



EUROPEAN
COMMISSION

Brussels, 16.12.2013
C(2013) 9054 final

COMMISSION DECISION

of 16.12.2013

on measures concerning leave on personal grounds for officials and unpaid leave for temporary and contract staff of the European Union

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THE EUROPEAN COMMISSION,

Having regard to the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Union as laid down by Regulation (EEC, Euratom, ECSC) No 259/68¹, and in particular Articles 12b, 15, 37 and 40, and Article 33 of Annex XIII of the Staff Regulations and Articles 11, 17 and 91 of the Conditions of Employment of Other Servants,

Having regard to the Commission decision implementing the provisions of Article 12b of the Staff Regulations on outside activities and assignments,

Whereas:

(1) Article 40 of the Staff Regulations concerning leave on personal grounds and Article 17 of the Conditions of Employment of Other Servants concerning unpaid leave on compelling personal grounds have been amended with effect as of 1 January 2014. The Commission Decision of 28 April 2004 on measures concerning leave on personal grounds for officials and unpaid leave for temporary and contract staff (C(2004)1597) should be adapted accordingly;

(2) For reasons of clarity and legal certainty, Decision C(2004)1597 should be replaced by this Decision,

HAS DECIDED AS FOLLOWS:

- Article 1 - Conditions for granting leave on personal grounds
- Article 2 - Duration
- Article 3 - Professional activity
- Article 4 - Link with the Commission
- Article 5 - Career development
- Article 6 - Vacancy of posts
- Article 7 - Extension
- Article 8 - Return to work
- Article 9 - Dismissal
- Article 10 - Secondment
- Article 11 - Temporary staff
- Article 12 - Contract staff
- Article 13 – Entry into force

¹ OJ L 56, 4.3.1968

Article 1

Conditions for granting leave on personal grounds

Leave on personal grounds may be granted by the Appointing Authority at the request of the official concerned. The Appointing Authority shall take a decision on granting that leave after consulting the applicant's immediate superiors, having examined the request in detail and taken into account all relevant factors, in particular the reason for the leave, its duration and the immediate needs of the service. The official shall be notified of his precise obligations when the decision is taken to grant or extend leave on personal grounds.

Article 2

Duration

- (1) The duration of leave on personal grounds shall not be less than one month. However, for major family reasons, leave on personal grounds may be granted for a period of 15 days if there are no other possibilities of reducing working time (parental leave, family leave or part time working). Without prejudice to paragraph 2, the duration of the leave provided for in the Staff Regulations shall be restricted to one year, extendable several times for one year. The total duration of leave on personal grounds may not exceed twelve years over an official's whole career.

As a transitional measure, for those officials who on 31 December 2013 have been on leave on personal grounds for more than ten years over their entire career, the total duration of leave will remain limited to fifteen years.

For the purposes of calculating the total cumulative duration of leave on personal grounds, the following periods of leave on personal grounds granted shall not be taken into account:

- personal leave taken in order to follow his spouse, the latter also being an official or other servant of the Union required in the course of his duties to establish his usual residence at such a distance from the applicant official's place of employment that establishing the conjugal residence in such a place would inconvenience the applicant official in the performance of his duties; or
 - personal leave taken in order to bring up a child who is considered dependent within the meaning of Article 2(2) of Annex VII to the Staff Regulations and who suffers from a serious mental or physical handicap recognised by the institution's medical officer and requiring constant supervision or care; or
 - personal leave taken in order to assist his spouse, a relative in the ascending line, a relative in the descending line, a brother or a sister in the case of medically certified serious illness or disability.
 - personal leave granted to an official who has been elected or appointed to public office.
- (2) The period of leave on personal grounds granted to an official elected or appointed to public office shall be restricted to the duration of the term of office.
- (3) Other than in exceptional cases (serious illness of a close relative, election to public office, etc.), leave on personal grounds shall start on the 1st or 16th of the month and end on the 15th or last day of the month.

Article 3

Professional activity

An official who, during leave on personal grounds, envisages engaging in a professional activity or changing from the professional activity already authorised, must obtain prior permission from the Appointing Authority pursuant to Article 12b of the Staff Regulations and in accordance with the rules laid down by the Commission on outside activities and assignments.

In accordance with these rules, such permission shall not be granted to an official for the purpose of his engaging in an occupational activity, whether gainful or not, which involves lobbying or advocacy vis-à-vis his institution and which could lead to the existence or possibility of a conflict with the legitimate interests of the institution.

The Joint Committee shall be informed of the decisions that have been taken by the Appointing Authority pursuant to Article 12b of the Staff Regulations.

Article 4

Link with the Commission

During leave on personal grounds, the official shall maintain a link with the Directorate-General or department to which he was last assigned before his leave, considered as his Directorate-General or department "of origin", for the purposes of approving a request for extending that leave or for engaging in a professional activity. If, during leave on personal grounds, reorganisation takes place entailing transfer of the official's former tasks to another Directorate-General or department, the official shall come under the new Directorate-General or department to which the tasks have been assigned.

The official shall inform the Commission of his contact details during his leave on personal grounds and keep this information updated at all times.

Article 5

Career development

In accordance with Article 40(3) of the Staff Regulations, during leave on personal grounds an official shall not be entitled to advancement to a higher step or promotion in grade.

Article 6

Vacancy of posts

A post which is unoccupied following departure on leave on personal grounds for a period of six months or more shall be considered vacant from the first day of that leave on personal grounds.

Article 7

Extension

Extension of leave on personal grounds must be applied for by the official two months before expiry of the current period and may be granted by the Appointing Authority, provided that the conditions set out in Article 2 are met.

Article 8

Return to work

At the latest three months before the end of the leave on personal grounds, and if the official has not already submitted an application to return to work, the Directorate-General for Human Resources and Security shall contact the official and request a written notification of his wish to extend his leave on personal grounds or to return to work, in which case he should provide an updated curriculum vitae which includes details of any professional activity engaged in and new knowledge acquired while on leave.

In order to facilitate the return to work and the identification of the appropriate post, the Director-General for Human Resources and Security shall take the measures necessary for the official, on expiry of the period of leave on personal grounds, to return to work in his Directorate-General of origin in the first vacant post in his function group that corresponds to his abilities. The official's application shall be examined as a priority before any publication of the posts to be filled. The vacant post may only be published if the official returning to work does not possess the abilities required for the post to be filled or if he has a personal interest, in particular a family or a financial interest, or represents any other interests of third parties which would impair his independence in the course of his duties in the specific post, such as to lead to an actual or potential conflict of interest.

In order for the Commission to assess the existence of such a conflict of interest, the official shall prior to his reinstatement, inform the Appointing Authority, using a specific form, of any personal interest, in particular a family or a financial interest, or representation of any other interests of third parties such as described above, in order to allow the Appointing Authority to take any appropriate measure as provided for in Article 11a(2) of the Staff Regulations; such measure may not, however, prevent the reinstatement of the official. The assessment carried out by the Appointing Authority shall be made considering the situation of the official after his reinstatement.

If no post corresponding to his abilities is available for the official to return to work at the end of the period of leave on personal grounds, the Directorate-General for Human Resources and Security shall, subject to the budgetary resources available, place a vacant post at the disposal of the official's Directorate-General or department of origin for a period of 12 months at most. At the end of that period at the latest, the Directorate-General or department concerned shall reassign the official to a post within its allocation and return to the Directorate-General for Human Resources and Security the post placed at its disposal.

The official may also apply for posts corresponding to his profile in other Directorates-General or departments. The Directorate-General for Human Resources and Security shall provide technical assistance for making that application. In this case also, prior to his reinstatement, the official shall inform the Appointing Authority, using a specific form, of any personal interest or of his representation of any other interests of third parties which would actually or potentially impair his independence in the course of his duties in the specific post

offered at the Commission and which may thus lead to any actual or potential conflict of interest relevant to that post.

Article 9

Dismissal

An official who has asked to return to work may refuse the first offer of a post corresponding to his function group; in the event of a second refusal, the official may be dismissed after consultation of the Joint Committee. The same procedure applies to an official who has reached the cumulative total of years of leave on personal grounds provided in Article 2(1) of this Decision or who can no longer claim the exemptions set out in Article 2 and who does not apply to return to work.

Article 10

Secondment

An official on leave on personal grounds who is seconded in the interests of the service shall return to work in his Directorate-General or department of origin or in the Commission department most specifically involved with that secondment. The official's rights to advancement in step and eligibility for promotion shall recommence from the date on which secondment takes effect.

An official on leave on personal grounds who is then seconded at his own request shall enjoy the right to advancement in step from the date on which secondment takes effect. If the official thus seconded wishes to return to work at the institution within the six month period provided for in Article 39 of the Staff Regulations and if an appropriate post is not available in his Directorate-General or department of origin, the Directorate-General for Human Resources and Security shall make a post available subject to the same conditions as at Article 8 above.

At the end of the secondment period, the official shall either:

- apply to return to work in accordance with Article 8 above;
- apply for a new period of leave on personal grounds, provided that the conditions for granting it are met;
- tender his resignation;

Article 11

Temporary staff

- (a) Temporary staff may be granted unpaid leave, subject to the conditions set out in Article 1 of this Decision.
- (b) In accordance with Article 17 of the Conditions of Employment of Other Servants, the duration of unpaid leave requested by a temporary staff member shall not exceed one quarter of the length of time already worked by the servant or three months if the servant's seniority is less than four years or twelve months in other cases; such leave may not exceed twelve months over the whole of his career. For a temporary staff member on a fixed term contract,

the period of unpaid leave may not exceed the duration of the employment contract still to run.

- (c) If the temporary staff member requests unpaid leave to serve a term in public office, that leave shall be restricted to the duration of the term of office and shall not exceed the duration of the employment contract still to run.
- (d) Article 3 shall apply *mutatis mutandis* if the temporary staff member requests unpaid leave in order to engage in a professional activity.
- (e) At the end of unpaid leave, the temporary staff member shall return to work in the post occupied before departure, subject to the examination by the Authority competent for concluding contracts of employment whether the staff member has a personal interest, in particular a family or a financial interest, or represents any other interests of third parties which would impair his independence in the course of his duties in the specific post, such as to lead to an actual or potential conflict of interest
- (f) In order for the Commission to assess the existence of such a conflict of interest, the staff member shall, prior to returning to work, inform the Authority competent for concluding contracts of employment, using a specific form, of any personal interest, in particular a family or a financial interest, or representation of any other interests of third parties such as described above, in order to allow the Authority to take any appropriate measure as provided for in Article 11a(2) of the Staff Regulations. Where a temporary staff member does not take up his duties again at the end of unpaid leave, his absence shall be regarded as unjustified and the person authorised to conclude contracts shall terminate the contract pursuant to Article 47 of the Conditions of Employment of Other Servants.

Article 12

Contract staff

Article 11 shall apply *mutatis mutandis* to all contract staff.

Article 13

Entry into force

The Commission Decision of 28 April 2004 on measures concerning leave on personal grounds for officials and unpaid leave for temporary and contract staff (C(2004)1597/8) is repealed.

This Decision shall take effect on 1 January 2014.

Done at Brussels, 16.12.2013

For the Commission
Maroš ŠEFČOVIČ
Vice-President