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REPORT FROM THE COMMISSION TO THE COUNCIL

on the use made in 2008 and 2009 by the institutions of Council Regulations No 300/76, last amended by Regulation No 1873/2006 (on shiftwork), 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 2008 and 2009. 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 shiftwork (Council Regulation No 300/76).

2. Shiftwork 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 (2009 figures):

- rate 1: work involving two shifts, excluding weekends: EUR 374.98
- rate 2: work involving two shifts, including nights and weekends: EUR 565.98
- rate 3: 24 hours per day, excluding weekends: EUR 618.82
- rate 4: 24 hours per day, 7 days a week: EUR 843.65.

The following figures indicate the number of allowances granted by each institution for 2008 and 2009.

2.1. Number of beneficiaries per rate:

2008 figures

Institution	Rate 1	Rate 2	Rate 3	Rate 4	Total
	EUR 368.17	EUR 555.70	EUR 607.58	EUR 828.33	
Commission	23	33	8	58	122
<i>of which: JRC</i>	0	33	8	23	64
Council	54	0	0	46	100
Parliament	22	0	0	0	22
Court of Justice	0	0	0	0	0
Court of Auditors	0	0	0	0	0
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
Total	99	33	8	104	244

2009 figures

Institution	Rate 1	Rate 2	Rate 3	Rate 4	Total
	EUR 374.98	EUR 565.98	EUR 618.82	EUR 843.65	
Commission	20	32	8	58	118
<i>of which: JRC</i>	0	32	8	23	63
Council	51	0	0	47	98
Parliament	22	0	0	0	22
Court of Justice	0	0	0	0	0
Court of Auditors	0	0	0	0	0
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	0	0	0	0	0
Ombudsman	0	0	0	0	0
Total	93	32	8	105	238

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

2008 figures

Institution	AD	AST	Contract staff	Total
Commission	10	97	15	122
<i>of which: JRC</i>	<i>9</i>	<i>47</i>	<i>8</i>	<i>64</i>
Council	0	100	0	100
Parliament	0	22	0	22
Court of Justice	0	0	0	0
Court of Auditors	0	0	0	0
EESC	0	0	0	0
CoR	0	0	0	0
EDPS	0	0	0	0
Ombudsman	0	0	0	0
Total	10	219	15	244

2009 figures

Institution	AD	AST	Contract staff	Total
Commission	10	93	15	118
<i>of which: JRC</i>	<i>9</i>	<i>46</i>	<i>8</i>	<i>63</i>
Council	0	98	0	98
Parliament	0	22	0	22
Court of Justice	0	0	0	0
Court of Auditors	0	0	0	0
EESC	0	0	0	0
CoR	0	0	0	0
EDPS	0	0	0	0
Ombudsman	0	0	0	0
Total	10	213	15	238

2.3. Number of beneficiaries per type of employment:

2008 figures

Institution	JRC	Indirect action	ICT	Security	Switchboard /Reception	CFSP/ES DP	Technical installations
Commission	64	0	5	28	12	0	13
<i>of which: JRC</i>	64						
Council	0	0		73	0	27	0
Parliament	0	0	0	0	22	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
Total	64	0	5	101	34	27	13

2009 figures

Institution	JRC	Indirect action	ICT	Security	Switchboard /Reception	CFSP/ES DP	Technical installations
Commission	63	0	5	28	9	0	13
<i>of which: JRC</i>	63						
Council	0	0	0	71	0	27	0
Parliament	0	0	0	0	22	0	0
Court of Justice	0	0	0	0		0	0
Court of Auditors	0	0	0	0		0	0
EESC	0	0	0	0		0	0
CoR	0	0	0	0		0	0
EDPS	0	0	0	0		0	0
Ombudsman	0	0	0	0		0	0
Total	63	0	5	99	31	27	13

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 to run or supervise technical installations,

or employed to work in

- 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 (= €0.83 in 2009).

3.1. Number of beneficiaries per type of standby duty:

2008 figures

Institution	At home	At home and at the place of work	At the place of work	Total
Commission	228	114	33	375
<i>of which: JRC</i>	<i>197</i>	<i>20</i>	<i>33</i>	<i>250</i>
Council	69	0	0	69
Parliament	0	0	0	0
Court of Justice	0	0	0	0
Court of Auditors	0	0	0	0
EESC	0	0	0	0
CoR	0	0	0	0
EDPS	0	0	0	0
Ombudsman	0	0	0	0
Total	297	114	33	444

2009 figures

Institution	At home	At home and at the place of work	At the place of work	Total
Commission	227	116	45	388
<i>of which: JRC</i>	<i>193</i>	<i>14</i>	<i>35</i>	<i>242</i>
Council	70	0	0	70
Parliament	0	0	0	0
Court of Justice	0	0	0	0
Court of Auditors	0	0	0	0
EESC	0	0	0	0
CoR	0	0	0	0
EDPS	0	0	0	0
Ombudsman	0	0	0	0
Total	297	116	45	458

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

2008 figures

Institution	AD	AST	Contract staff	Total
Commission	113	224	38	375
<i>of which: JRC</i>	<i>83</i>	<i>138</i>	<i>29</i>	<i>250</i>
Council	13	54	2	69
Parliament	0	0	0	0
Court of Justice	0	0	0	0
Court of Auditors	0	0	0	0
EESC	0	0	0	0
CoR	0	0	0	0
EDPS	0	0	0	0
Ombudsman	0	0	0	0
Total	126	278	40	444

2009 figures

Institution	AD	AST	Contract staff	Total
Commission	122	226	40	388
<i>of which: JRC</i>	<i>80</i>	<i>131</i>	<i>31</i>	<i>242</i>
Council	18	50	2	70
Parliament	0	0	0	0
Court of Justice	0	0	0	0
Court of Auditors	0	0	0	0
EESC	0	0	0	0
CoR	0	0	0	0
EDPS	0	0	0	0
Ombudsman	0	0	0	0
Total	140	276	42	458

3.3. Number of beneficiaries per type of employment:

2008 figures

Institution	JRC	Indirect action	Technical installations	Security	ICT	CFSP/ESDP	MS 24/7
Commission	250	0	19	37	41	0	28
<i>of which: JRC</i>	<i>250</i>						
Council	0	0	23	14	0	32	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
Total	250	0	42	51	41	32	28

2009 figures

Institution	JRC	Indirect action	Technical installations	Security	ICT	CFSP/ESDP	MS 24/7
Commission	242	0	17	47	43	0	39
<i>of which: JRC</i>	<i>242</i>						
Council	0	0	23	18	0	29	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
Total	242	0	40	65	43	29	39

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 (= €0.83 in 2009).

2008 figures

Institution	AD	AST	Contract staff	Total
Commission	33	193	40	266
<i>of which: JRC</i>	<i>33</i>	<i>184</i>	<i>34</i>	<i>251</i>
Council				0
Parliament				0
Court of Justice				0
Court of Auditors				0
EESC				0
CoR				0
EDPS				0
Ombudsman				0
Total	33	193	40	266

2009 figures

Institution	AD	AST	Contract staff	Total
Commission	31	183	32	246
of which: JRC	31	174	26	231
Council				
Parliament				
Court of Justice				
Court of Auditors				
EESC				
CoR				
EDPS				
Ombudsman				
Total	31	183	32	246

5. Services concerned and reasons

In 2008, the European Parliament joined the Council and Commission in using these services and paying the allowances. The Court of Justice, the Court of Auditors, the Committee of the Regions, the European Economic and Social Committee, the European Data Protection Supervisor and the European Ombudsman did not make use of them. Only the Commission 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 shiftwork

Commission: Within the Commission, it is the JRC which has, for mainly technical reasons, the greatest need for this type of work organisation (64 out of a total of 122 in 2008 and 63 out of 118 in 2009).

In the other DGs (operational budget), shiftwork was performed by 58 persons in the following types of services:

- Security and prevention: 28
- Technical installations: 13
- Information and communication technology (ICT): 5
- Telephone/reception: 12

In 2009 in the other DGs (operational budget), shiftwork was performed by 55 persons in the following types of services:

- Security and prevention: 28
- Technical installations: 13
- Information and communication technology (ICT): 5
- Telephone/reception: 9

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: At the Council, 100 allowances were granted for continuous work or shiftwork in 2008 and 98 in 2009. 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 shiftwork since 2008. Twenty-two allowances were granted for shiftwork at the Parliament for the two years in question. This allowance is used exclusively in the telephone service/reception domain. The shiftwork used is a two-shift system (rate 1).

5.2. Reasons for standby duty

Commission: In 2008, the Commission paid standby allowance to some 375 members of staff, more than two thirds (250) of whom were employed in one of the research centres.

In 2009, the Commission paid standby allowance to some 388 members of staff, more than two thirds (242) 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. There has been a slight rise in standby services in the field of security and information and communication technologies (ICT), and a higher rise in relation to assistance to Member States. Generally speaking, standby services have remained stable in all services.

Council: The Council paid allowances for standby services to 69 members of its staff in 2008 and to 70 in 2009. The services were limited to the running and supervision of technical installations, security services and support for CFSP/ESDP. Standby duty was performed exclusively at home.

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 2008 and 2009. Since 2007 the Office for Infrastructure and Logistics in Brussels (OIB) has introduced this possibility in one of its services (reproduction service) and in the Common Research Centre, which 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 2008, the total number of hours worked under such conditions were broken down as follows:

- 89,727 hours relating to individual protection;
- 178,593 hours relating to the place of work, and
- 23,916 hours relating to the nature of the work.

In 2009, the total number of hours worked under such conditions were broken down as follows:

- 80,764 hours relating to individual protection;

165,868 hours relating to the place of work, and
24,088 hours relating to the nature of the work.

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

Budget expenditure in 2008

Institution	Shiftwork	Standby duty	Arduous working conditions	Total
Commission	693 627.34	1 465 477.80	616 941.63	2 776 046.77
<i>of which: JRC</i>	<i>259 425.38</i>	<i>602 993.96</i>	<i>601 957.53</i>	<i>1 464 376.87</i>
Council	667 117.43	117 843.29		784 960.72
Parliament	93 515.18			93 515.18
Court of Justice				
Court of Auditors				
EESC				
CoR				
EDPS				
Ombudsman				
Total	1 454 259.95	1 583 321.09	616 941.63	3 654 522.67

Budget expenditure in 2009

Institution	Shiftwork	Standby duty	Arduous working conditions	Total
Commission	774 104.21	1 592 277.26	507 997.08	2 874 378.55
<i>of which: JRC</i>	<i>290 296.31</i>	<i>613 506.79</i>	<i>495 719.22</i>	<i>1 399 522.32</i>
Council	650 259.37	254 956.96		905 216.33
Parliament	98 994.72			98 994.72
Court of Justice				
Court of Auditors				
EESC				
CoR				
EDPS				
Ombudsman				
Total	1 523 358.30	1 847 234.22	507 997.08	3 878 589.60

Total expenditure, in other words the amount spent on all three allowances by all the Community institutions together, was a little under EUR 3.7 million in 2008 and a little under EUR 3.9 million in 2009.

Total expenditure in 2008 (EUR 3 654 522.67) is slightly lower than in 2007 (EUR 3 657 437.21). A slight increase in this expenditure has been observed in 2009 (EUR 3 878 589.60).