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REPORT FROM THE COMMISSION TO THE COUNCIL

on the use made in 2010 by the institutions of Council Regulations No 300/76, last amended by Regulation No 1873/2006 (on shift work), No 495/77, last amended by Regulation No 1945/2006 (on standby duty), and No 858/2004 (on particularly arduous working conditions)

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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 regularly 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 2010. 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. 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
- in 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 at 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, or
- employed to run or supervise technical installations.

Four different rates of the monthly allowance are provided for (2010 figures):

- rate 1: work involving two shifts, excluding weekends: EUR 382.17.
- rate 2: work involving two shifts, including nights and weekends: EUR 576.84.
- rate 3: 24 hours per day, excluding weekends: EUR 630.69.
- rate 4: 24 hours per day, 7 days a week: EUR 859.84.

The following figures indicate the number of allowances granted by each institution for 2010.

2.1. Number of beneficiaries per rate:

Institution	Rate 1	Rate 2	Rate 3	Rate 4	Total
	382.17	576.84	630.69	859.84	
Commission	20	29	8	57	**114**
- of which: JRC	*0*	*29*	*8*	*22*	*59*
Council	60	0	0	46	**106**
Parliament	23	0	0	0	**23**
Court of Justice					
Court of Auditors					
European Economic and Social Committee (EESC)					
Committee of the Regions (CoR)					
European Data Protection Supervisor					
Ombudsman					
Total	**103**	**29**	**8**	**103**	**243**

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

Institution	AD	AST	Contract staff				Total
			FG I	FG II	FG III	FG IV	
Commission	10	86	14	0	4	0	**114**
- of which: JRC	*9*	*43*	*5*	*0*	*2*	*0*	***59***
Council	0	106	0	0	0	0	**106**
Parliament	0	22	0	1	0	0	**23**
Court of Justice							
Court of Auditors							
EESC							
CoR							
EDPS:							
Ombudsman							
Total	**10**	**214**	**14**	**1**	**4**	**0**	**243**

2.3. Number of beneficiaries per type of employment:

Institution	**JRC**	**Indirect action**	**ICT**	**Safety**	**Switchboard/Reception**	**CFSP/ ESDP**	**Technical installations**	**Total**
Commission	59	0	9	26	7	0	13	**114**
- of which: JRC	*59*	*0*	*0*	*0*	*0*	*0*	*0*	***59***
Council	0	0	0	82	0	24	0	**106**
Parliament	0	0	0	0	23	0	0	**23**
Court of Justice								
Court of Auditors								
EESC								
CoR								
EDPS:								
Ombudsman								
Total	**59**	**0**	**9**	**108**	**30**	**24**	**13**	**243**

3. 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
- in 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
- for the purposes of a mechanism established to provide assistance to Member States 24 hours a day, seven days a week (MS 24/7).

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: 4.3 points
- standby duty at the place of work, working day: 11 points
- standby duty at the place of work, weekend: 22 points.

Each point is equal to 0.032% of the basic salary of an official in grade 1, step 1 (= €0.85 in 2010).

3.1. 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	214	125	34	**373**
- of which: JRC	*175*	*15*	*34*	***224***
Council	76	0	0	**76**
Parliament				
Court of Justice				
Court of Auditors	2	0	2	**4**
EESC				
CoR				
EDPS:				
Ombudsman				
Total	**292**	**125**	**36**	**453**

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

Institution	AD	AST	Contract staff				Total
			FG I	FG II	FG III	FG IV	
Commission	116	221	25	2	4	5	**373**
- of which: JRC	*73*	*124*	*20*	*1*	*1*	*5*	***224***
Council	17	57	2	0	0	0	**76**
Parliament							
Court of Justice							
Court of Auditors	1	3	0	0	0	0	**4**
EESC							
CoR							
EDPS:							
Ombudsman							
Total	**134**	**281**	**27**	**2**	**4**	**5**	**453**

3.3. Number of beneficiaries per type of employment:

Institution	**JRC**	**Indirect action**	**Technical installations**	**Safety**	**ICT**	**CFSP/ ESDP**	**MS 24/7**	**Total**
Commission	224		17	38	56		38	**373**
- of which: JRC	*224*							***224***
Council			26	17		33		**76**
Parliament								
Court of Justice								
Court of Auditors					4			**4**
EESC								
CoR								
EDPS:								
Ombudsman								
Total	**224**	**0**	**43**	**55**	**60**	**33**	**38**	**453**

4. 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 2010).

Institution	**AD**	**AST**	**Contract staff**				**Total**
			FG I	**FG II**	**FG III**	**FG IV**	
Commission	31	174	8	1	18	0	**232**
- of which: JRC	*31*	*166*	*1*	*1*	*18*	*0*	***217***
Council							
Parliament							
Court of Justice							
Court of Auditors							
EESC							
CoR							
EDPS:							
Ombudsman							
Total	**31**	**174**	**8**	**1**	**18**	**0**	**232**

5. Services concerned and reasons

Parliament, the Council and the Commission have been using this type of special working conditions and paying the corresponding allowances for several years. According to information received this year, the Court of Auditors introduced a standby service in 2010. Until now, only the Commission has used the allowance for particularly arduous working conditions, at the JRC and the Office for Infrastructure and Logistics in Brussels (OIB).

5.1. Reasons for shift work

Commission: Within the Commission, it is the JRC which has, for mainly technical reasons, the greatest need for this type of work organisation (59 out of a total of 114 persons listed in 2010).

In 2010, in the other DGs (operating budget), shift work was performed by 55 persons in the following types of services:

- Security and prevention: 26
- Technical installations: 13
- Information and communication technology (ICT): 9
- Telephone/reception: 7

All four rates (types of allowance) are applied in the Commission, predominantly 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 106 for 2010. This allowance is used exclusively in the areas of security and prevention and CFSP/ESDP. 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 the continuous service or shift work since 2008. Twenty-three allowances were granted for shift work at the Parliament for 2010. This allowance is used exclusively in the telephone service/reception domain. The shift work used is a two-shift system (rate 1).

5.2. Reasons for standby duty

Commission: In 2010, the Commission paid standby allowance to some 373 members of staff, approximately 60% (224) of whom were employed in one of the research centres.

The reasons for standby duty are, as in previous years, generally security- and safety-related, from the fire-fighting service, including radiation protection, to radiation monitoring, plus some technical services. In most cases at the JRC, standby duty is carried out at home, with the exception of Ispra and Karlsruhe, where duty is undertaken at the place of work or at home and at the place of work.

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. Compared with 2009 there has been a significant increase in standby services in the field of information and communication technologies (ICT) and a fall in the field of security and at the JRC. Generally speaking, standby services as a whole have remained stable.

Council: The Council paid allowances for standby services to 76 members of its staff in 2010. These staff were assigned to the running and supervision of technical installations, security services and support for CFSP/ESDP. Standby duty was performed exclusively at home.

Court of Auditors: In 2010 the Court of Auditors set up a standby service for information and communication technologies (ICT).

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

Commission: The Commission is the only institution to have used this possibility in 2010. The Office for Infrastructure and Logistics in Brussels (OIB) introduced this possibility 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 2010, the total number of hours worked under such conditions were broken down as follows:

63 129 hours relating to individual protection,
128 204 hours relating to the place of work, and
19 724 hours relating to the nature of the work.

6. Budget expenditure, per institution and per allowance (in EUR)

Institution	Shift work	Standby duty	Arduous working conditions	Total
Commission	738 206.78	1 727 377.36	586 841.02	**3 052 425.16**
- of which: JRC	*295 513.01*	*676 593.16*	*555 738.93*	***1 527 845.10***
Council	694 513.03	174 440.03		**868 953.06**
Parliament	97 242.76			**97 242.76**
Court of Justice				
Court of Auditors		497.75		
EESC				
CoR				
EDPS:				
Ombudsman				
Total	**1 529 962.57**	**1 902 315.14**	**586 841.02**	**4 019 118.73**

Total expenditure, that is the amount spent for all three allowances in all the European institutions, was just over €4 million in 2010.