



Brussels, 20.2.2013  
COM(2013) 89 final

## **REPORT FROM THE COMMISSION TO THE COUNCIL**

**on the use made in 2011 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)**

## REPORT FROM THE COMMISSION TO THE COUNCIL

**on the use made in 2011 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)**

### 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 2011. 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: 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 (= EUR 0.85 in 2011 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	311	42	43	<b>396</b>
<i>of which: JRC</i>	<i>192</i>	<i>13</i>	<i>31</i>	<i>236</i>
Council	50	0	0	<b>50</b>
Parliament	0	0	0	0
Court of Justice	0	0	0	0
Court of Auditors	8	0	7	<b>15</b>
EESC	0	0	0	0
CoR	0	0	0	0
EDPS	0	0	0	0
EEAS	28	0	0	28
Ombudsman	0	0	0	0
<b>Total</b>	<b>397</b>	<b>42</b>	<b>50</b>	<b>489</b>

## 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	134	230	25	1	6	0	<b>396</b>
<i>of which: JRC</i>	<i>86</i>	<i>127</i>	<i>20</i>	<i>0</i>	<i>3</i>	<i>0</i>	<i>236</i>
Council	9	39	2	0	0	0	<b>50</b>
Parliament	0	0	0	0	0	0	0

Court of Justice	0	0	0	0	0	0	0
Court of Auditors	1	6	8	0	0	0	<b>15</b>
EESC	0	0	0	0	0	0	0
CoR	0	0	0	0	0	0	0
EDPS	0	0	0	0	0	0	0
EEAS	9	19	0	0	0	0	28
Ombudsman	0	0	0	0	0	0	0
<b>Total</b>	<b>153</b>	<b>294</b>	<b>35</b>	<b>1</b>	<b>6</b>	<b>0</b>	<b>489</b>

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

Institution	JRC	Indirect action	Technical installations	Safety	ICT	CFSP/ESDP	MS 24/7	Total
Commission	236	0	25	25	68	0	42	<b>396</b>
<i>of which: JRC</i>	<i>236</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>236</i>
Council	0	0	26	17	0	7	0	<b>50</b>
Parliament	0	0	0	0	0	0	0	<b>0</b>
Court of Justice	0	0	0	0	0	0	0	<b>0</b>
Court of Auditors	0	0	0	8	7	0	0	<b>15</b>
EESC	0	0	0	0	0	0	0	<b>0</b>
CoR	0	0	0	0	0	0	0	<b>0</b>
EDPS	0	0	0	0	0	0	0	<b>0</b>
EEAS	0	0	0	2	0	24	2	<b>28</b>
Ombudsman	0	0	0	0	0	0	0	<b>0</b>
<b>Total</b>	<b>236</b>	<b>0</b>	<b>51</b>	<b>52</b>	<b>75</b>	<b>31</b>	<b>44</b>	<b>489</b>

### 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 0.85 in 2011 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	30	176	8	0	19	1	<b>234</b>
<i>of which: JRC</i>	<i>30</i>	<i>168</i>	<i>1</i>	<i>0</i>	<i>19</i>	<i>1</i>	<i>219</i>

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
EEAS	0	0	0	0	0	0	0
Ombudsman	0	0	0	0	0	0	0
<b>Total</b>	<b>30</b>	<b>176</b>	<b>8</b>	<b>0</b>	<b>19</b>	<b>1</b>	<b>234</b>

#### 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 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,
- 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 (2011 figures under arrangements in force since 1/7/2010):

- 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 a day, excluding weekends: EUR 630.69.
- rate 4: 24 hours a day, 7 days a week: EUR 859.84.

The following figures indicate the number of allowances granted by each institution for 2011.

#### 4.1. Number of beneficiaries per rate:

Institution	Rate 1	Rate 2	Rate 3	Rate 4	Total
	€382.17	€576.84	€630.69	€859.84	
Commission	10	26	9	64	109
<i>of which: JRC</i>	<i>0</i>	<i>26</i>	<i>9</i>	<i>22</i>	<i>57</i>
Council	55	0	0	23	78
Parliament	21	0	0	5	26
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
EEAS	18	0	0	16	34
Ombudsman	0	0	0	0	0
<b>Total</b>	<b>106</b>	<b>26</b>	<b>9</b>	<b>116</b>	<b>257</b>

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

Institution	AD	AST	Contract staff				Total
			FG I	FG II	FG III	FG IV	
Commission	8	83	16	0	2	0	109
<i>of which: JRC</i>	<i>8</i>	<i>43</i>	<i>5</i>	<i>0</i>	<i>1</i>	<i>0</i>	<i>57</i>
Council	0	78	0	0	0	0	78
Parliament	0	25	0	1	0	0	26
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

EEAS	0	34	0	0	0	0	34
Ombudsman	0	0	0	0	0	0	0
<b>Total</b>	<b>8</b>	<b>220</b>	<b>26</b>	<b>1</b>	<b>2</b>	<b>0</b>	<b>257</b>

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

Institution	JRC	Crisis /emerg. coord.	ICT	Safety	Switchboard/Reception	CFSP/ESDP	Tech. installations	Indirect action	Total
Commission	57	0	3	42	3	0	4	0	109
<i>of which: JRC</i>	<i>57</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>57</i>
Council	0	0	0	75	0	3	0	0	78
Parliament	0	0	0	0	26	0	0	0	26
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
EEAS	0	8	4	11	0	11	0	0	34
Ombudsman	0	0	0	0	0	0	0	0	0
<b>Total</b>	<b>57</b>	<b>8</b>	<b>7</b>	<b>136</b>	<b>31</b>	<b>14</b>	<b>4</b>	<b>0</b>	<b>257</b>

#### 5. SERVICES CONCERNED AND REASONS

Parliament, the Council, the Commission, the EEAS (which took over much of the Commission's former DG RELEX the Commission) and the Court of Auditors have been using the aforementioned types of special working conditions and paying the corresponding allowances for some time. The Court of Auditors introduced shift work in 2011. 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 standby duty

### *Commission:*

#### *Joint Research Centre (JRC)*

In 2011, the Commission paid standby allowance to some 396 members of staff, approximately 60 % (236) of whom are employed in one of the research centres. Compared to last year, the situation is generally stable (in 2010, 373 members of Commission staff were paid this allowance, 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 (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. Compared to 2010, there has been an increase in standby services in the fields of information and communication technology (ICT) and assistance for Member States (MS 24/7).

### *Conclusion*

Standby services as a whole have remained stable.

***Council:*** The Council paid allowances for standby services to 50 members of its staff in 2011. This represents a decrease on last year (in 2010, 76 members of staff were paid this allowance). The fields affected are still the running and supervision of technical installations, security services and support for CFSP/ESDP (which recorded the greatest decrease in the number of beneficiaries as the EEAS took over some of the relevant staff from the Council). 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). The Court of Auditors paid allowances for standby services to 15 members of its staff in 2011. Compared to last year (in 2010, 4 members of staff were paid this allowance) there has been an increase following the introduction of security and safety as a new area of standby duty at the Court of Auditors.

***EEAS:*** For years, the Commission's former DG RELEX used standby duty in the field of security services and support for CFSP/ESDP. In 2011, the EEAS (which took on many of the staff members and tasks of the former DG RELEX) paid standby allowance to 28 members of staff in the following fields: assistance to Member States 24 hours a day, seven days a week (MS 24/7), security services and support for CFSP/ESDP.

## 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 2011. 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 2011, the total number of hours worked under such conditions were broken down as follows:

- 65 138 hours relating to individual protection,
- 127 637 hours relating to the place of work, and
- 18 916 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 (57 out of a total of 109 persons listed in 2011). The number of shift work allowances granted in the Commission fell slightly (114 granted in 2010), indicating a fairly stable situation.

In 2011, in the other DGs (operating budget), shift work was performed by 52 persons in the following types of services:

- Security and prevention: 42
- Technical installations: 4
- Information and communication technology (ICT): 3
- Telephone/reception: 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 78 for 2011. This allowance is used primarily in the fields of security and prevention (75 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). The number of shift work allowances paid in the Council fell significantly between 2010 (106) and 2011 (78).

**European Parliament:** The European Parliament has been using shift work since 2008. Twenty-six allowances were granted for shift work at Parliament for 2011. This allowance is used exclusively in the telephone service/reception domain. Shift work consists of either a two-shift arrangement (rate 1) or a continuous 24-hour service (rate 4). The number of shift work allowances paid at Parliament increased slightly between 2010 (23) and 2011 (26).

**Court of Auditors:** In 2011, the Court of Auditors introduced shift work in the fields of security and telephone service/reception. Shift work consists of either a two-shift arrangement (rate 1) or a continuous 24-hour service (rate 4).

**EEAS:** In 2011, the EEAS (which took on many of the staff members and tasks of the former DG RELEX) paid 34 allowances in the fields of information and communication technology (ICT), security, CFSP/ESDP (part taken over from the Council) and assistance for emergency and crisis coordination arrangements.

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

<b>Institution</b>	<b>Shift work</b>	<b>Standby duty</b>	<b>Arduous working conditions</b>	<b>Total</b>
Commission	814 005.21	1 673 630.22	683 588.52	<b>3 171 223.95</b>
<i>of which: JRC</i>	<i>304 015.74</i>	<i>670 082.07</i>	<i>629 213.00</i>	<i>1 603 310.81</i>
Council	452 003.10	216 404.39	0	<b>668 407.49</b>
Parliament	96 557.43	0	0	<b>96 557.43</b>
Court of Justice	0	0	0	0
Court of Auditors	65 778.10	1 304.60*	0	67 082.70*
EESC	0	0	0	0
CoR	0	0	0	0
EDPS	0	0	0	0
EEAS	252 130	35 940	0	288 070
Ombudsman	0	0	0	
<b>Total</b>	<b>1 680 473.84</b>	<b>1 927 279.21</b>	<b>683 588.52</b>	<b>4 291 341.57 *</b>

\*Incomplete figure provided by the Court of Auditors (following the non-inclusion of outstanding expenditure on standby duty as at 31/12/2011 in the fields of security and prevention).

Total expenditure, that is the amount spent for all three allowances in all the European institutions, was just under EUR 4.3 million in 2011.