission, DG HR (safety and security department), the JRC (for reasons relating to the nature of the activities) and DG ECHO (support for emergency and crisis coordination) are mainly using shift work services (103, 29 and 26 beneficiaries respectively in 2022). Compared to 2021, there was an increase of beneficiaries in all of these three services. In the JRC the number of beneficiaries increased with 2 beneficiaries. In DG ECHO the number increased with 4 beneficiaries to be able to cover the higher workload at the Emergency Response Coordination Centre following the increase of responsibilities of the Centre and the general increase in workload due to the evolution of the emergency landscape with new risks. In DG HR, there were 21 more beneficiaries, 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 and the creation of a new shiftwork service to ensure the presence of specialised in-house armed security officers.

As in 2021, in 2022, shift work was also performed in two other Directorates-General in the following areas:

- Security and prevention: 8 (OIL);
- Information and Communication Technologies: 12 (DG COMM; 14 in 2021);

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

Court of Auditors: In 2022, 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 2021).

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 three beneficiaries (rate 1; two in 2021) and the CoR to four beneficiaries (rate 1; same as in 2021).

EEAS: In 2022, the EEAS paid shift work allowances to 37 beneficiaries (32 in 2021) 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 Secreteriat of the Council. The difference is due to a decrease of 1 beneficiary in the service ensuring the daily monitoring and assessment of politically significant events, and an increase of 6 beneficiaries in the service for the transmission of classified information, filling in the positions that were vacant for most of 2021 and to cover for additional responsibilities since 2022. Both rate 1 and 4 are applicable at the EEAS.

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

Institution	Standby duty	Particularly arduous working conditions	Shift work	Total
Parliament	0	0	6 373 552.80	6 373 552.80
Council	434 822	0	692 588	1 127 410.00
Commission	1 768 721.89	456 738.14	1 794 552.57	**4 020 012.60**
- of which JRC:	*702 747.57*	*430 712.21*	*251 958.66*	**1 385 418.44**
Court of Justice	60 751.56	0	0	60 751.56
Court of Auditors	31 454.18	0	198 869.01	230 323.19
EESC	8 504.49	0	9 650.04	18 154.53
CoR	11 077.98	0	20 242.32	31 320.30
EEAS	79 127.44	0	246 219.52	325 346.96
Ombudsman	0	0	0	**0**
EDPS	0	0	0	**0**
Total	**2 394 459.54**	**456 738.14**	**9 335 674.26**	**12 186 871.94**

The amount spent on the three allowances in all the European institutions in 2022 was EUR **12 186 871.94** (for comparison, EUR **10 683 129.74** in 2021).

The increase in total expenditure compared to 2021 is mainly due to the increase of expenditure for shiftwork allowances (EUR 8 223 692.75 in 2021), resulting from an increase of beneficiaries of shift work allowances at the European Parliament (from 627 to 709) and at the Commission (from 153 to 178).

The expenditure for standby duty allowances increased slightly as well (EUR 2 197 325.09 in 2021), predominantly because of the increase of beneficiaries of this allowance at the Council (from 98 to 149) and at the Commission (from 476 to 528).

In addition, as the JRC laboratories had been opening again after their closures during the COVID-19 health crisis, the number of hours worked under particularly arduous working conditions increased, which resulted in the increase of the expenditure for this allowance by almost 75% compared to 2021 (EUR 262 111.90 in 2021).