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REPORT FROM THE COMMISSION TO THE COUNCIL AND THE EUROPEAN PARLIAMENT

on the use made in 2016 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 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 2016. 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 0.9056 in 2016).

2.1. Number of beneficiaries (officials/temporary staff and contract staff)[1]:

Institution	AD	SC - AST	CA				Total
			FG I	FG II	FG III	FG IV	
Commission	88.33	203.33	37.33	7	12	2	**350**
- of which JRC:	*40*	*83*	*14*	*2*	*2*	*1*	***142***
Council	13	47	2	0	0	0	**62**
Parliament	0	0	0	0	0	0	0
Court of Justice	7	11	0	0	1	0	19
Court of Auditors	0	0	10	0	0	0	**10**
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	9	0	0	0	0	**16**
Total	**115.33**	**270.33**	**49.33**	**7**	**13**	**2**	**457**

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	330	0	20	**350**
- of which JRC:	*123*	*0*	*19*	***142***
Council	62	0	0	**62**
Parliament	0	0	0	0
Court of Justice	19	0	0	19
Court of Auditors	10	0	0	**10**
EESC	0	0	0	0
CoR	0	0	0	0
EDPS	0	0	0	0
Ombudsman	0	0	0	0
EEAS	16	0	0	**16**
Total	**437**	**0**	**20**	**457**

[1] 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/ESDP	MS 24/7	Total
Commission	142	0	65	40	71	0	32	**350**
- of which JRC:	*142*	*0*	*0*	*0*	*0*	*0*	*0*	***142***
Council	0	0	0	15	40	7	0	**62**
Parliament	0	0	0	0	0	0	0	**0**
Court of Justice	0	0	14	5	0	0	0	**16**
Court of Auditors	0	0	0	10	0	0	0	**10**
EESC	0	0	0	0	0	0	0	**0**
CoR	0	0	0	0	0	0	0	**0**
EDPS	0	0	0	0	0	0	0	**0**
Ombudsman	0	0	0	0	0	0	0	**0**
EEAS	0	0	0	4	9	3	0	**16**
Total	**142**	**0**	**79**	**74**	**120**	**10**	**32**	**457**

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 0.9056 in 2016).

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	37	161	29	0	0	6	**233**
- of which JRC:	*37*	*156*	*19*	*0*	*0*	*6*	***218***
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	**37**	**161**	**29**	**0**	**0**	**6**	**233**

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 2016.

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	15	80	18	16	3	0	**132**
- of which JRC:	*7*	*31*	*6*	*0*	*0*	*0*	***44***
Council	0	77	1	8	0	0	**86**
Parliament	0	47	499	15	9	0	**570**
Court of Justice	0	0	0	0	0	0	**0**
Court of Auditors	0	0	14	0	0	0	**14**
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	37	0	1	0	0	**38**
Total	**15**	**241**	**532**	**40**	**12**	**0**	**840**

Four different rates of the monthly allowance are provided for (2016 figures):

- rate 1: work involving two shifts, excluding weekends and public holidays: EUR 407.50;
- rate 2: work involving two shifts, including nights, weekends and public holidays: EUR 615.05;
- rate 3: 24 hours a day, excluding weekends and public holidays: EUR 672.48;
- rate 4: 24 hours a day, 7 days a week: EUR 916.81.

4.2. Number of beneficiaries per rate:

Institution	Rate 1	Rate 2	Rate 3	Rate 4	Total
	EUR 407.50	EUR 615.05	EUR 672.48	EUR 916.81	
Commission	18	16	8	90	**132**
- of which JRC:	*0*	*16*	*8*	*20*	*44*
Council	43	0	0	43	**86**
Parliament	284	197	0	89	**570**
Court of Justice	0	0	0	0	**0**
Court of Auditors	1	0	0	13	**14**
EESC	0	0	0	0	**0**
CoR	0	0	0	0	**0**
EDPS	0	0	0	0	**0**
Ombudsman	0	0	0	0	**0**
EEAS	28	0	0	10	**38**
Total	**374**	**213**	**8**	**245**	**840**

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	44	16	17	54	0	0	1	**0**	**132**
- of which JRC:	*44*	*0*	*0*	*0*	*0*	*0*	*0*	***0***	***44***
Council	0	0	0	86	0	0	0	**0**	**86**
Parliament	0	0	0	550	20	0	0	**0**	**570**
Court of Justice	0	0	0	0	0	0	0	**0**	**0**
Court of Auditors	0	0	0	13	1	0	0	**0**	**14**
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	14	14	0	10	0	**0**	**38**
Total	**44**	**16**	**31**	**717**	**21**	**10**	**1**	**0**	**840**

5. SERVICES CONCERNED AND REASONS

The Council, the Commission, the EEAS (which took over much of the former DG RELEX) and the Court of Auditors use standby duty and shift work and pay the allowances provided for by the legislation.

The European Parliament does not have standby duty and only pays allowances for shift work.

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 2016, the Commission paid allowances for standby duty to 350 members of its staff. Around 41 % (142) are employed at one of the Research Centres, representing a slight decrease compared to 2015. This results from (1) the abolition of the allowance granted to the 'Fire & Rescue' team in Karlsruhe and (2) the replacement of the 'IPR WINTER 2015/2016' temporary standby duty with a framework contract. 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, there was little change compared to 2015. 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 to 62 members of its staff in 2016 (an increase of 15 people compared to 2015). The fields in question were information and communication technology (ICT) services, security services and support for the CFSP/ESDP. In 2016, standby duty was performed exclusively at home.

Court of Auditors: The Court of Auditors paid allowances for standby services at home to 10 members of its staff in 2016.

EEAS: In 2016, the EEAS paid allowances for standby services at home to 16 members of its staff in three fields: security services, support for the CFSP/ESDP, and information and communication technology (ICT) services.

Court of Justice: In 2016, the Court of Justice paid allowances for standby services at home to 19 members of its staff. This service was established in November 2014 at the Directorate-General for Infrastructure to cover the supervision of technical installations and performance of security-related tasks.

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 2016. 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 2016, the total number of hours worked under particularly arduous conditions was broken down as follows:

- 67 066.91 hours relating to individual protection (for example, the wearing of particularly uncomfortable protective clothing),
- 117 496.59 hours relating to the place of work (for example, high noise levels, dangerous sites), and
- 13 779.53 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 (44 and 46 persons respectively in 2016).

In 2016 shift work was performed in the other DGs (operating budget) by 42 persons in the following types of services:

- Security and prevention: 8 (OIL)
- Technical installations: 1 (PO)
- Information and communication technology (ICT): 17 (DG COMM)
- Assistance to Member States: 16 (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 around-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 opening of the new Europa building has had a signficant and direct impact on the services responsible for the safety and security of property and people within the institution.

Existing staff in the Security Office, who are required to perform shift work (rate 1) and to provide a continuous service (rate 4) have had to be reorganised and have their numbers increased to cater for the opening and running of the new building.

The Prevention service increased the size of its shiftwork team (rate 1) during the first half of the year, before moving to a continuous service from 1 July 2016. This was made necessary

by both the entry into service of the Europa building and the fact that the team members had to take on the tasks previously carried out by external staff on top of their usual responsibilities.

The reorganisation of these services, which include AST officials and contract staff, led to an increase in the number of allowances in 2016 (86) compared to 2015 (61).

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.

Following a significant increase in 2015 (503), 570 allowances were granted for shift work at the Parliament for 2016. This allowance is mainly used in the field of security and, to a lesser extent, in the telephone service/reception domain. The increase recorded for 2016 again relates to security.

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: The Court of Auditors has been using shift work in the fields of security and telephone service/reception since 2011. Shift work consists of either a two-shift arrangement (rate 1) or a continuous 24-hour service (rate 4). A total of 14 allowances were paid in 2016.

EEAS: In 2016, the EEAS paid 38 allowances in the fields of information and communication technology (ICT), security, and the CFSP/ESDP.

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

Institution	Shift work	Standby duty	Arduous working conditions	Total
Commission	953 248.28	1 301 223.86	613 435.60	**2 867 907.74**
- of which JRC:	*256 513.34*	*552 639.63*	*575 072.36*	***1 384 225.33***
Council	500 310.65	179 622.87	0	**679 933.52**
Parliament	3 382 177 87	0	0	3 382 177 87
Court of Justice	0	14 631.00	0	14 631.00
Court of Auditors	118 897.50	13 544.95	0	**132 442.45**
EESC	0	0	0	**0**
CoR	0	0	0	**0**
EDPS	0	0	0	**0**
Ombudsman	0	0	0	**0**
EEAS	226 741.80	60 942.48	0	**287 684.28**
Total	**5 181 376.10**	**1 569 965.16**	**613 435.60**	**7 364 776.86**

The amount spent on the three allowances in all the European Institutions stood at EUR 7 364 776.86 in 2016 (EUR 6 394 289.11 in 2015).