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

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REPORT FROM THE COMMISSION TO THE COUNCIL AND THE EUROPEAN PARLIAMENT

on the use made in 2020 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 submit a report to the Council each year on the number of officials and other servants in each category receiving the allowances referred to in the respective Regulations and on the total related expenditure.

This report is based on the latest full-year figures available at the time of its preparation and refers to 2020. 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 0.96 in 2020).

The following figures indicate the number of allowances granted by each institution for 2020.

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

Institution	AD	AST	AC				Total
			FG I	FG II	FG III	FG IV	
Parliament	0	0	0	0	0	0	0
Council	15	79	3	0	0	0	97
Commission	139	190	52	12	13	15	421
<i>- of which JRC:</i>	<i>43</i>	<i>79</i>	<i>18</i>	<i>0</i>	<i>1</i>	<i>7</i>	<i>148</i>
Court of Justice	8	16	1	0	0	1	26
Court of Auditors	0	1	16	0	0	0	17
EESC	0	2	0	0	1	0	3
CoR	0	3	0	0	1	0	4
EEAS	13	8	0	1	5	1	28
Ombudsman	0	0	0	0	0	0	0
EDPS	0	0	0	0	0	0	0
Total	175	299	72	13	20	17	596

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
Parliament	0	0	0	0
Council	97	0	0	97
Commission	405	5	11	421
<i>- of which JRC:</i>	<i>133</i>	<i>5</i>	<i>10</i>	<i>148</i>
Court of Justice	26	0	0	26
Court of Auditors	17	0	0	17
EESC	0	3	0	3
CoR	0	4	0	4
EEAS:	28	0	0	28
Ombudsman	0	0	0	0
EDPS	0	0	0	0
Total	573	12	11	596

2.3. Number of beneficiaries per type of employment:

Institution	JRC	Indirect action	Technical installations	Security	ICT	CFSP/ESDP	MS 24/7	Total
Parliament	0	0	0	0	0	0	0	0
Council	0	0	0	27	56	14	0	97
Commission	148	2	61	39	122	0	49	421
<i>- of which JRC:</i>	<i>148</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>148</i>
Court of Justice	0	0	16	10	0	0	0	26
Court of Auditors	0	0	0	17	0	0	0	17
EESC	0	0	0	3	0	0	0	3
CoR	0	0	0	4	0	0	0	4
EEAS:	0	0	0	4	6	18	0	28
Ombudsman	0	0	0	0	0	0	0	0
EDPS	0	0	0	0	0	0	0	0
Total	148	2	77	104	184	32	49	596

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 (i) 'safety of the

individual’ (wearing of uncomfortable special clothing, partial protection), (ii) ‘place of work’ (confined, noisy and dangerous places) and (iii) ‘nature of work’ (for example, handling of corrosive substances, work with explosives)¹.

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 protective suit against fire. Each point is equal to 0.032% of the basic salary of an official in grade 1, step 1 (= EUR 0.96 in 2020).

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

Institution	AD	AST	AC				Total
			FG I	FG II	FG III	FG IV	
Parliament	0	0	0	0	0	0	0
Council	0	0	0	0	0	0	0
Commission	27	136	24	0	1	11	199
<i>- of which JRC:</i>	<i>26</i>	<i>128</i>	<i>15</i>	<i>0</i>	<i>1</i>	<i>9</i>	<i>179</i>
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
EEAS:	0	0	0	0	0	0	0
Ombudsman	0	0	0	0	0	0	0
EDPS	0	0	0	0	0	0	0
Total	27	136	24	0	1	11	199

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 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

¹ Article 3 of Council Regulation No 858/2004.

- the running or supervision of technical installations.

The following figures indicate the number of allowances granted by each institution for 2020.

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

Institution	AD	AST	AC				Total
			FG I	FG II	FG III	FG IV	
Parliament	1	69	468	1	6	0	545
Council	0	71	0	7	0	0	78
Commission	0	99	21	10	24	1	155
<i>- of which JRC:</i>	<i>0</i>	<i>18</i>	<i>10</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>28</i>
Court of Justice	0	0	0	0	0	0	0
Court of Auditors	0	1	16	0	0	0	17
EESC	0	2	0	0	1	0	3
CoR	0	3	0	0	1	0	4
EEAS:	0	30	0	0	0	0	30
Ombudsman	0	0	0	0	0	0	0
EDPS	0	0	0	0	0	0	0
Total	1	275	505	18	32	1	832

Four different rates of the monthly allowance are provided for (2020 figures):

- rate 1: work involving two shifts, excluding weekends and public holidays: EUR 432.05;
- rate 2: work involving two shifts, including nights, weekends and public holidays: EUR 652.12;
- rate 3: 24 hours a day, excluding weekends and public holidays: EUR 713.01;
- rate 4: 24 hours a day, 7 days a week: EUR 972.07.

4.2. Number of beneficiaries per rate

Institution	Rate 1	Rate 2	Rate 3	Rate 4	Total
	432.05	652.12	713.01	972.07	
Parliament	49	257	0	239	545
Council	24	0	0	54	78
Commission	14	0	8	133	155
<i>- of which JRC:</i>	<i>0</i>	<i>0</i>	<i>8</i>	<i>20</i>	<i>28</i>
Court of Justice	0	0	0	0	0
Court of Auditors	0	0	0	17	17
EESC	3	0	0	0	3
CoR	4	0	0	0	4
EEAS:	20	0	0	10	30
Ombudsman	0	0	0	0	0
EDPS	0	0	0	0	0
Total	114	257	8	453	832

4.3. Number of beneficiaries per type of employment:

Institution	JRC	MS 24/7	ICT	Security	Switchboard/Reception	CFSP/ESDP	Technical installations	Total
Parliament	0	0	0	512	33	0	0	545
Council	0	0	0	78	0	0	0	78
Commission	28	22	14	91	0	0	0	155
<i>- of which JRC:</i>	<i>28</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>28</i>
Court of Justice	0	0	0	0	0	0	0	0
Court of Auditors	0	0	0	17	0	0	0	17
EESC	0	0	0	3	0	0	0	3
CoR	0	0	0	4	0	0	0	4
EEAS	0	0	11	9	0	10	0	30
Ombudsman	0	0	0	0	0	0	0	0
EDPS	0	0	0	0	0	0	0	0
Total	28	22	25	714	33	10	0	832

5. SERVICES CONCERNED AND REASONS

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

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, since 2018, to the nuclear inspectors working for the Directorate-General for Energy (DG ENER).

Four institutions stated that the COVID-19 health crisis had had an impact on the departments, in particular as a result of the difficulties encountered in finding replacements for absences linked to the pandemic, and also as a result of the increase in teleworking. Where presence at the place of work was required, specific procedures were implemented to ensure business continuity while maintaining social distancing and complying with other hygiene measures. The COVID-19 health crisis also had an impact at times on the number of beneficiaries. This situation is further detailed below, in the explanations provided by the Institution or department concerned.

5.1. Reasons for standby duty

Council: The Council paid allowances for standby duty to 97 members of its staff in 2020 (85 in 2019).

The standby services have been set up to cover the following areas: (i) Information and Communication Technologies (ICT), to guarantee the protection and proper functioning of the IT and communications networks, to provide support for the unforeseen activities of the European Council, the Council and their preparatory bodies, and to cover urgent needs of the European Council, the Council and the General Secretariat, in terms of managing the EU's classified information and support for the activities of the President and the Secretary-General as part of external policy; (ii) Safety/Security, to respond immediately to any incident that could affect the staff of the European Council, the Council and the activities of the General Secretariat, and to provide 24/7 support to security officers on mission; (iii) swift action to draft, publish on the internet and disseminate immediate and urgent statements by the rotating Presidency of the Council and the President of the European Council in the context of the CFSP/ESDP, and support for the activities of the President of the European Council and the Secretary-General as part of external policy.

In 2020, standby duty was performed exclusively at home.

The upward trend can be explained by a slight increase in the number of beneficiaries in the existing services on the one hand, and by the creation of new teams within the cabinets of the President and the Secretary-General and in SMART (Classified information services) on the other.

Commission: In 2020, the Commission paid allowances for standby duty to 421 members of its staff, representing an increase of almost 3% compared to 2019 (410 beneficiaries).

This slight increase is mainly due to an extra five beneficiaries in DG ECHO and an extra three beneficiaries in DG ENER in the field of crisis/emergency coordination.

About 35% of the beneficiaries (148) work at one of the Commission's Research Centres. Most of the standby duty at the JRC is carried out at home, with the exception of the JRC in 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 Commission's other Directorates-General, the number of beneficiaries has (i) decreased slightly for DG DIGIT (-14) as a result of departures or transfers to other services or units; (ii) increased for DG TAXUD in the Information and Communication Technologies (ICT) services (+14) as a result of the setting-up of a new service to ensure business continuity and the security of the IT infrastructure. For the other services, there was little change compared to 2019.

Court of Justice: In 2020, the Court of Justice paid allowances for standby services at home to 26 members of its staff (28 in 2019). All the beneficiaries work in the Directorate for Buildings and Security in the Directorate-General for Administration. The units where the beneficiaries work are responsible for the Court's development projects and also for managing buildings and security.

Court of Auditors: In 2020, the monthly planning of the security and safety department includes the need for standby duties at home for 17 staff members, the same as in 2019. They ensure the safety of buildings and their occupants round the clock throughout the year.

EESC-CoR: There is a joint standby service within the security service at the EESC and the CoR 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 2020, as in 2019, the standby service (at home and at the place of work) was performed by three EESC staff and four CoR staff.

EEAS: In 2020, the EEAS paid allowances for standby duty to 28 members of its staff (33 staff in 2019). The retirement, mobility or end of service of some beneficiaries or the fact that they changed posts explain this decrease since, owing to the COVID-19 health crisis, it was not necessary to replace those beneficiaries who retired or left the service. The standby services cover three areas of work: (i) 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); (ii) 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; (iii) 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, via the Strategic communication division, which guarantees the prompt publication of press releases, and via the Council's General Secretariat which supports the High Representative's press activities.

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

Commission: As in 2019, the Commission is the only institution to have used this possibility in 2020 for the Office for Infrastructure and Logistics in Brussels (OIB) for the reproduction service, the JRC and DG ENER for inspections of installations at nuclear sites, for a total of 199 beneficiaries in 2020 (216 in 2019). This decrease of almost 8% is due, among other things, to the COVID-19 health crisis, during which some beneficiaries did not perform their duties in particularly arduous working conditions, and during which it was not necessary to replace those beneficiaries who retired or left the service.

In 2020, the total number of hours worked under particularly arduous conditions was broken down as follows:

- 25 282.64 hours (64 889.11 in 2019) relating to safety of the individual (for example, the wearing of particularly uncomfortable protective clothing);
- 42 379.07 hours (115 973.35 in 2019) relating to the place of work (for example, high noise level, dangerous sites);
- 5 073.61 hours (12 162.74 in 2019) relating to the nature of the work (for example, handling of corrosive substances);

The number of hours has considerably decreased owing to the decrease in the number of beneficiaries. The COVID-19 health crisis, which has led to a greater number of teleworkers, and the decrease in the number of missions also explains the decrease in the number of hours worked under particularly arduous conditions.

5.3. Reasons for shift work

European Parliament: In 2020, the European Parliament paid shift work allowances to cover (i) safety and security services in the three places of work: Brussels, Strasbourg and Luxembourg; (ii) services related to the reception, security and control of visitors (Parliamentarium, House of European History and the Jean Monnet House, 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: 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). The number of beneficiaries in 2020 considerably decreased (545 compared to 595 in 2019). This decrease is due to the COVID-19 health crisis which led to several services being closed or reduced.

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 little change in the number of beneficiaries, 78 in 2020, compared to 75 in 2019.

Commission: Within the Commission, the JRC (for reasons relating to the nature of the activities) and DG HR (safety and security department) made use of this type of work organisation (28 and 83 persons respectively in 2020). The increase in the number of beneficiaries reported by DG HR in 2020 (+26) is the result of the increase in the number of posts allocated to close protection in order to guarantee compliance with health and safety requirements.

In 2020, shift work was performed in the other Directorates-General (operating budget) by 44 persons in the following areas:

- Security and prevention: 8 (OIL);
- Information and Communication Technologies: 14 (DG COMM);
- Assistance to Member States: 22 (16 in 2019) (DG ECHO).

The shift work arrangement at DG COMM prepares press reviews for the President, the College and the Spokesperson's Service.

DG ECHO has reallocated the available resources to reinforce the shift work implemented by the Monitoring and Information Centre which assists the Member States and the Commission in the event of a disaster, which explains the increase in beneficiaries.

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.

Court of Auditors: In 2020, the only shift work service reported by the Court of Auditors was a service put in place in the Human Resources, Finance and General Services Directorate to ensure the safety of buildings and their occupants. It is a continuous 24-hour service (rate 4) with 17 beneficiaries (the same as in 2019).

EESC-CoR: A joint shift work service is operating at the EESC and at the CoR to meet the need for continuous presence in the security service. As in 2019, the EESC paid allowances to three beneficiaries (rate 1) and the CoR to four beneficiaries (rate 1).

EEAS: In 2020, the EEAS paid 30 shift work allowances to provide round-the-clock protection to EEAS staff, visitors, premises and property in Brussels, and 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 decreased due to the COVID-19 health crisis, in particular as a result of the smaller number of staff present at the place of work. Furthermore, it was not possible to fill some vacant posts during that period.

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

Institution	Shift work	Standby duty	Particularly arduous working conditions	Total
Parliament	5 137 953.53	0	0	5 137 953.53
Council	726 640.00	270 845.00	0	997 485.00
Commission	1 407 631.14	1 587 768.45	335 668.27	3 331 067.86
<i>- of which JRC:</i>	<i>246 719.68</i>	<i>628 320.00</i>	<i>319 183.17</i>	<i>1 194 222.85</i>
Court of Justice	0	53 836.98	0	53 836.98
Court of Auditors	197 612.76	15 993.68	0	213 606.44
EESC	11 191.30	6 557.41	0	17 748.71
CoR	20 008.54	14 280.78	0	34 289.32
EEAS	221 575.33	84 887.55	0	306 462.88
Ombudsman	0	0	0	0
EDPS	0	0	0	0
Total	7 722 612.60	2 034 169.85	335 668.27	10 092 450.72

The amount spent on the three allowances in all the European Institutions stood at EUR **10 092 450.72** in 2020 (EUR 10 492 246.93 in 2019).