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REPORT FROM THE COMMISSION TO THE COUNCIL

on the use made in 2012 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 2012. It covers all the Institutions, and for the sake of completeness also contains the same type of information on the use of continuous work and 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, seven 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 (= € 0.85 in 2012 under arrangements in force since 1/7/2010).

2.1. 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	327	55	39	**421**
- of which JRC	*203*	*10*	*28*	***241***
Council	54	0	0	**54**
Parliament	0	0	0	0
Court of Justice	0	0	0	0
Court of Auditors	8	0	0	**8**
EESC	0	0	0	0
CoR	0	0	0	0
EDPS	0	0	0	0
Ombudsman	0	0	0	0
EEAS	27	0	0	**27**
Total	**416**	**55**	**39**	**510**

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

Institution	AD	AST	CA				Total
			FG I	FG II	FG III	FG IV	
Commission	145	238	27	2	9	0	**421**
- of which JRC	*90*	*128*	*20*	*1*	*2*	*0*	***241***
Council	9	43	2	0	0	0	**54**
Parliament	0	0	0	0	0	0	0
Court of Justice	0	0	0	0	0	0	0
Court of Auditors	0	0	8	0	0	0	**8**
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	11	16	0	0	0	0	**27**
Total	**165**	**297**	**37**	**2**	**9**	**0**	**510**

2.3. Number of beneficiaries per type of employment:

Institution	JRC	Indirect action	Technical installations	Security	ICT	CFSP/ ESDP	MS 24 /7	Total
Commission	241	0	33	31	60	0	56	**421**
- of which JRC	*241*	*0*	*0*	*0*	*0*	*0*	*0*	***241***
Council	0	0	26	17	0	11	0	**54**
Parliament	0	0	0	0	0	0	0	**0**
Court of Justice	0	0	0	0	0	0	0	**0**
Court of Auditors	0	0	0	8	0	0	0	**8**
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	3	12	9	3	**27**
Total	**241**	**0**	**59**	**59**	**72**	**20**	**59**	**510**

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 (= € 0.85 in 2012 under arrangements in force since 1/7/2010).

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

Institution	AD	AST	Contract staff				Total
			FG I	FG II	FG III	FG IV	
Commission	34	184	30	0	1	1	**250**
- of which JRC	*34*	*175*	*21*	*0*	*1*	*1*	***232***
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	**34**	**184**	**30**	**0**	**1**	**1**	**250**

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.

Four different rates of the monthly allowance are provided for (2012 figures under arrangements in force since 1/7/2010):

- rate 1: work involving two shifts, excluding weekends and public holidays: € 382.17
- rate 2: work involving two shifts, including nights, weekends and public holidays: € 576.84

– rate 3: 24 hours a day, excluding weekends and public holidays: € 630.69
– rate 4: 24 hours a day, 7 days a week: € 859.84

The following figures indicate the number of allowances granted by each institution for 2012.

4.1. Number of beneficiaries per rate:

Institution	Rate 1 € 382.17	Rate 2 € 576.84	Rate 3 € 630.69	Rate 4 € 859.84	Total
Commission	7	25	8	61	**101**
- of which JRC	*0*	*25*	*8*	*21*	*54*
Council	40	0	0	26	**66**
Parliament	28	0	30	6	**64**
Court of Justice	0	0	0	0	**0**
Court of Auditors	2	0	0	8	**10**
European Economic and Social Committee (EESC)	0	0	0	0	**0**
Committee of the Regions (CoR)	0	0	0	0	**0**
European Data Protection Supervisor (EDPS)	0	0	0	0	**0**
Ombudsman	0	0	0	0	**0**
EEAS	27	0	0	17	**41**
Total	**104**	**25**	**38**	**118**	**282**

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

Institution	AD	AST	CA				Total
			FG I	FG II	FG III	FG IV	
Commission	8	75	16	0	2	0	**101**
- of which JRC	*8*	*39*	*6*	*0*	*1*	*0*	***54***
Council	0	66	0	0	0	0	**66**
Parliament	0	36	0	28	0	0	**64**
Court of Justice	0	0	0	0	0	0	**0**
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	0	39	0	2	0	0	**41**
Total	**8**	**216**	**26**	**30**	**2**	**0**	**282**

4.3. Number of beneficiaries per type of employment:

Institution	JRC	Crisis /emerg. coord.	ICT	Security	Switchboard/Reception	CFSP/ ESDP	Tech. installations	Indirect action	Total
Commission	54	0	3	40	0	0	4	**0**	**101**
- of which JRC	*54*	*0*	*0*	*0*	*0*	*0*	*0*	***0***	***54***
Council	0	0	0	63	0	3	0	**0**	**66**
Parliament	0	0	0	58	0	0	6	**0**	**64**
Court of Justice	0	0	0	0	0	0	0	**0**	**0**
Court of Auditors	0	0	0	8	2	0	0	**0**	**10**
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	16	16	0	9	0	**0**	**41**
Total	**54**	**0**	**19**	**185**	**2**	**12**	**10**	**0**	**282**

5. SERVICES CONCERNED AND REASONS

Parliament, the Council, the Commission, the EEAS (which took over much of the Commission's former DG RELEX) and the Court of Auditors have been using the aforementioned types of special working conditions and paying the corresponding allowances for some time. The Commission remains the only institution to use the allowance 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 2012, the Commission paid standby allowance to some 421 members of staff, approximately 57 % (241) of whom are employed 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 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, 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 at home to 54 members of its staff in 2012. The fields in question remain the running and supervision of technical installations, security services and support for CFSP/ESDP. Standby duty was performed exclusively at home.

Court of Auditors: The Court of Auditors paid allowances for standby services at home to 8 members of its staff in 2012. Allowances were no longer paid in 2012 for information communication technology (ICT).

EEAS: In 2012, the EEAS paid allowances for standby services at home to 27 members of its staff in the following fields: assistance to Member States 24 hours a day, seven days a week (MS 24/7), security services, support for CFSP/ESDP and information and communication technology (ICT) services.

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 2012. 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.

With respect to the criteria for arduous working conditions, all three categories listed in the Regulation for which the allowance can be granted were applicable, i.e.:

a) individual protection (e.g. the wearing of particularly uncomfortable protective clothing),
b) the place of work (e.g. high noise levels, dangerous sites), and
c) the nature of the work (e.g. handling of corrosive substances).

In 2012, the total number of hours worked under such conditions were broken down as follows:

71 603.12 hours relating to individual protection,
127 587.18 hours relating to the place of work, and
17 284.91 hours relating to the nature of the work.

5.3. Reasons for shift work

Commission: Within the Commission, it is the JRC which has the greatest need for this type of work organisation, for reasons relating to the nature of the tasks to be performed (54 out of a total of 2 135 persons listed in 2012).

In 2012, shift work was performed in the other DGs (operational budget) by 47 persons in the following types of services:

- Security and prevention: 40
- Technical installations: 4
- Information and communication technology (ICT): 3

All four rates (types of allowance) are applied in the Commission, especially rates 2 and 4, with the latter (continuous work) being used mainly in the security services.

Council: The number of shift work allowances in the Council stands at 66 for 2012. This allowance is used primarily in the fields of security and prevention (63 members of staff) and

CFSP/ESDP (3 members of staff). Shift work consists of either a two-shift arrangement (rate 1) or a continuous 24-hour service (rate 4).

European Parliament: The European Parliament has been using shift work since 2008. Sixty-four allowances were granted for shift work at Parliament for 2012. This allowance is currently only used in the field of security and is no longer used at all in the telephone service/reception domain. Shift work consists of either a two-shift arrangement (rate 1), a 24-hour service, excluding Saturdays, Sundays and public holidays (rate 3) 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).

EEAS: In 2012, the EEAS paid 41 allowances in the fields of information and communication technology (ICT), security and CFSP/ESDP (part taken over from the Council) but none for assistance for emergency and crisis coordination arrangements.

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

Institution	Shift work	Standby duty	Arduous working conditions	Total
Commission	790 448.88	1 443 239.13	639 547.60	**2 873 235.61**
- of which JRC	*278 020.18*	*634 603.24*	*614 489.77*	***1 527 113.19***
Council	438 886.98	157 618.11	0	**596 505.09**
Parliament	201 686.96	0	0	**201 686.96**
Court of Justice	0	0	0	**0**
Court of Auditors	91 716.72	22 614.40	0	**114 331.12**
EESC	0	0	0	**0**
CoR	0	0	0	**0**
EDPS	0	0	0	**0**
Ombudsman	0	0	0	**0**
EEAS	235 814.00	63 271.46	0	**299 085.46**
Total	**1 758 553.54**	**1 686 743.10**	**639 547.60**	**4 084 844.24**

Total expenditure, that is the amount spent for all three allowances in all the European institutions, was just over € 4 million in 2012.