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# REPORT FROM THE COMMISSION TO THE COUNCIL AND THE EUROPEAN PARLIAMENT

## on the use made in 2018 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 2018. 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 0.93 in 2018).

The following figures indicate the number of allowances granted by each institution for 2018.

## 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 | 120 | 210.33 | 51.67 | 10 | 16 | 8 | **416** |
| *- of which JRC:* | *46* | *81* | *19* | *0* | *1* | *3* | ***150*** |
| Council | 14 | 59 | 4 | 0 | 0 | 0 | **77** |
| Parliament | 0 | 0 | 0 | 0 | 0 | 0 | **0** |
| Court of Justice | 10 | 16 | 1 | 0 | 0 | 0 | **27** |
| Court of Auditors | 0 | 0 | 17 | 0 | 0 | 0 | **17** |
| EESC | 0 | 2 | 0 | 0 | 0 | 0 | **2** |
| 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 | 9 | 0 | 1 | 5 | 0 | **29** |
| **Total** | **158** | **299.33** | **73.67** | **11** | **22** | **8** | **572** |

[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.

## 2.2. Number of beneficiaries per type of standby duty:

| 1- Number of beneficiaries per type of standby duty | 2018 | | | |
|---|---|---|---|---|
| Institution | At home | At home and at the place of work | At the place of work | Total |
| Commission | 399 | 6 | 11 | 416 |
| *- of which JRC:* | *134* | *6* | *10* | *150* |
| Council | 77 | 0 | 0 | 77 |
| Parliament | 0 | 0 | 0 | 0 |
| Court of Justice | 27 | 0 | 0 | **27** |
| Court of Auditors | 17 | 0 | 0 | **17** |
| EESC | 2 | 0 | 0 | **2** |
| CoR | 4 | 0 | 0 | **4** |
| EDPS | 0 | 0 | 0 | **0** |
| Ombudsman | 0 | 0 | 0 | **0** |
| EEAS | 29 | 0 | 0 | **29** |
| **Total** | **555** | **6** | **11** | **572** |

## 2.3. Number of beneficiaries per type of employment:

| Institution | JRC | Indirect action | Technical installations | Security | ICT | CFSP/ ESDP | MS 24/7 | Total |
|---|---|---|---|---|---|---|---|---|
| Commission | 150 | 2 | 70 | 41 | 103 | 0 | 50 | **416** |
| *- of which JRC:* | *150* | *0* | *0* | *0* | *0* | *0* | *0* | ***150*** |
| Council | 0 | 0 | 0 | 21 | 44 | 12 | 0 | **77** |
| Parliament | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **0** |
| Court of Justice | 0 | 0 | 15 | 12 | 0 | 0 | 0 | **27** |
| Court of Auditors | 0 | 0 | 0 | 17 | 0 | 0 | 0 | **17** |
| EESC | 0 | 0 | 0 | 2 | 0 | 0 | 0 | **2** |
| 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 | 16 | 0 | **29** |
| **Total** | **150** | **2** | **85** | **101** | **156** | **28** | **50** | **572** |

## 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)[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 fire protection suit. Each point is equal to 0.032% of the basic salary of an official in grade 1, step 1 (= EUR 0.93 in 2018).

### 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 | 31 | 145 | 24 | 1 | 1 | 7 | **209** |
| *- of which JRC:* | *31* | *139* | *16* | *1* | *1* | *7* | ***195*** |
| 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** | **31** | **145** | **24** | **1** | **1** | **7** | **209** |

## 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,
- 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 2018.

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

## 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 | 76 | 16 | 12 | 8 | 0 | **112** |
| *- of which JRC:* | *0* | *20* | *5* | *0* | *0* | *1* | ***25*** |
| Council | 0 | 65 | 10 | 0 | 0 | 0 | **75** |
| Parliament | 4 | 57 | 527 | 5 | 8 | 2 | **603** |
| Court of Justice | 0 | 0 | 0 | 0 | 0 | 0 | **0** |
| Court of Auditors | 0 | 0 | 19 | 0 | 0 | 0 | **19** |
| EESC | 0 | 2 | 0 | 0 | 0 | 0 | **2** |
| 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 | 37 | 0 | 0 | 0 | 0 | **37** |
| **Total** | **4** | **240** | **572** | **17** | **17** | **2** | **852** |

Four different rates of the monthly allowance are provided for (2018 figures):

- rate 1: work involving two shifts, excluding weekends and public holidays: EUR 420.64;
- rate 2: work involving two shifts, including nights, weekends and public holidays: EUR 634.89;
- rate 3: 24 hours a day, excluding weekends and public holidays: EUR 694.17;
- rate 4: 24 hours a day, 7 days a week: EUR 946.38.

## 4.2. Number of beneficiaries per rate:

| Institution | Rate 1 | Rate 2 | Rate 3 | Rate 4 | Total |
|---|---|---|---|---|---|
| | €420.64 | €634.89 | €694.17 | €946.38 | |
| Commission | 14 | 0 | 8 | 90 | **112** |
| *- of which JRC:* | *0* | *0* | *8* | *17* | *25* |
| Council | 25 | 0 | 0 | 50 | **75** |
| Parliament | 48 | 500 | 0 | 55 | **603** |
| Court of Justice | 0 | 0 | 0 | 0 | **0** |
| Court of Auditors | 2 | 0 | 0 | 17 | **19** |
| EESC | 2 | 0 | 0 | 0 | **2** |
| CoR | 4 | 0 | 0 | 0 | **4** |
| EDPS | 0 | 0 | 0 | 0 | **0** |
| Ombudsman | 0 | 0 | 0 | 0 | **0** |
| EEAS | 25 | 0 | 0 | 12 | **37** |
| **Total** | **120** | **500** | **8** | **224** | **852** |

### 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 | 25 | 9 | 14 | 64 | 0 | 0 | 0 | 0 | **112** |
| *- of which JRC:* | *25* | *0* | *0* | *0* | *0* | *0* | *0* | *0* | ***25*** |
| Council | 0 | 0 | 0 | 75 | 0 | 0 | 0 | 0 | **75** |
| Parliament | 0 | 0 | 0 | 545 | 58 | 0 | 0 | 0 | **603** |
| Court of Justice | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | **0** |
| Court of Auditors | 0 | 0 | 0 | 17 | 2 | 0 | 0 | 0 | **19** |
| EESC | 0 | 0 | 0 | 2 | 0 | 0 | 0 | 0 | **2** |
| 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 | 13 | 12 | 0 | 12 | 0 | 0 | **37** |
| **Total** | **25** | **9** | **27** | **719** | **60** | **12** | **0** | **0** | **852** |

## 5. SERVICES CONCERNED AND REASONS

The Council, the Commission, the EEAS, the European Parliament, the Court of Justice and the Court of Auditors use standby duty and/or shift work and pay the allowances provided for by the legislation.

From 2017, the Committee of the Regions and the Economic and Social Committee have been running a joint standby duty and shift work service.

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 for the nuclear inspectors at DG ENER (creation of a new service in 2018).

### 5.1. Reasons for standby duty

***Commission:***
In 2018, the Commission paid allowances for standby duty to 416 members of its staff (394 staff in 2017). About 36% (150) of them work at 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, 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 other Commission Directorates-General, there was a significant increase in the number of beneficiaries in IT services (103 compared to 83 beneficiaries in 2017). This trend can be noted in particular in DIGIT following the creation of 3 new services, namely

(1) DISS (central management of digital identities and access rights), (2) TESTA (secure communication with the Member States and the European institutions/agencies) and (3) EU SEND (secure electronic communication between the European institutions). For the other services, there was little change compared to 2017. There was a slight increase in the number of beneficiaries in DG ECHO providing assistance to Member States 24/7 (50 staff in 2018 compared to 45 in 2017) in order to monitor incidents in real-time and respond immediately to disasters around the world.

***Council:*** The Council paid allowances for standby duty to 77 members of its staff in 2018 (71 in 2017). Three 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 2018, standby duty was performed exclusively at home.

***Court of Auditors:*** In 2018, the monthly planning of the security and safety department set up in 2011 includes standby duties at home for 17 staff members (14 in 2017). They ensure the safety of buildings and their occupants round the clock throughout the year.

***EEAS***: In 2018, the EEAS paid allowances for standby duty to 29 members of its staff (15 staff in 2017). These standby services covered 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 2018, the Court of Justice paid allowances for standby services at home to 27 members of its staff. 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 has been a joint standby service within the security service at the CoR and the EESC since 1 March 2017 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 2018, the standby service at home concerned 4 CoR staff and 2 EESC staff.

### 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 2018. 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 2018, DG ENER also introduced it for inspections of installations at nuclear sites (19 beneficiaries with a total of 986.5 hours).

In 2018, the total number of hours worked under particularly arduous conditions was broken down as follows:

- 65 808.19 hours relating to individual protection (for example, the wearing of particularly uncomfortable protective clothing);
- 117 127.13 hours relating to the place of work (for example, high noise level, dangerous sites);
- 11 539.68 hours relating to the nature of the work (for example, handling of corrosive substances);
- 26.20 hours 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 (25 and 56 persons respectively in 2018).

In 2018 shift work was performed in the other Directorates-General (operating budget) by 31 persons in the following areas:

- Security and prevention: 8 (OIL)
- Information and Communication Technologies: 14 (DG COMM)
- Assistance to Member States: 9 (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.

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.

There was a slight decrease in the number of beneficiaries in 2018 (75 compared to 85 in 2017) and in the cost (EUR 637 506.99 compared to EUR 672 443.72 in 2017). This decrease was due, first, to the abolition of the service in two shifts in the Safety and Security Directorate and, second, to the fact that several posts in the services organised in shifts were not occupied for various reasons.

***European Parliament:*** In 2018, 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 (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). There were 603 beneficiaries in 2018 (581 in 2017). This increase is due to the reinforcement of DG COMM's services for the Parlamentarium and the House of European History (+ 10 persons) and the sports centre for MEPs and staff in Brussels (+ 5 persons). Staff involved in security missions were also increased by 7.

The new work organisation introduced in 2018 for monitoring and prevention missions led to a significant increase in the number of people receiving the rate 2 allowance. There were 500 beneficiaries in 2018 (205 in 2017).
This year, an average of 140 persons were moved from rate 2 to rate 4 for 4 to 5 months.

***Court of Auditors:*** The Court of Auditors has been using shift work in the fields of security and telephone service/reception since 2011. The types of shift work put in place are a two-shift arrangement (rate 1) and a continuous 24-hour service (rate 4). There were 19 beneficiaries in 2018 (16 in 2017).

***EEAS***: In 2018, the EEAS paid 37 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:*** The joint shift work service has been operating at the CoR and at the EESC since 1 March 2017 to meet the need for continuous presence in the security service. The CoR pays allowances to 4 beneficiaries (rate 1) and the EESC to 2 beneficiaries (rate 1).

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

| Institution | Shift work | Standby duty | Arduous working conditions | Total |
|---|---|---|---|---|
| Commission | 1 048 653.70 | 1 448 792.37 | 587 286.38 | **3 084 732.45** |
| *- of which JRC:* | *238 496.39* | *570 567.92* | *562 839.26* | ***1 371 903.57*** |
| Council | 637 506.99 | 242 336.00 | 0 | **879 842.99** |
| Parliament | 4 861 738.73 | 0 | 0 | **4 861 738.73** |
| Court of Justice | 0 | 60 065.09 | 0 | **60 065.09** |
| Court of Auditors | 164 473.07 | 13 829.08 | 0 | **178 302.15** |
| EESC | 10 011.00 | 0 | 0 | **10 011.00** |

| | | | | |
|---|---|---|---|---|
| CoR | 20 022.00 | 13 159.26 | 0 | **33 181.26** |
| EDPS | 0 | 0 | 0 | **0** |
| Ombudsman | 0 | 0 | 0 | **0** |
| EEAS | 217 847.34 | 52 616.36 | 0 | **270 463.70** |
| **Total** | **6 960 252.83** | **1 830 798.16** | **587 286.38** | **9 378 337.37** |

The amount spent on the three allowances in all the European Institutions stood at EUR 9 378 337.37 in 2018 (EUR 8 118 966.55 in 2017).