



EUROPEAN
COMMISSION

Brussels, 16.12.2013
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COMMISSION DECISION

of 16.12.2013

ON WORKING TIME

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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 of the European Union and the Conditions of Employment of Other Servants of the European Union (CEOS), laid down by Council Regulation (EEC, Euratom, ECSC) No 259/68¹, and in particular Article 55 thereof and Articles 16 and 91 of the CEOS,

Whereas:

- (1) The Staff Regulations in force since 1 January 2014 have introduced a minimum number of 40 working hours per week to ensure that notwithstanding the 5% reduction of staff at the institutions by 2018, the available staff is able to carry out the work-load resulting from the Union's policy objectives, while at the same time contributing to the necessary savings given the general economic context. The introduction of a minimum number of working hours will furthermore lead to harmonised working conditions at the institutions, in the interest of solidarity throughout the Union's civil service.
- (2) Flexible working-time arrangements, or "flexitime", are an essential element of a modern and efficient public administration allowing for family-friendly working conditions and enabling a suitable gender balance within the institutions.
- (3) Flexitime as put in place at the Commission in 2007 on the basis of Article 1(e) of the Staff Regulations, has proved to be an effective tool in this context
- (4) The Staff Regulations as amended with effect from 1 January 2014 have introduced an explicit provision relating to flexitime.
- (5) It is necessary to replace the Commission's Decision of 2006 regarding flexitime² with new rules designed to take account of the modifications brought about by the revision of the Staff Regulations and the CEOS as of 1 January 2014. For the sake of clarity and legal certainty, that Decision should be replaced by this Decision,

HAS DECIDED AS FOLLOWS:

¹ OJ L 56, 4.3.1968, p. 1.

² Commission Decision SEC(2006)1796 of 19 December 2006 setting out the implementation of flexible working arrangements at the Commission as of 1 January 2007, Administrative Notice n° 62-2006 of 21 December 2006.

Article 1 –Scope of application

- (1) Except in instances where an express reference to flexitime is made, the principles contained in this Decision apply to all Commission staff covered by the Staff Regulations or by the CEOS , regardless of function group or grade, whether they apply flexitime or not. The same principles apply to seconded national experts (SNEs).
- (2) Staff members to whom the provisions of the second paragraph of Article 44 of the Staff Regulations apply are excluded from the scope of this Decision, with the exception of Article 3(1) and Article 5(1). These officials shall manage their working time in agreement with their superiors.
- (3) The daily working hours and core times apply to Commission staff members and SNEs employed in Brussels and Luxembourg. For other places of employment, different hours and times may be determined by the Director-General concerned, taking into account local requirements and circumstances.

The principles described below ensure a uniform and practical approach to flexitime in all Commission Directorates-General and Services.

- (4) Flexitime is available in all Commission Directorates-General and Services. However, certain units, parts of units or groups of staff may be excluded from applying flexitime or be subject to restricted use of flexitime owing to particular service requirements. Such cases have to be duly justified and submitted to Directorate-General Human Resources (DG HR) for approval, which will inform the Central Staff Committee (CSC) prior to doing so.
- (5) The purpose of flexitime is to allow staff to decide, having regard to the interest of the service, when they wish to start work, take lunch and go home in the general context of a 40-hour week. This flexibility is limited to the hours defined as flexitime in Article 2(6) below and has to take account of the interest of the service. Recuperation in the form of full or half-days off (thus including core time, see Article 2(4) below) will be accepted under the conditions set out in Article 3(6) below.

Article 2- Working time

- (1) For all staff members and SNEs at the Commission, the number of working hours is 40 hours per week, spread out over 5 working days. Thus, the standard working time is 8 hours for a day and 4 hours for a half-day. The required monthly working time is 8 hours multiplied by the number of working days in the month.
- (2) The period encompassing the working day is Monday to Friday from 7:00 to 20:00. Under exceptional circumstances and subject to prior approval from the hierarchical superior³, work done outside this period may be taken into consideration by the service concerned.
- (3) To ensure continuity of service, an adequate presence of staff must be ensured in each service every day from 8:30 to 17:30, with a possible break between 13:00 and 14:00.

³ For the purposes of this Decision the term "hierarchical superior" shall not be restricted to the sole line manager

Working hours for staff not applying flexitime shall be specified, as appropriate, by the hierarchical superior in the interest of the service. The default working time is from 8:30 to 12:30 and from 13:30 to 17:30.

- (4) The period during which all staff must be present, called core time, is from 9:30 to 12:00 and from 15:00 to 16:30 (16:00 on Fridays).

Core time is binding for all Commission Directorates-General and Services. Derogations to take account of the specific needs within certain Directorates-General may be allowed subject to the agreement of DG HR, which will inform the CSC before giving its approval. In particular, derogations may be given where necessary to ensure the operation of mechanisms designed to ensure the continuity and delivery of required services.

- (5) The duration of the working day may not exceed 10 hours and a lunch break of not less than 30 minutes must be taken when working time is more than 5 hours. For staff members working part-time, the duration of the working day may not exceed 9 hours, except when they are carrying out full-time missions, in which case a maximum of 10 hours per day may be counted
- (6) Flexitime, which is the period during which members of staff are free to choose the time of their arrival, lunch break and departure, runs from 7:00 to 9:30, from 12:00 to 15:00 and from 16:30 (16:00 on Fridays) to 20:00. Services may impose restrictions on this choice in order to ensure an adequate presence of staff during the period specified in paragraph 3 above.
- (7) Managers must ensure that flexitime is used in a way which takes into account the interests of both the service and the members of staff. They will try to solve any possible problem by dialogue.

Article 3 - Time management

- (1) The working time of staff members and SNEs is recorded following the procedure referred to in Article 5(1).
- (2) The time worked is compared to the standard working time specified in Article 2(1) above. Where a staff member has worked more than the standard working time, he is credited with the corresponding amount of time (credit), but if he has worked for less than the standard working time, the corresponding amount is debited (debit).
- (3) The balance of debits and credits is calculated at the end of each month. Any credit balance in excess of 16 hours at the end of the month will be automatically reduced to 16 hours, which are carried over to the next month.
- (4) For a debit balance in excess of 16 hours, the excess hours will be considered as unauthorised absence and will be offset by a deduction of a corresponding number of half or full days of annual leave.
- (5) However, a credit or debit balance exceeding 16 hours at the end of the month may exceptionally be carried over to the next month where service reasons, sick leave or *force majeure* prevented the person concerned from adjusting the balance appropriately. In this case, the balance must be corrected in the following month.
- (6) In general, for those applying flexitime a credit balance is offset by shorter working periods compared with the daily average of 8 hours, while a debit balance is offset by longer working periods.

Where the balance is in credit, however, members of staff may request recuperation of the hours in credit, according to the following rules:

- Staff members in grades AD8/AST8 and lower, in function group AST/SC, contract agents and SNEs may request to take off half a day or a full day as recuperation for each 4 or 8 hours in credit; this recuperation has to be taken in the form of half a day or a full day. No more than 2 full days or 4 half days may be taken off as recuperation each calendar month.
 - Staff members in grades AD9/AST9 and higher may request to take off half a day for each 4 hours in credit. No more than 4 half days may be taken off as recuperation each calendar month.
- (7) For those applying flexitime, any recuperation or form of recuperation involving absence during core time is subject to prior approval by the hierarchical superior, who for this purpose will take into account the interest of the service and the work of the staff member.
- (8) The current provisions apply on a pro rata basis to persons authorised to work part-time. In such cases, the standard working hours specified in Article 2(1) above, the time counted for absences under Article 4(1) below and the maximum time credited or debited as described in paragraphs 3 and 4 above will be reduced in proportion to the reduced working time.

The exact definition of core time in such cases is decided by the hierarchical superior after consultation of the person concerned and taking into account the interest of the service.

- (9) For staff authorised to telework, flexitime provisions apply only to that part of working time spent in the office. Days or half-days of telework are counted as standard working days of 8 hours or half-days of 4 hours.

Article 4 - Specific situations

- (1) Absences for annual leave, special leave and sick leave are accounted for on the basis of a standard working day of 8 hours in the case of a full day and 4 hours in the case of a half-day. For part-time work, the number of hours accounted for is proportionally lower.
- (2) A mission of one or more full days is accounted for as 8 hours per day. Where real working hours or combined working and travel hours are higher, they may be counted up to a maximum of 10 hours per day. Such flexibility should in particular be applied in relation to missions lasting five working days or longer. A mission carried out within standard working hours or a mission beginning or ending during a day, with the remainder of the day being worked in the office, is accounted for as the combined mission and office work time, up to a maximum of 10 hours.
- (3) Time in credit for travel at a weekend or on public holidays is 4 hours credit per day for missions inside the EU; higher time credits may be granted for missions outside the EU, up to a maximum of 8 hours.

Where a mission finishes with an overnight flight and a morning return to the place of work, a special half-day's recuperation will be granted for that day.

- (4) Where, owing to the particular characteristics of their duties and their work, specific and clearly defined groups of officials are constantly obliged to carry out missions involving one or more weekends spent at the place of the mission or on travel

between different mission locations, the service in question may, with the agreement of DG HR and after consultation of the CSC, adopt rules for crediting each day of such weekends up to a maximum of 8 hours. Weekend travel at the beginning and end of missions may be credited on the basis of the actual travel time, up to a maximum of 8 hours per day. Equally, where for clearly stated service reasons persons have to systematically work at weekends during such missions, the number of hours actually worked on each day of a weekend may be credited up to a maximum of 10 hours per day. For these groups of persons, e.g. inspectors⁴, who must be clearly identified in the specific rules, the maximum possible time credit defined in Article 3(3) above and the maximum recuperation defined in Article 3(6) above may be increased, taking into account the particular characteristics of the service. Recuperation must be taken as close as possible in time to the accumulation of such credits, and not later than 2 months following the month in which the mission ends.

- (5) Professional training approved by the hierarchical superior in line with the applicable rules is counted as working time.
- (6) For absences to attend medical appointments during core time, a flexible approach must be taken for staff working full-time, except in the event of manifest abuse.

Article 5 -Recording hours worked

- (1) Each Director-General shall ensure that the working hours of his staff are recorded following the procedure established by DG HR.

For this purpose DG HR shall define a single system applicable, after a transition period, in all Services, which may include manual recording, electronic files, magnetic cards or equivalent tool.

DG HR will define, if need be, a limited number of interim systems to be in place until a single Commission-wide system is applicable. Any time-recording system must be proportionate to the objective set out in Article 3(1) and in conformity with Regulation (EC) No 45/2001 on the protection of personal data processed by Union institutions and bodies.

- (2) A lunch break of at least 30 minutes must be taken when working time is more than 5 hours (see Article 2(5) above).
- (3) Staff members and SNEs may consult their time account at any time. At the beginning of each month they must validate the timesheet of the preceding month.
- (4) At the beginning of each month managers must check and approve the timesheets of each member of their staff, showing all the times recorded during the preceding month.

Article 6- Final provisions

- (1) More detailed rules and practical procedures for the application of working time provisions may be adopted by the Director-General of DG HR.
- (2) Commission Decision SEC(2006) 1796 of 19 December 2006 setting out the implementation of flexible working arrangements at the Commission as of 1 January 2007 is hereby repealed.

⁴ Inspectors may benefit from specific provisions to be established at a later stage within the framework of this Article 4(4).

(3) The present Decision shall take effect on 1 January 2014.

Done at Brussels, XXXX

For the Commission
Maroš ŠEFČOVIČ
Vice-President