

COMMISSION DECISION

of XXX

on the implementation of working time and hybrid working

THE EUROPEAN COMMISSION,

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

Having regard to the Staff Regulations of Officials (the "Staff Regulations") and the Conditions of Employment of Other Servants of the European Union (the "CEOS"), laid down by Council Regulation (EEC, Euratom, ECSC) No 259/68 of 29 February 1968¹, and in particular Articles 1(e)(1) and 55 of the Staff Regulations and Articles 10, 16, 80 and 91 of the CEOS,

After consultation of the Joint Committee on prevention and protection at work in Brussels, the Security and Hygiene Committees in Luxembourg, Ispra-Sevilla, Geel, Karlsruhe and Petten,

After consultation of the Joint Committee on Equal Opportunities (COPEC),

After consultation of the Staff Committee,

Whereas:

- 1) Pursuant to Article 55 of the Staff Regulations, officials and other agents are required to perform at least 40 working hours per week.
- 2) The Staff Regulations allow for the setting up of flexible working time arrangements referred to below as "flexitime". Flexitime allows staff to vary the time at which they start and finish their working time. Flexitime also allows eligible staff to recuperate, under certain conditions, additional hours worked.
- 3) As a modern employer, the Commission is promoting a modern, digital and flexible work environment, enabling work-life balance and decreasing its environmental impact. This new way of working is based on hybrid working, i.e. a combination of working from an office and teleworking.
- 4) Flexible and hybrid working arrangements require staff to be autonomous, to have a sense of responsibility, to be well-organised and to meet deadlines. For the line manager, it means implementing objective-based and result-oriented management as well as developing efficient remote management and a culture of trust. Management methods need to be adapted to the management of remote and hybrid teams that use teleworking on a regular basis to ensure proper organisation of the work and integration of staff within such teams.

¹ OJ L 56, 4.3.1968, p. 1

- 5) Commission staff mostly carry-out knowledge-based activities, which are in principle suitable for telework. Tasks which require physical presence are unsuitable for telework. This includes notably receiving the public, working as a driver, catering, physical mail distribution, technical and logistical support to conferences and meetings that requires onsite presence, child care and certain medical services.
- 6) Each Director General/Head of Service ensures the implementation of the new hybrid way of working in their Directorate General/Service in accordance with the present flexible framework provided by this decision. Line managers are competent to adopt individual decisions on hybrid working arrangements in line with the present decision and the policy set in their Directorate General/Service.
- 7) All staff, regardless of the work pattern, should be treated equally. Notably, this refers to the workload and performance indicators as well as entitlements to training and career prospects.
- 8) Teleworking will contribute to reducing CO2 emissions arising from staff commuting and the resulting congestion, particularly for those who drive to work, and will therefore contribute towards supporting the Commission's efforts, under the Green Deal, to become climate neutral by 2030.
- 9) Hybrid working will require adaptation of the office working environment, including the size and the lay-out of the office space, in order to offer excellent working conditions for staff coming to office. This will contribute to reducing CO2 emissions arising from buildings and lead to a greener and more flexible use of the office working space.
- 10) DG HR will monitor the ratio of teleworking and working in the office with special focus on the use of teleworking per gender. By monitoring this ratio, and where relevant, DG HR will work on options to encourage the equal use of telework for men and women.
- 11) The experience of wide-scale teleworking during the COVID-19 pandemic that has been implemented within a very short period of time has shown that the Commission was able to function effectively, and demonstrated that teleworking is an essential tool for ensuring business continuity in times of crisis.
- 12) In line with the modernisation of the Commission, a new decision should be adopted to introduce adequate modifications based on the experience of the past years of implementing the current working arrangements and taking into account the lessons learned during the Covid-19 crisis.

HAS DECIDED AS FOLLOWS:

Article 1- Scope of application

1. This Decision shall apply to all Commission staff covered by the Staff Regulations or by the CEOS², regardless of function group or grade. It shall also apply to seconded national experts (SNEs) and local agents working in the Representations of the European Commission in the Member States.

² Officials, temporary agents and contract agents

2. This Decision shall not apply to Commission officials, temporary agents, contract agents, SNEs and local agents working in EU delegations. Their working time arrangements shall be determined by the European External Action Service in close cooperation with the Commission, as foreseen in Commission Decision of 4 June 2013 on the exercise of powers conferred by the Staff Regulations on the appointing authority (AIPN) and by the Conditions of Employment of Other Servants on the authority empowered to conclude contracts of employment (AHCC), [C(2013)3288], as amended³.
3. This Decision shall not apply to categories of staff working at the European Commission who are covered by working time arrangements defined and adopted by the competent authorities.
4. For the implementation of the teleworking policy as defined in Title II of this Decision, Directors-General are the Appointing Authority responsible in their respective Directorate-General in accordance with the present decision. The Director-General shall delegate the power to implement this teleworking policy to the line management.

Title II only applies to staff whose tasks can be performed remotely.

Title I – Working time

Article 2 – Working Time Regime

1. The normal number of working hours shall be 40 hours per week, spread over five working days, from Monday to Friday. Thus, the normal working time shall be 8 hours a day and 4 hours for a half day. These hours apply on a pro rata basis for persons authorised to work part-time.
2. The default working time regime applicable to Commission staff shall be flexitime, except for those staff members who are subject to specific working time regimes as referred to in paragraph 4 below. Flexitime allows staff to vary the time at which they start and finish their working time. Flexitime also allows eligible staff to recuperate additional hours worked, under the conditions laid down in Article 5.
3. Directorates-General and Services with specific service requirements may need to adjust or complement working time provisions, following consultation with the Staff Committee.

Due to particular service requirements linked to the nature of their duties, Directorates-General and Services, after consultation with DG HR, may exclude certain groups of staff from applying flexitime and determine alternative/fixed working hours for these groups. The Staff Committee (SC) shall be consulted before adoption of such decision.

4. Only in cases of urgency linked to “force majeure”, decisions concerning the working hours or flexitime can be adopted before the Staff Committee renders its opinion.

³ Decision C(2013)9056 of 16 December 2013 amending Decision C(2013) 3288 of 4 June 2013 on the exercise of powers conferred by the Staff Regulations on the appointing authority (AIPN) and by the Conditions of Employment of Other Servants on the authority empowered to conclude contracts of employment (AHCC).

Article 3 – Basic principles

1. Managers shall ensure that the overall work assigned to their staff is manageable within the context of a standard 40-hour working week, while having regard to inevitable peak periods during the year.
2. In cases where excess hours are imposed by service needs, staff can offset accordingly by working less the following days or months, or recuperate extra hours in the form of a full or half day, as defined in Article 5.
3. Registered working hours must correspond to the work actually performed. Managers are responsible for ensuring that individual staff members placed under their authority know and respect the applicable rules. They shall clarify beforehand and agree with their staff their expectations regarding working time and flexible working arrangements and the conditions under which excess hours can be offset or recuperated.
4. While managers may delegate the execution of administrative tasks related to the implementation of this Decision, they are responsible for verifying that the hours recorded correspond to the work actually performed. If a manager notices discrepancies between the amount of hours registered and the assigned tasks and corresponding output they should discuss it with the staff member before validating the timesheet. They should reject registered hours not corresponding to effective work.

Article 4 – Daily working hours

1. Staff have the flexibility to choose how to spread their time daily, but this should be agreed with the line manager depending on the needs of the service. Staff should work mainly between 8:00 and 19:00.

If staff choose to work beyond this bandwidth, they should perform tasks that do not require immediate interaction with other colleagues.

They are also encouraged to take regular breaks, especially when working before a screen. There should also be a minimum of one rest break of at least 20 minutes per working day.⁴

The manager will have full control on determining the working hours in cases where staff fail to comply with the principles of trust based management.

2. Line managers need to ensure adequate planning of the daily and weekly work, so as to have service continuity, and show flexibility for staff's personal commitments and breaks.
3. The line manager may not contact or expect staff to work from 19.00 to 8.00 ("disconnection bandwidth"), unless it is an emergency or it was pre-agreed, or in cases where the nature of work or tasks dictate availability during such hours. The same right to disconnect applies for weekends, public holidays and during the staff's annual leave or other type of leave.

⁴ Directive 2003/88/EC of 4 Nov. 2003 concerning certain aspects of working time, Interpretive Communication on Directive 2003/88/EC (2017/C 165/01)

Article 5 – Time Accounting and Recuperation

1. In order to maintain staff health and wellbeing, the amount of daily working hours may in principle not exceed a total of 10 hours, including for staff working part-time. When the needs of the service requires it, notably during the peak periods, hours performed beyond this limit may be authorised by the line manager.
2. Where a staff member has worked more than the normal working time, they are credited with the corresponding amount of time (credit), but if they worked less than the normal working time, the corresponding amount shall be debited (debit). Staff will be offered a user-friendly tool to record their “credit” or “debit” hours.
3. The balance of credits and debits shall be calculated at the end of each calendar month. Any credit balance is carried over to the next month. A debit balance shall not exceed 20 hours. The debit balance shall be carried over to the next month and shall be offset during the six following months.

By exception, a debit balance exceeding 20 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.

4. Where the balance is in credit, eligible staff may request recuperation of the hours in credit depending on their grade and function group, within the limits set out in Article 55(4) of the Staff Regulations. No more than 2 full days or 4 half days may be taken off as recuperation each calendar month.

Staff members to whom the provisions of the second paragraph of Article 44 of the Staff Regulations apply are not eligible for recuperation.

5. Upon an individual request for recuperation from a staff member, the line manager, having due regard to the basic principles as laid down in Article 3, may approve it if:
 - a. excess hours are justified by the staff member's work;
 - b. it is compatible with the interest of the service.

Article 6 – Time Accounting – Specific situations

1. **Absences for annual leave, special leave and sick leave** shall be accounted for on the basis of a normal working day of 8 hours in the case of a full day and 4 hours in the case of a half day.

2. **Working hours during a mission** shall be accounted as normally.

Travel time for a is counted and registered as working time, including when taking place on a weekend or on a public holidays.

Where a mission finishes with an overnight flight and a morning return to the place of work, a half day of compensation shall be granted for that day.

3. **Any other work-related activity** such as training, tasks related to personnel administration within the Commission or trade union representation shall be accounted as working time, provided that the line manager is in agreement and that the activity takes place in the interest of the service, or is required by the service's needs.
4. Time-accounting provisions shall apply on a pro rata basis to persons authorised to **work part-time**. In such cases, the normal working time specified in Article 2(1), the time counted for absences under Article 6(1) and the time credited or debited as

described in Article 5 shall be reduced in proportion to the reduced working time formula.

Title II – Hybrid working

Article 7 – Definition and basic principles on hybrid working

1. Hybrid working is a combination of teleworking and working from the office.
2. Telework is a method of carrying out work by staff outside the office⁵ with the help of information and communication technologies. It applies only to tasks which, by their nature, can be fully performed remotely.
3. Working from the office and teleworking are considered equivalent ways of working.
4. DG HR shall adopt a guide on teleworking indicating criteria, procedures and good practices to achieve the objectives of this decision and set up monitoring tools.
5. DGs will develop working arrangement plans, monitoring the use of the new hybrid way of working, their productivity, and will report to DG HR on a regular basis to be determined by DG HR.

Article 8 – Hybrid working arrangements

1. Any week shall in principle include 40% presence at the office and 20% telework, the rest being decided in agreement with the line manager. Managers shall ensure that the presence of staff in the office is evenly spread during the whole week, from Monday to Friday.

This provision shall not be an obstacle to 100% presence at the office where the staff member so requests or where exceptionally required by the needs of the service. It shall neither exclude the possibility under exceptional circumstances of 100% teleworking if there is a clear interest of the service defined by the line manager in agreement with the staff member.

This is without prejudice to the possibility for staff members with temporary health issues impacting on their mobility but who are still able to telework to do so for the duration of their health problem precluding them from moving.

Such mobility issues need to be certified by a doctor and notified to the Commission's medical officer, which may proceed to any appropriate verification.

2. Staff members pre-register where they will be working (office or telework) in the dedicated IT tool in line with the rules defined by DG HR. This tool shall cater for flexibility for staff members but also for planning.
3. Line managers may decide that on specific day(s) during the week the whole unit/sector/team should be present in the office to facilitate team building, internal planning / organisation and brainstorming.
4. Line managers may require the presence of a staff member in the office on a particular day where necessary for the needs of the service.

5. Working arrangements may be changed by the line manager if it is in the interest of the service (for example in the event of a change in the staff member's assignments or duties). The decision to change the working arrangements shall indicate the reason.

Article 9 Place of telework

1. Telework is primarily performed in the place of employment or at no great distance therefrom, as is compatible with the proper performance of the duties, in line with Article 20 of the Staff Regulations. Staff need to be able to physically come to the office within two hours as of the moment they are instructed to do so, in case of a service need.
2. Exceptionally, telework may be performed in a location different to the place of employment, in line with Article 10.
3. Effective teleworking requires a reliable broadband connection and a working environment which complies with data security and applicable confidentiality standards. In case of technical issues linked to connectivity or to their home office environment preventing them to adequately perform their duties, staff are required to come back to the office at their own expense without delay.

Article 10 – Telework abroad

1. All staff will have the opportunity to telework outside the place of employment up to 10 working days per calendar year, linked with at least 5 days of annual leave, upon their request and subject to authorisation by their line manager. Directors-General shall supervise and ensure consistency of application of this paragraph. Directorates-General shall provide DG HR annually with aggregated data on the application of this paragraph.
2. In exceptional circumstances, such as duly documented imperative family reasons, an authorisation to telework abroad may be granted by DG HR for one month, after consulting the staff's line manager, renewable under the same conditions. In case of a medical treatment that a staff member may need to undergo abroad, authorisation may be granted from the outset for the whole duration of the treatment, if the staff member chooses to telework in parallel.

In case of an unforeseen need of the service requiring their presence at the office, staff on telework outside the place of employment may be required to come back at their place of employment at their own cost within 48 hours. The traveling time could be considered as working time by the line manager if effective work is performed during the travel.

3. Line managers may authorise teleworking outside the place of employment in imperative cases where the interest of the service so requires, essentially when the interest of the service would call for withdrawing annual leave of a staff member for complying with urgent work-related requests in accordance with Article 5 of Annex V of the Staff Regulations.
4. Staff authorised to telework from abroad communicate their temporary address to their line manager before the start of the teleworking period.

Article 11 Force majeure and other special cases

1. **At the request of a service or department** for duly justified reasons, DG HR is empowered to grant telework for an extensive and uninterrupted period for all or part of a service or department.
2. **In cases of force majeure**, DG HR is also empowered, after consultation of the concerned services, to require staff members to telework for extensive and uninterrupted periods, until further notice. The timeline for consultation shall be commensurate to the nature and extent of the force majeure.

Article 12 Equipment, technical support and connectivity

1. Directorates-General and Services in collaboration with DG DIGIT provide teleworkers with at least a laptop computer. The laptop will have to be used both in the office and when teleworking.

DG HR and DG DIGIT will support staff with additional equipment, depending also on their job profile, subject to budgetary availability. Specific needs of staff with disability on telework shall be catered for under the reasonable accommodation rules.

2. If appropriate, DG HR may adopt a decision providing for a lump sum covering certain costs of teleworkers.

Article 13 – Health and safety

1. The Commission provides teleworkers with information on occupational health and safety, ergonomics, document security, use of IT equipment, precautions to be taken against damage and theft and other subjects relating to telework.
2. Management training will take into account the specifics of remote management of staff teleworking, including leading a team and building team spirit, monitoring performance and motivation of each team member as well as the possible risks and dangers of digital overload and digital burnout.
3. Staff on telework are covered by the insurance against accident and occupational disease provided in Article 73 of the Staff Regulations to the same extent as staff working at the office. They shall take out private insurance as required by the laws of the country in which the telework takes place.

Article 14 – Final provisions

1. DG HR shall be responsible for monitoring the effective implementation and compliance of this Decision within the Commission, in consultation with the COPEC, and will perform an evaluation of the practical implementation after 1 year.
2. Commission Decision C(2015) 9151 of 17 December 2015 on the implementation of telework in Commission departments and the Commission Decision C(2014) 2502 of 15 February 2014 on working time are hereby repealed.
3. All existing structural teleworking agreements concluded on the basis of the previous Decision shall be terminated with the entry into force of this Decision.

Article 15 – Entry into force

This Decision shall enter into force on the ...

Done at Brussels,

For the Commission
Johannes HAHN
Member of the Commission