



Brussels, 16.12.2013
C(2013) 9046 final

COMMISSION DECISION

of 16.12.2013

on Article 55a of the Staff Regulations and Annex IVa thereto concerning part-time work

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THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Union, laid down by Council Regulation (EEC, Euratom, ECSC) No 259/68¹, and in particular Article 55a of the Staff Regulations and Annex IVa thereto,

Whereas:

- (1) Article 55a of the Staff Regulations and Annex IVa thereto concerning part-time work have been amended with effect as of 1 January 2014. The Commission Decision of 5 November 2010 on Article 55a of the Staff Regulations and Annex IVa thereto concerning part-time work (C(2010) 7573 final) should be adapted accordingly.;
- (2) For reasons of clarity and legal certainty, Decision C(2010) 7573 final should be replaced by this Decision,

HAS DECIDED AS FOLLOWS:

Article 1 - General provisions

An official² may request authorisation to work part time under the conditions laid down in Article 55a of the Staff Regulations and Annex IVa thereto.

Article 2 – Standard part-time work

- (1) Authorisation for standard part-time work may be granted for a maximum of three years. A rate of 50, 60, 62.5³, 70, 75, 80, 90 or, under the conditions indicated in the fourth indent of Article 4(7), 95 % of the normal working week shall apply, without prejudice to the rules on flexitime. Standard part-time work shall therefore be applied on a weekly basis.
- (2) The number of hours to be worked per day shall be specified in advance and may not exceed nine hours. A lunch break of at least half an hour shall be included if the working day is longer than five hours.

¹ OJ L 56, 4.3.1968, p.1.

² The term "official" also refers to other servants covered by the Conditions of Employment of Other Servants of the European Union. Any reference to a person of the male sex shall be deemed also to constitute a reference to a person of the female sex, and vice-versa, unless the context clearly indicates otherwise.

³ A 25-hour working week (five five-hour days).

20.3.2014 (MB/13/2014 ANNEX I FINAL)

Article 3 – Special part-time work (time credits)

- (1) Part-time work may also be authorised in the form of time credits. In this case the official shall be paid as if he/were working half time for a period of one or two months and shall be entitled to 10.5 full days or 21 half days of leave for each of the months on half-time pay.
- (2) The number of days acquired in this way may not exceed half of the working days in a given month.
- (3) The number of days acquired in the form of time credits in a year may not exceed the equivalent of 42 days.

Article 4 - Procedure

- (1) Officials wishing to work part time shall submit a written request for authorisation to the Appointing Authority via their immediate superior(s).
- (2) The application for part-time work shall specify the reason for the request, the type of part-time work requested, where appropriate the percentage referred to in Article 2(1), the duration, and the number of hours to be worked per day.
- (3) The superior(s) shall issue an opinion on the request before forwarding it to the Appointing Authority.
- (4) In the case of standard part-time work the number of hours worked each day shall be reduced by the same amount. If the person concerned makes a reasoned request to this effect, the Appointing Authority may authorise different weekly working hours, provided that this formula is compatible with the interest of the service. The working week may not be less than three days and the working day may not be less than three hours.
- (5) By way of exception, and solely in order to ensure the smooth running of the service and the performance of specific tasks, the Appointing Authority may, at the request of the service only and in agreement with the person concerned, authorise a work schedule covering two consecutive weeks, with absence alternating with presence in the office on a pro rata basis according to the part-time work formula chosen. However, the period of uninterrupted absence from the office shall not exceed five consecutive working days.
- (6) In the case of special part-time work (time credits), the application shall specify the exact dates of the days or half-days acquired.
- (7) The authorisation granted by the Appointing Authority shall specify the type of part-time work, the starting date, the duration and the number of hours worked per day and, in the case of special part-time work, the dates of the days or half-days acquired. The working hours per day or the different weekly working hours shall apply to the entire period for which the authorisation has been granted. In the case of special part-time work the dates of the days or half-days acquired may only be changed in advance and with the explicit agreement of the official's superior.

20.3.2014 (MB/13/2014 ANNEX I FINAL)

- (8) Authorisation to work part time may not be refused or postponed if the reason for the request is:
- to care for a dependent child under the age of 9;
 - to care for a dependent child aged between 9 and 12, if the reduction in working time is no more than 20 % of normal working time;
 - to care for a dependent child until he reaches the age of 14 when the official is a single parent.
 - in cases of serious hardship, to care for a dependant child under 14 years of age if the reduction in working time is no more than 5 % of normal working time. A "serious hardship" in this context exists where exceptional and duly justified family circumstances of the official require spending more time with the dependant child compared to normal circumstances and when the official is in a difficult financial situation. Authorisation to work part time may be granted, in particular, to care for a child who is disabled or seriously ill, to care for two or more dependant children after the death of the spouse or following other comparable circumstances when the staff member becomes single, or in other similar cases. The Directorate-General for Human Resources acting as the Appointing Authority, after an assessment by the Commission's social service, shall in principle grant the entitlement for an initial period of six months, which shall be renewable. The arrangement shall be terminated when the child turns 14 or the serious hardship no longer exists. In case both parents are employed in the service of the Union, only one shall be entitled to such reduction.
 - to care for a seriously ill or disabled spouse, relative in the ascending line, relative in the descending line, brother or sister.

Where part-time is requested in order to take part in further training, or under Article 55a(2)(g) of the Staff Regulations during the last three years before reaching pensionable age, but not before the age of 58, authorisation may be refused or postponed only in exceptional circumstances and for overriding and clearly specified reasons relating to the interest of the service.

The Appointing Authority shall send its decision refusing or postponing part-time work to the person concerned, his or her superior(s) and the Joint Committee on Part-time Work.

- (9) The Joint Committee on Part-time Work shall examine any refusal to authorise part-time work or postponement of its starting date referred to it by the person concerned. The Committee may ask the Appointing Authority to reconsider the case.
- (10) During the official's probationary period, as referred to in Article 34 of the Staff Regulations, part-time work shall be authorised in exceptional circumstances only.
- (11) Sick leave shall not have the effect of cancelling or interrupting a decision authorising part-time work. The provisions of the decision shall remain in force unless it is cancelled by the Appointing Authority which took it.

Article 5 - Election or appointment to public office

An official elected or appointed to public office and authorised by the Appointing Authority to work part time, as provided for in Article 15 of the Staff Regulations, shall undertake standard part-time work. The Appointing Authority shall determine the percentage of standard

20.3.2014 (MB/13/2014 ANNEX I FINAL)

weekly hours to be worked. The duration of the authorisation shall be equal to the official's term of office.

Article 6 – Parental leave and family leave

Officials taking parental leave or family leave in the form of half-time work shall undertake standard part-time work, with weekly working hours of 50 % of the normal working week.

Article 7 - Joint Committee on Part-time Work

- (1) The Joint Committee on Part-time Work shall consist of three officials appointed by the Director-General of DG Human Resources and Security or, in the case of officials of the Joint Research Centre, by the Director-General of the Centre, and two officials appointed by the relevant local section of the Staff Committee.
- (2) The Committee shall be chaired by one of the officials appointed by the Director-General of DG Human Resources and Security or, in the case of the Joint Research Centre, by one of the officials appointed by the Director-General of the Centre. The chair shall not have a vote.

Article 8 – Withdrawal of authorisation to work part time

- (1) Notwithstanding the possibility of requesting the withdrawal of the authorisation to work part time provided for in the first paragraph of Article 2 of Annex IVa to the Staff Regulations, officials may request withdrawal of the authorisation with retroactive effect due to illness. Such a request may be granted by the Appointing Authority in exceptional cases, taking into account the likely duration of the sick leave, the duration of the part-time work and the fact that the illness prevents the person concerned from performing the tasks for which he or she had requested part-time work. In such cases, the authorisation for standard part-time work may be withdrawn with effect from the first day of illness as attested by a medical certificate. The original medical certificate shall be sent to the Medical Service as soon as possible after the first day on which the person was unfit for work and no later than the fifth calendar day of absence, as evidenced by the postmark. However, the date of withdrawal may not be before the first day of the month in which the request for withdrawal was sent to the Appointing Authority.
- (2) In the case of special part-time work, notwithstanding the possibility of requesting the withdrawal of the authorisation to work part time provided for in the first paragraph of Article 2 of Annex IVa to the Staff Regulations, officials may request withdrawal of the authorisation with retroactive effect due to illness. The Appointing Authority may grant such a request if at least five of the total number of days acquired are covered by an uninterrupted period of sick leave. In such cases, the authorisation for part-time work may be withdrawn with effect from the first day of illness as attested by a medical certificate. The original medical certificate shall be sent to the Medical Service as soon as possible after the first day on which the person was unfit for work and no later than the fifth calendar day of absence, as evidenced by the postmark. However, the date of withdrawal may not be before the first day of the month in which the request for withdrawal was sent to the Appointing Authority.
- (3) In cases of force majeure, where officials are unable to request the withdrawal of the authorisation to work part time themselves, their consent shall be assumed and the

20.3.2014 (MB/13/2014 ANNEX I FINAL)

withdrawal made on their behalf by the leave manager (GECO) in their DG, acting on a special ad hoc decision by the Appointing Authority.

- (4) If the request for withdrawal is made on the grounds of maternity leave or adoption leave it may be granted retroactively for the full duration of that leave, if the request was made before the end of the leave.

Article 9 - Leave entitlement

Annual leave entitlements for an official authorised to work part time shall be governed by the Commission Decision introducing implementing provisions on leave (in section III.a Part-time working).

Article 10 - Entry into force

The Commission Decision of 5 November 2010 on Article 55a of the Staff Regulations and Annex IVa thereto concerning part-time work (C(2010) 7573 final) is repealed.

This Decision shall take effect on 1 January 2014.

Done at Brussels, 16.12.2013

For the Commission
Maroš ŠEFČOVIČ
Vice-President of the Commission