



**Council of the European Union**  
General Secretariat

**Brussels**  
**(OR. en)**

**SN 2601/23**

**LEGAL ACTS**

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Subject: DECISION No XX/2023 OF THE SECRETARY-GENERAL OF THE COUNCIL laying down rules for the application of the provisions of the Staff Regulations on leave within the General Secretariat of the Council

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**DECISION No XX/2023**  
**OF THE SECRETARY-GENERAL OF THE COUNCIL**

**laying down rules for the application of the provisions of the Staff Regulations on leave within  
the General Secretariat of the Council**

THE SECRETARY-GENERAL OF THE COUNCIL,

having regard to the European Council Decision of 1 December 2009 adopting its Rules of Procedure, and in particular Article 13 thereof<sup>1</sup>,

having regard to the Council Decision of 1 December 2009 adopting the Council's Rules of Procedure, and in particular Article 23 thereof<sup>2</sup>,

having regard to the Staff Regulations of Officials of the European Union, and in particular Articles 57 and 58 and Annex V thereof<sup>3</sup>,

having regard to Council Decision (EU) 2015/1027 of 23 June 2015<sup>4</sup> concerning the rules applicable to experts on secondment to the General Secretariat of the Council, which refers more generally to the rules governing leave and other absences within the GSC while, at the same time, setting specific rules for seconded experts,

after consulting the Staff Committee,

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<sup>1</sup> OJ L 315, 2.12.2009, p. 51.

<sup>2</sup> OJ L 315, 11.12.2009, p. 35, amended by the Council Decision of 1 July 2013, OJ L 183, 2.7.2013, p. 11.

<sup>3</sup> Last modified by Regulation No 1023/2013 of the European Parliament and of the Council of 22 October 2013 amending the Staff Regulations of Officials of the European Union and the Conditions of Employment of Other Servants of the European Union, *OJ L 287, 29.10.2013, p. 15*.

<sup>4</sup> Council Decision (EU) 2015/1027 of 23 June 2015 concerning the rules applicable to experts on secondment to the General Secretariat of the Council (OJ L 163, 30.06.2015, p. 40).

WHEREAS:

- 1) in order to facilitate consultation of the applicable rules, and to ensure uniform and consistent practice, a single instrument is required containing information and rules applicable to leave and other absences within the General Secretariat of the Council,
- 2) the trade unions in the GSC were consulted, in accordance with Article 8 of the Framework Agreement<sup>5</sup>.

HAS DECIDED AS FOLLOWS:

*Article 1*

The provisions set out in the Annex to this Decision apply to officials in active employment, other staff and seconded national experts. This Decision repeals and replaces Decision 22/2021 laying down rules in relation to leave.

*Article 2*

This Decision shall enter into force on 1 January 2024.

Done at Brussels,

Thérèse BLANCHET

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<sup>5</sup> Agreement between the Council of the European Union and the Trade Unions or Professional Organisations of the Staff of the General Secretariat of the Council of 28 March 2006 (CP 53/06)

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## ACRONYMS AND DEFINITIONS

AA	Appointing Authority
SNE	Seconded National Expert
Official	Official, temporary staff member, contract staff member
Institutions	Organisations as per Articles 1a and 1b of the Staff Regulations
Organisation devoted to furthering the Union's interests	Organisation included in the list drawn up pursuant to the second indent of Article 37(b) of the Staff Regulations
Spouse	Married or recognised unmarried partner, including same sex couples, provided the first three conditions under point (c) of Article 1(2) of Annex VII of the Staff Regulations are met
JSIS	Joint Sickness Insurance Scheme of the European Union
GSC	General Secretariat of the Council
MS	Medical Service
1 week	7 calendar days
1 calendar year	From 1 January to 31 December inclusive
1 day of leave/special leave	8 hours for staff working full time and can be pro rata for staff working part-time
	Or 8 hours for staff not working under flexible working time arrangements
1 half day of annual leave/special leave	4 hours for staff working full time and can be pro rata for staff working part-time
	Or 4 hours for staff not working under flexible working time arrangements

## INTRODUCTION

These provisions apply to officials of the GSC and of the cabinet of the President of the European Council and, where relevant, seconded national experts. They do not apply to trainees.

### A. Organisation

The management of leave entitlements is centralised and is carried out by the service responsible for working time in the Human Resources Directorate.

### B. General rules

Except in cases of force majeure (such as illness or accident), officials/SNEs may not absent themselves from work without the prior authorisation of their immediate superior.

Officials/SNEs are therefore not permitted in principle to depart on annual or special leave until they have made sure that their immediate superior has approved their request. In cases of force majeure, they must notify their immediate superior or ask someone else to do so on their behalf. Any absence not covered by prior authorisation should be recorded as soon as possible – in practice during the first few hours of the absence – by the immediate superior (or the person authorised by him or her). The absence may be recorded in an attendance list, with a note of the reason for the absence (illness, leave, etc.) or an indication that no reasons for absence have been provided.

In accordance with Article 60 of the Staff Regulations, without prejudice to any disciplinary measures that may apply, any unauthorised absence which is duly established is deducted from the annual leave of the official concerned. If officials have no outstanding leave entitlement, they forfeit their remuneration for the corresponding period. In the case of seconded national experts, they forfeit the daily subsistence allowance for the corresponding period.



## 1. ANNUAL LEAVE

(Summary table)

	ANNUAL LEAVE	OFFICIALS	SNEs	Pro rata
<b>1.1.</b>	Basic entitlement per month of service			
	<i>15 days of service or less</i>	1 day	Not applicable	Yes
	<i>More than 15 days of service</i>	2 days	2.5 days (only if whole month of service)	Yes
<b>1.2.</b>	Age-related entitlement (by age group)		Not applicable	Yes
	<i>Less than 35</i>	1 day		
	<i>From 35 to 39</i>	2 days		
	<i>From 40 to 44</i>	3 days		
	<i>From 45 to 49</i>	4 days		
	<i>From 50 to 54</i>	5 days		
	<i>55 and above</i>	6 days		
<b>1.3.</b>	Leave for the purpose of visiting one's home country	If entitled to the expatriation or foreign residence allowance: 2.5 days	Not applicable	Yes

### General principles:

- a day of leave is a working day which is not worked<sup>6</sup> (this definition does not apply to officials/SNEs doing shift work);
- annual leave may be taken all at once or in several periods at the request of the official and with the agreement of the immediate superior, and it must include at least one period of two consecutive weeks of leave. Without prejudice to this obligation under the Staff Regulations<sup>7</sup>, staff may be asked to take as many days of leave as possible over the summer, i.e. between mid-July and the beginning of September, which is a period when the GSC has generally fewer meetings to support;
- to ensure that leave can be planned in such a way as to reconcile the legitimate interests of officials with the need to provide efficiently operating services and sound administration, managers must implement all the preparatory measures which are necessary in order to identify, at an early stage, any situation which is likely to result in (1) an inability to provide continuous service, and/or (2) situations involving a balance or more than 12 days of annual leave at the end of the year. It is therefore essential that departments put in place a decentralised leave-planning procedure at the beginning of the year;
- the components making up annual leave are the basic entitlement and the entitlement relating to age, and, where applicable leave for the purpose of visiting one's home country;
- Officials/SNEs must obtain permission for leave before taking it.

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<sup>6</sup> In principle, from Monday to Friday inclusive, except for public holidays and/or days when the offices are closed. See the annual lists of public holidays as provided for in Article 61 of the Staff Regulations.

<sup>7</sup> Article 2 of Annex V to the Staff Regulations

### Implementation:

- Officials/SNEs must enter the leave request in the centralised IT application.
- The request must be validated by the authorised time manager/immediate superior as soon as possible; the immediate superior must inform the official in due time if the leave cannot be granted owing to requirements of the service.

### **1.1. Basic entitlement**

#### General principles:

- Annual maximum possible for officials: 24 days.
- Annual maximum possible for SNEs: 30 days.
- Except in duly justified cases, no annual leave for officials until they have completed three months' service.
- For those in non-active employment or entering or terminating service during a calendar year, the basic entitlement is calculated pro rata on the basis of the number of months to be worked before 31 December.

#### Legal basis:

- Article 57 of the Staff Regulations and Article 1 of Annex V to the Staff Regulations. For SNEs: Article 14 of Council Decision (EU) 2015/1027.

## 1.2. Additional age-related entitlement

- less than 35 years = 1 day
- from 35 to 39 years = 2 days
- from 40 to 44 years = 3 days
- from 45 to 49 years = 4 days
- from 50 to 54 years = 5 days
- 55 years and above = 6 days

### General principles:

- The calculation is based on the age on 31 December of the year in question.
- For those in non-active employment or entering or terminating service during a calendar year, the additional age-related entitlement is calculated pro rata on the basis of the number of months to be worked before 31 December.
- SNEs have no leave entitlement relating to age.

### Legal basis:

- Article 57 of the Staff Regulations.

### 1.3. Additional entitlement for leave for the purpose of visiting one's home country

#### General principles:

- Officials who are entitled to the expatriation or foreign residence allowance are entitled to two and a half days of supplementary leave every year, for the purpose of visiting their home country;
- This supplementary leave is granted to officials once per calendar year. For those in non-active employment or entering or terminating service during a calendar year, this leave is calculated pro rata on the basis of the number of months to be worked before 31 December;
- If the entitlement to the expatriation or foreign residence allowance is granted or ceases during a calendar year, the entitlement to supplementary leave is based on the situation on 1 January of the year in question;
- SNEs have no leave entitlement for the purpose of visiting their home country.

#### Legal basis:

- Article 7 of Annex V to the Staff Regulations.

## 2. SPECIAL LEAVE

Officials/SNEs may be granted special leave as summarised in the table below:

2.	<u>SPECIAL LEAVE</u>	Maximum number of days per calendar year OFFICIALS	Travelling time	Maximum number of days per calendar year SNEs <sup>(1)(2)</sup>	Travelling time
2.1.	Family reasons				
2.1.1.	Marriage of official/SNE	4	-	2	-
2.1.2.	Marriage of a child	2	-	-	-
2.1.3.	Birth of a child (other than maternity leave)	10 20 (if the child is disabled or seriously ill)	-	10 20 (if the child is disabled or seriously ill)	-
2.1.4.	Adoption / Birth of a child following parenthood through surrogacy	140 (20 weeks) (3) 168 (24 weeks) (if the child is disabled or seriously ill) (3)	-	-	-
2.1.5.	Serious illness of spouse/registered partner	3 (renewable once or twice)	possible	3	-
2.1.6.	Very serious illness of a child	5 (renewable once or twice)	possible	-	-
2.1.7.	Serious illness of a child	2 (renewable up to a max. of 12 days per dependent child)	-	2 (per calendar year per dependent child)	-

<b>2.1.8.</b>	Serious illness of a relative in the ascending line (father, mother, grandparents, parents-in-law)	2 (max. 6 per calendar year per relative in the ascending line)	possible	2	-
<b>2.1.9.</b>	Death of spouse/registered partner	4	possible	4	-
<b>2.1.10.</b>	Death of wife during maternity leave	Remainder of the maternity leave: max. 20 weeks (24 weeks if multiple birth/premature birth/disabled or seriously ill child)	-	-	-
<b>2.1.11.</b>	Death of a child	4	possible	4	-
<b>2.1.12.</b>	Death of a relative in the ascending line/parent-in-law	2	possible	2	-
<b>2.1.13.</b>	Death of a brother or sister	2	possible	-	-
<b>2.1.14.</b>	Breastfeeding	Max. 2 hours/day (depending on number of hours planned for the day) up to six months after the childbirth (may be extended for medical reasons)	-	-	-
<b>2.2.</b>	Other reasons				
<b>2.2.1.</b>	Court summons specifying that the person is called as a witness or to be a member of a jury	depends on the summons/call for jury service	possible	-	-
<b>2.2.2.</b>	Medical consultation abroad (with agreement of the medical officer)	3	-	-	-

<b>2.2.3.</b>	Spa Cure	Half of the duration of the stay with a ceiling of 7.5 working days.	–		
<b>2.2.4.</b>	Change of residence: new address to be specified Move from the place of origin: 1 year from establishment	2	-	Max. 2 on taking up duties if costs to be paid by Member State	–
<b>2.2.5.</b>	Elections outside the place of employment	depends on voting day	possible	–	–
<b>2.2.6.</b>	Participation in an examination/competition/selection process/interview organised by EPSO or by an EU institution or agency	from 0.5 to 1	possible	–	–
<b>2.2.7.</b>	Meetings, conferences and training courses related to the activities of recognised trade unions	4	-	-	-
<b>2.2.8.</b>	Job-seeking at end of contract (6 weeks before the end of the contract)	1/week Max. 4	-	–	–
<b>2.2.9.</b>	Training	depends on training course	-	depends on provisions of Staff Development Guide	–



2.2.10.	Additional entitlements for years of service	20 years of service 5 days 25 years of service 5 days 30 years of service 5 days 35 years of service 5 days 40 years of service 5 days 45 years of service 5 days			
2.2.11.	Additional entitlement for first-level emergency response team members	1	-		
<p>(1) <i>Where secondment is for a period of less than 6 months, a maximum of 3 days of special leave may be granted to the SNE for the entire period of the secondment.</i></p> <p>(2) <i>Where the secondment is six months or more: in addition to the leave set out in this table, on a duly justified request by the SNE's employer, up to two days of special leave may be granted by the GSC in each twelve-month period. Requests are examined on a case-by-case basis. Additional special leave may be granted by the GSC for the training of the expert by the employer, subject to a duly reasoned application by the employer with a view to the expert's reintegration.</i></p> <p>(3) <i>Where the legislation of the country requires the parents to stay there, the Appointing Authority may grant an additional 5 days of special leave.</i></p>					

### General principles:

- Special leave is granted by way of exception and on the basis of a duly substantiated request.
- Officials/SNEs must enter the leave request in the centralised IT application, selecting the reason for the special leave.
- The request must be validated by the authorised time manager/immediate superior as soon as possible.
- As a general rule, special leave must be taken at the time of the event which gives rise to it and cannot be added as compensation to the annual leave entitlement or postponed or reimbursed on termination of service.
- Where further details are required in order to regularise a period of special leave, the official/SNE will have to communicate the dates/period during which they wish to take the special leave to the service responsible for working time.
- Supporting documents must be provided when applying for special leave or, failing that, at the latest 15 calendar days after returning to work.
- Special leave may be applied for and granted at any time, even during the first three months of service.
- Special leave may be cancelled in whole or in part (same procedure as for annual leave).

- If the special leave event occurs during a period in which the official is on annual leave or taking compensation for overtime, time off for health reasons, recuperation, maternity leave or leave for adoption, the official may be granted special leave. Renewals of special leave may not be granted in such situations.
- Special leave may be combined with annual leave. Different types of special leave may also be combined.
- Medical reports/certificates sent to the Medical Service can be scanned and emailed to [medical.secretariat@consilium.europa.eu](mailto:medical.secretariat@consilium.europa.eu). Original reports/certificates must be kept for 18 months.
- Travelling time may be granted to officials taking account of need and may be added to special leave. Unless otherwise specified in these rules, the maximum travelling time, when provided for, is based on the distance between the place of employment and the place of the event as follows:
  - 0 to 300 km = 0 day
  - 301 to 1200 km = 1 day
  - over 1200 km = 2 days
- SNEs are not granted travelling time for special leave.
  - Travelling time may be granted for travel to or from the place of an event – for example, if the event was unexpected and unplanned (the case of the death or serious illness of a spouse or relative) and only when the person has to leave the place of employment to go to the place of the event.
  - Travelling time must precede or follow special leave.

- No travelling time is granted for special leave during annual leave.
  - In the case of consecutive periods of special leave at the same place (for example, serious illness of a relative in the ascending line, followed by the death of a relative in the ascending line), travelling time will only be granted once.
- SNEs whose period of secondment is less than six months may be granted, for the whole period of secondment:
- up to three days of special leave upon a duly justified request, subject to a decision by the Director-General of the department to which the expert is assigned after prior consultation with the Director-General of Organisational Development and Services<sup>8</sup>.
  - other types of special leave provided for in this Decision do not apply.
- SNEs whose period of secondment is six months or more may be granted:
- all special leave for SNEs provided for in this Decision;
  - up to two days of additional special leave in a twelve-month period upon a duly justified request by the SNE's employer;
  - additional special leave for the training of the SNE by the employer, subject to a duly reasoned application by the employer, with a view to the expert's reintegration<sup>9</sup>
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<sup>8</sup> Article 14(5) of Decision (EU) 2015/102

<sup>9</sup> Article 15 of Decision (EU) 2015/102

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## 2.1. Family reasons

### 2.1.1. *Marriage/registration of a partnership of an official/SNE*

- Officials: four working days.
- SNEs: two working days.
- Travelling time: not permitted.

#### General principles:

The special leave is granted for either the civil, the religious ceremony or the registration of a partnership. It may be split into days or half days during the days preceding or following the ceremony, or the registration of a partnership.

#### Implementation:

- Officials/SNEs enter a 'special leave' absence in the centralised IT application, selecting the reason.
- They must provide the service responsible for working time with a copy of the marriage/registration-of-partnership certificate or another similar certificate issued by the relevant national administrative authority, indicating the day of the ceremony/registration of a partnership.
- For the religious ceremony, the above documents may be replaced by:
  - an official certificate issued by the relevant religious authority or
  - any other supporting document.

### Legal basis:

- Article 6 of Annex V to the Staff Regulations.

#### 2.1.2. *Marriage of own child or child of spouse*

- Officials: two working days.
- SNEs: no provision for special leave.
- Travelling time: not permitted.

### General principles:

- Special leave is granted for the marriage of one's own child and for the marriage of the child of one's spouse.
- It is granted on request for either the civil or the religious ceremony. It must be taken on the days before and/or after the ceremony (for example, if the ceremony is on a Saturday, the special leave may be taken on the preceding Friday and the following Monday) and may be split into days or half day.

### Implementation:

- Officials enter a 'special leave' absence in the centralised IT application, selecting the reason.
- They must provide the service responsible for working time with a copy of the marriage/registration-of-partnership certificate or another similar certificate issued by the relevant national administrative authority, indicating the day of the ceremony.

- For the religious ceremony, the above documents may be replaced by:
  - an official certificate issued by the relevant religious authority or
  - any other supporting document.

Legal basis:

- Article 6 of Annex V to the Staff Regulations.

*2.1.3. Birth of a child*

- Officials/SNEs:
  - ten working days per child;
  - twenty working days for a disabled or seriously ill child.
- Travelling time: not permitted.

General principles:

- The special leave must be taken during the 14 weeks following the birth for officials, and in the month following the birth for SNEs. It may be split into days or half days.
- This special leave cannot be cumulated with the maternity leave.

Implementation:

- Officials/SNEs enter a ‘special leave’ absence in the centralised IT application, selecting the reason.
- They must provide the service responsible for working time with a copy of the birth certificate issued by the relevant national administrative authority. In the specific case of the birth of a disabled or seriously ill child, they must submit a copy of a detailed medical report to the Medical Service, which will give the Appointing Authority its opinion on the disability or the severity of the illness.

Legal basis:

- Article 6 of Annex V to the Staff Regulations.

*2.1.4. Adoption / Birth of a child following parenthood through surrogacy*

- Officials: 20 weeks per child (24 weeks if the child is disabled or seriously ill).
- SNEs: no provision for special leave.
- Travelling time: not permitted.

General principles:

- At the request of the official, the Appointing Authority may, in case of necessity, grant up to five extra days of special leave where the country in which the original adoption procedure is taking place requires particular steps to be taken.
- Each child adopted confers entitlement to a single period of special leave which cannot be extended or taken in parts. The period starts when the child arrives in the household and cannot be added to any other period which may have been granted for another adoption (e.g. a child arrives on 1 March: special leave from 1 March to 18 July; a child arrives on 1 June: special leave from 1 June to 18 October).
- If both adopting parents are officials of an EU institution, the special leave may be shared between them as they wish.
- If one of the adopting parents is not an official of an EU institution and is eligible for comparable leave, the number of days of such leave is deducted from the special leave granted to the official.



- If the spouse, irrespective of whether or not he or she is an official, is not in a paid employment or is in paid part-time employment of less than 50%, the period of special leave is reduced to ten days by analogy with the special leave for birth of a child and in accordance with the rules for that leave. Example: If the spouse is an official on CCP and is not in paid employment, the other spouse (= GSC official in active employment requesting the special leave) will be granted only 10 days of special leave.
- The rules applicable to sick leave during maternity leave are applied during special leave for adoption.
- The adoption of the child or children of the spouse is not considered an adoption under the Staff Regulations and does not entitle the official to special leave for adoption.
- If an official becomes a parent through surrogacy in accordance with the applicable legal framework, special leave is granted by analogy with the regime applicable to adoption leave. Where such special leave has been granted, and the child is subsequently adopted by either or both spouses, no special leave is granted for the adoption of that child.

Implementation:

- Officials enter a 'special leave' absence in the centralised IT application, selecting the reason.
- Officials must provide the service responsible for working time with a copy of the adoption certificate or, pending receipt of the certificate or in the case of parenthood through surrogacy, with an official document which proves legal responsibility for the child.

- In the case of the adoption of a disabled or seriously ill child, a copy of a detailed medical report must be submitted to the Medical Service. On the basis of the documents provided, the Medical Service will give an opinion on the disability or the severity of the illness to the Appointing Authority, which will subsequently decide whether to authorise the 24 weeks of special leave.
- Applicants for additional special leave should submit all the requisite supporting documents issued by the relevant national authorities.
- If both adoptive parents are eligible for leave for adoption, the official must provide the service responsible for working time with an official certificate concerning the duration of the leave granted to the other parent. If that leave has not been used by the spouse, the official must make a reasoned statement to the service responsible for working time.
- Any document required for the granting of leave and/or additional special leave must be submitted in an EU official language. Where applicable, any original documents in a non-EU official language must be supplied by the official together with an officially certified translation.

Legal basis:

- Article 6 of Annex V to the Staff Regulations.

2.1.5. *Serious illness of spouse/registered partner*

- Officials: up to three working days per calendar year, with the possibility for renewal.
- SNEs: up to three working days per calendar year, with no possibility for renewal.
- Travelling time: may be authorised for officials once a year if the spouse is not in the place of employment.

### General principles:

- In specific cases of long-term or chronic serious illness or in cases of different serious illnesses of the spouse during one calendar year, or in very special family situations, the Appointing Authority may grant officials one or two renewals per calendar year. However, the special leave must not exceed nine days per calendar year.
- Renewals will be authorised only if the official resumes professional activity between two periods of special leave.
- The special leave may be split into days or half days.

### Implementation:

- Officials/SNEs enter a ‘special leave’ absence in the centralised IT application, selecting the reason.
- They must provide a copy of a detailed medical report to the Medical Service, which will give the service responsible for working time its opinion on the severity of the illness and, if necessary, on its chronic or long-term nature.
- If the Medical Service gives a negative opinion, the service responsible for working time will record the days taken as annual leave.

### Legal basis:

- Article 6 of Annex V to the Staff Regulations.

#### 2.1.6. *Very serious illness of a child*

- Officials: up to five working days per calendar year per dependent child, with the possibility for renewal.
- SNEs: no provision for special leave.
- Travelling time: may be authorised once a year for the official/staff member if the child is not in the official's place of employment.

### General principles:

- At their request, officials may take, for each child, special leave of up to five working days for very serious illness and/or hospitalisation of a child aged 12 or under.
- Renewals may be granted in the case of a chronic or long-term illness or in cases of a new, different, very serious illness of the child, but the number of days of special leave granted may not exceed 15 days per child per year; renewals will only be authorised if the official resumes professional activity between two periods of special leave.
- The special leave may be split into days and half days but confers only one single travelling time entitlement for all the special leave per calendar year.

### Implementation:

- Officials enter a 'special leave' absence in the centralised IT application, selecting the reason.

- They must provide the Medical Service with a copy of a detailed medical report stating the surname, first name and date of birth of the sick child, and the likely duration of the illness. In the case of hospitalisation, officials must also provide the Medical Service with a copy of a hospitalisation certificate indicating the dates on which the hospitalisation started or is expected to start and the expected duration.
- On the basis of the documents provided, the Medical Service will give the service responsible for working time its opinion on the severity of the illness and, if necessary, on its chronic or long-term nature.
- If the Medical Service gives a negative opinion, the service responsible for working time records the days taken as annual leave.

Legal basis:

- Article 6 of Annex V to the Staff Regulations.

*2.1.7. Serious illness of a child*

- Officials: up to two working days per calendar year per dependent child, with the possibility for renewal.
- SNEs: up to two working days per calendar year per dependent child, with no possibility for renewal.
- Travelling time: not permitted.

General principles:

- At their request, for each dependent child, officials/SNEs may take special leave of up to two working days for the serious illness of a dependent child.

- Authorisation may be granted for a maximum of two days. Renewals may be granted to officials, but the number of days granted must not exceed 12 days per calendar year per dependent child. A new application must be made for each renewal and this will be granted only if the official resumes their professional activity between two periods of special leave.

Implementation:

- Officials/SNEs enter a ‘special leave’ absence in the centralised IT application, selecting the reason.
- If more than one day is needed, they must submit to the service responsible for working time an original medical certificate drawn up in the name of the dependent child, stating that the child is ill and that the presence of the parent official is necessary between the dates indicated. An attestation of the crèche or confirmation of a medical consultation cannot be considered to be a medical certificate.
- A specimen medical certificate containing the aforementioned details is available on Domus and may be submitted to the medical practitioner who examines the child. If this model is not used, the official must ensure that the supporting document provided by the medical practitioner is compliant and contains the information referred to in the previous paragraph.
- At the request of the person concerned, the Appointing Authority may grant special leave for a child who is not a dependent child. In this respect, the Appointing Authority may request the opinion of the Medical Service on the basis of a detailed medical report.

Legal basis:

- Article 6 of Annex V to the Staff Regulations.

### 2.1.8. *Serious illness of a relative in the ascending line/parent-in-law*

- Officials: up to two working days per relative in the ascending line/parent-in-law per calendar year, with the possibility for renewal.
- SNEs: up to two working days per calendar year, with no possibility for renewal.
- Travelling time: may be authorised for officials once per calendar year for all relatives in the ascending line/parent-in-law if the relative in the ascending line/parent-in-law is not in the place of employment.

#### General principles:

- At their request, officials/SNEs may take special leave of up to two working days in the case of serious illness of a relative in the ascending line. Relative in the ascending line is understood to mean the father, mother and grandparents of the official/SNE. Parent-in-law is understood to mean the father or mother of the spouse, but not the spouse's grandparents.
- Upon request, in specific cases of long-term or chronic serious illness or in cases of a new, different serious illness of one person, or in very particular family situations, the service responsible for working time may grant officials a renewal, with a maximum of two days per renewal and no more than four renewal days per year per relative in the ascending line/parent-in-law. Renewals will only be authorised if the official resumes their professional activity between two periods of special leave.
- The special leave may be split into days and half days, but confers only one single travelling time entitlement for all the special leave per year.

#### Implementation:

- Officials/SNEs enter a 'special leave' absence in the centralised IT application, selecting the reason.

- They must send a copy of a detailed medical report to the Medical Service, which gives the Appointing Authority its opinion on the severity of the illness and, if necessary, on its chronic or long-term nature. For renewals, officials must send their application directly to the service responsible for working time.
- If the Medical Service gives a negative opinion, the service responsible for working time records the days taken as annual leave.

Legal basis:

- Article 6 of Annex V to the Staff Regulations.

*2.1.9. Death of spouse/registered partner*

- Officials/SNEs: four working days.
- Travelling time: may be added for an official if the death or funeral takes place outside the place of employment.

General principles:

- The four days of special leave must be taken in the days following the death or at the time of the funeral.
- If the death entails additional obligations (inquest, post mortem etc.) ordered by the relevant national authority, the special leave may be taken during a period corresponding to the official completion of those obligations.



- The special leave may be split into days and half days, but confers only one single travelling time entitlement in connection with this type of special leave.
- This special leave cannot be combined with the special leave for the death of the wife during maternity leave.

#### Implementation:

- Officials/SNEs enter a ‘special leave’ absence in the centralised IT application, selecting the reason.
- They must provide the service responsible for working time with a copy of the death certificate or any other supporting document indicating the date of death or of the funeral.

#### Legal basis:

- Article 6 of Annex V to the Staff Regulations.

#### *2.1.10. Death of the wife during maternity leave*

- Officials: maximum of 20 or 24 weeks.
- SNEs: no provision for special leave.
- Travelling time: not permitted.

#### General principles:

- The special leave must be taken continuously for a specified period in accordance with the following rules:
  - (a) Where maternity leave has started:
    - if the wife was an official: special leave granted for a period equal to the number of days of maternity leave remaining;

- if the wife was not an official: special leave granted for a period equal to the remaining number of days of maternity leave which would have been granted to an official.

In both cases, the special leave cannot be combined with the special leave for the death of the spouse.

(b) Where maternity leave has not yet started:

- special leave of 20 weeks is granted (24 weeks for a multiple or premature birth or the birth of a disabled child or suffering from a serious illness), whether or not the wife was an official. This special leave cannot be combined with the special leave for the death of a spouse.

#### Implementation:

- Officials enter a ‘special leave’ absence in the centralised IT application, selecting the reason.
- They must provide the service responsible for working time with a copy of the death certificate and, if applicable, with a copy of the birth certificate of the child(ren). A medical certificate is also to be provided if the birth was treated as premature. In the specific case of the birth of a child with a disability or suffering from a serious illness, they must submit a copy of a detailed medical report to the Medical Service, which must give the appointing authority an opinion on disability or severity of illness.

#### Legal basis:

- Article 6 of Annex V to the Staff Regulations.

### 2.1.11. *Death of a child*

- Officials/SNEs: four working days.
- Travelling time: may be added for an official if the death or funeral takes place outside the place of employment.

#### General principles:

- The special leave is granted for one's own child but also for the child of the spouse.
- The four days must be taken during the days following the death or at the time of the funeral.
- If the death entails additional obligations (inquest, post mortem etc.) ordered by the relevant national authority, the special leave may be taken during a period corresponding to the official completion of those obligations.
- The special leave may be split into days and half days, but confers only one single travelling time entitlement in connection with this type of special leave.

#### Implementation:

- Officials/SNEs enter a 'special leave' absence in the centralised IT application, selecting the reason.
- They must provide the service responsible for working time with a copy of the death certificate or any other supporting document indicating the date of death or of the funeral.

#### Legal basis:

- Article 6 of Annex V to the Staff Regulations.

### 2.1.12. *Death of a relative in the ascending line/parent-in-law*

- Officials/SNEs: two working days per relative in the ascending line/parent-in-law.
- Travelling time: may be added for an official if the death or funeral takes place outside the place of employment.

#### General principles:

- Relative in the ascending line is understood to mean the father, mother and grandparents of the official/SNE. Parent-in-law is understood to mean the father or mother of the spouse, but not the spouse's grandparents.
- The two days must be taken during the days following the death or at the time of the funeral.
- If the death entails additional obligations (inquest, post mortem etc.) ordered by the relevant national authority, the special leave may be taken during a period corresponding to the official completion of those obligations.
- The special leave may be split into days and half days, but confers only a single possible travelling time entitlement in connection with this type of special leave.

#### Implementation:

- Officials/SNEs enter a 'special leave' absence in the centralised IT application, selecting the reason.
- They must provide the service responsible for working time with a copy of the death certificate or any other supporting document indicating the date of death or of the funeral.

#### Legal basis:

- Article 6 of Annex V to the Staff Regulations.

### 2.1.13. *Death of a brother or sister*

- Officials: two working days per brother or sister.
- SNE: no provision for special leave.
- Travelling time: may be added for an official if the death or funeral takes place outside the place of employment.

#### General principles:

- The two days must be taken during the days following the death or at the time of the funeral.
- The leave is also granted for the death of a half-brother or half-sister or step-brother or step-sister, but not for the death of a brother-in-law or sister-in-law.
- The special leave may be split into days and half days, but confers only one single travelling time entitlement in connection with this type of special leave.

#### Implementation:

- Officials enter a 'special leave' absence in the centralised IT application, selecting the reason.
- They must provide the service responsible for working time with a copy of the death certificate or any other supporting document indicating the date of death or of the funeral.

#### Legal basis:

- Article 6 of Annex V to the Staff Regulations.

#### 2.1.14. Breastfeeding

- Officials: maximum of two hours per full working day up to the end of the sixth month following the date of childbirth, with the possibility for extension.
- SNEs: no provision for special leave.
- Travelling time: not applicable.

#### General principles:

- An official returning from maternity leave may, upon presentation of a medical certificate confirming that they are breastfeeding, be allowed a maximum of two hours per full working day, up to the end of the sixth month following the date of childbirth, providing that they been recorded as being present at work.
- This arrangement may be extended on an exceptional basis if, owing to medical reasons, breastfeeding is necessary for the child. In no case may breastfeeding time be granted beyond the 12th month following the date of childbirth.

#### Implementation:

- The length of the time granted depends on the number of hours to be worked the day concerned, irrespective of part-time working arrangements, as follows:
  - 2 hours if 8 hours should be worked (e.g. for somebody working full time);
  - 1 hour 30 minutes if 6 hours 30 minutes or more but fewer than 8 working hours should be worked;
  - 1 hour if 5 hours or more but fewer than 6 working hours 30 minutes should be worked;
  - no free time will be granted if fewer than 5 hours should be worked.

- For officials not working under flexible working time arrangements, the scale is applied by analogy based on the timetable agreed in proportion to the working arrangement.
- Officials will find the forms to apply for or extend for breastfeeding time on Domus and send a copy of a detailed medical certificate establishing continued breastfeeding to the Medical Service for their assessment. .
- Officials will agree with their line managers the time of absence for breastfeeding. This absence is not registered in the centralised IT application.

## **2.2. Other reasons**

### *2.2.1. Summons*

- Officials: one working day per summons.
- SNEs: no provision for special leave.
- Travelling time: possible.

#### General principles:

- Where officials are summoned by a court or official judicial authority (e.g. an examining magistrate) as a witness in a case which does not concern them directly or personally (e.g. they are not under investigation and are not the party bringing a civil action or the opposing party), one day's special leave may be granted on submission of the summons.
- For officials called for jury service, special leave will be granted for the whole period during which they are required to sit.

#### Implementation:

- Officials enter a 'special leave' absence in the centralised IT application, selecting the reason.

- The supporting document to be submitted to the service responsible for working time is the summons (issued by the court or official judicial authority).

#### 2.2.2. *Medical consultation abroad*

- Officials: up to a three working days per calendar year.
- SNEs: no provision for special leave.
- Travelling time: not permitted.

#### General principles:

- The authorisation for special leave is submitted to the Medical Service for a decision as to whether the consultation is appropriate. This authorisation can only be granted if there is no equivalent medical treatment in the country of assignment. Special leave is restricted to a maximum of three days.

#### Implementation:

- Officials enter a ‘special leave’ absence in the centralised IT application, selecting the reason.
- They submit a copy of a detailed medical report to the Medical Service for an opinion, which is then be forwarded to the service responsible for working time.

#### 2.2.3. *Spa cure*

- Officials: half the time needed for the cure, with a maximum of seven and a half working days per 12-month period.
- SNEs: no provision for special leave.
- Travelling time: not permitted.



### General principles:

- In the case of a spa cure duly authorised by the Joint Sickness Insurance Scheme's medical officer in accordance with current rules and procedures, the Appointing Authority may grant special leave for half the time needed for the cure, but not exceeding seven and a half working days.
- From a medical point of view, the spa cure is calculated in calendar days. The special leave, however, is calculated by reference to the working days covered by the duration of the spa cure. For example, a spa cure lasting seven calendar days will correspond to up to five half days of special leave, as appropriate.

### Implementation:

- Spa cures must be authorised in advance in accordance with the provisions governing the JSIS.
- Once authorisation has been obtained from the JSIS, officials should apply for annual leave through the centralised IT application to cover the entire duration of the cure.
- On their return, they must submit to the service responsible for working time a certificate from the spa establishment stating the exact dates of the cure and the authorisation obtained from the JSIS.
- The service responsible for working time then converts the days of annual leave into special leave in accordance with the limits established.
- In the event of spa cure authorised by the JSIS in the context of a recognised serious illness, the Appointing Authority may grant up to seven and a half days of additional leave. Officials must send the Medical Service a copy of the end-of-treatment medical report as well as a copy of the certificate of recognition of serious illness from the JSIS. Based on that, the Medical Service sends an opinion to the Appointing Authority. Officials introduce the additional days of special leave on the basis of the opinion which has been given.

#### 2.2.4. *Change of residence*

- Officials: up to a maximum of two working days per calendar year.
- SNEs: up to two days for taking up duties in the case of secondments where removal costs are paid by the Member State.
- Travelling time: not permitted.

#### General principles:

- Special leave is granted on taking up duty or changing place of employment in the interests of the service.
- Special leave is also granted to officials once a year for removal at the place of employment where they prove that they have officially changed their principal address.
- Special leave is not granted for removals upon termination of service.
- The special leave may be split into days or half days.
- Special leave for the change of residence must be taken on a date reasonably close to the date of removal.

#### Implementation:

- Officials enter a 'special leave' absence in the centralised IT application, selecting the reason.
- They send the service responsible for working time a copy of any document, or refer to the address modification introduced in the centralised HR IT system indicating both the old and the new address.

Legal basis:

- Article 6 of Annex V to the Staff Regulations.

2.2.5. *Elections outside the place of employment*

- Officials: half a day is granted, if voting takes place on a Council working day.
- SNEs: no provision for special leave.
- Travelling time: possible.

General principles:

- Special leave is granted for the following types of elections, whenever the voting takes place on a Council working day:
  - presidential,
  - parliamentary,
  - European Parliament,
  - referendum,
  - regional (German Länder, Spanish Autonomous Communities, Italian regions, etc.),
  - municipal, local, provincial, cantonal.

- It is also granted for obligatory participation in a preparatory course for members of the election board.
- A set period of travelling time is granted for the outward and for the return journey, as shown in the table below:

		Day of election	
		Non-working day (weekend or public holiday)	Weekday which is not a Council holiday
Special leave		NO	YES = ½ day
Travelling time per journey as a function of distance in km between place of employment and place of election	0 – 200	0	
	201 – 600	0	½ day
	601 – 1200	½ day	
	1201 –	1 day	

- If voting takes place on a working day, the journey is deemed to take place immediately before and after the half day of special leave; one of the two journeys is thus deemed to take place partly or wholly on the day of the election.
- If the election takes place on a non-working day, the journey is deemed to take place the day before and the day after the day of the election.
- However, if the election takes place the day before or the day after a non-working day, travelling time will not be granted for the outward or return journey on the non-working day. If the election takes place on a public holiday which is preceded and followed by a working day, and if the distance is between 201 and 600 km, by way of an exception from the time specified in the table, half a day's travelling time will be granted for the outward and for the return journey.
- If the election takes place in two rounds of voting, these will be considered as two separate elections for the purpose of these provisions, as long as officials provide supporting documents showing that they returned to the place of employment between the two rounds.
- This special leave can only cover the fixed day of the election and not a different moment; travelling time can only cover the day of the election or the preceding/following day, as the case may be.

Implementation:

- Officials enter a 'special leave' absence in the centralised IT application, selecting the reason.
- They must provide the service responsible for working time with an official document certifying that they have voted outside the place of employment or any other supporting documents proving their participation in the vote.

2.2.6. *Examination/competition/selection process/interview organised by an EU institution within the meaning of Articles 1a and 1b of the Staff Regulations or by a body devoted to furthering the Union's interests*

- Officials: corresponding to the duration of the tests (up to maximum one day).
- SNEs: no provision for special leave.
- Travelling time: possible.

General principles:

- Officials invited to sit tests on a working day may be eligible for special leave.
- Travelling time may be permitted for examinations/competitions/selection processes/interviews organised by EPSO or another institution (within the meaning of Articles 1a and 1b of the Staff Regulations) if it is not possible to sit the tests for the same competition at the place of employment.
- Leave cannot be granted for a preliminary job interview outside the EU institutions (within the meaning of Articles 1a and 1b of the Staff Regulations).Implementation:
- Officials enter a ‘special leave’ absence in the centralised IT application, selecting the reason.
- They must provide the service responsible for working time with a copy of the invitation and proof of participation, or any other document certifying presence at the tests and their duration.

2.2.7. *Meetings, conferences and training courses related to the activities of recognised Trade Unions or Professional Organisations of the staff of the GSC (OSPs)*

- Officials: up to four days per calendar year.
- SNEs: no provision for special leave.
- Travelling time: not permitted.

General principles:

- Officials responsible for recognised OSPs or their duly mandated delegates shall be granted special leave of up to four days a year to enable them to take part in trade union meetings or congresses outside the institution.
- Special leave for training purposes may be granted for trade union courses under the same conditions as for staff training, at the request of the OSP to which the person concerned belongs.

Implementation:

- Officials enter a ‘special leave’ absence in the centralised IT application, selecting the reason.
- They must provide the service responsible for working time with a copy of the invitation for the event in which they intend to participate and with proof of participation after the event.

Legal basis:

- Article 13 of the Agreement between the Council of the EU and the OSPs of the GSC of 28/3/2006 (Staff Note 53/06).

### 2.2.8. *Job-seeking at end of contract*

- Temporary/contract agents: one day a week, up to a maximum of four days.
- Travelling time: not permitted.

#### General principles:

- Temporary/contract agents may be granted special leave of one day a week, which may be split into two half days a week, up to a maximum of four days in total, to look for a new job during the six weeks preceding the end of their contract, provided that the contract has not been terminated at their volition or without notice.

#### Implementation:

- Officials enter a ‘special leave’ absence in the centralised IT application, selecting the reason.

### 2.2.9. *Training*

- Officials/SNEs: in accordance with the Staff Development Guide 2019.
- SNEs: additional special leave for the training of the SNE by the employer, subject to a duly reasoned application by the employer, with a view to the expert's reintegration in their original place of employment.
- Travelling time: Not applicable.

#### Legal basis:

- Officials/SNEs: Decision No 3/2019 on staff development activities.
- SNEs: Article 15 of Decision 2015/1027.



*2.2.10. Additional entitlement for years of service*

- 20 years of service = 5 days
- 25 years of service = 5 days
- 30 years of service = 5 days
- 35 years of service = 5 days
- 40 years of service = 5 days
- 45 years of service = 5 days

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### General principles:

- Officials who have completed 20, 25, 30, 35, 40 or 45 years of service within institutions, interinstitutional bodies and organisations devoted to furthering the Union's interests receive 5 days' additional annual leave.
- Years of service include not only those worked as an official or agent, but also those worked as an auxiliary agent, SNE or local agent or staff under private law contract whose direct employer is an institution (in the meaning of the previous indent). Are excluded: periods worked as a trainee or agency staff.
- In calculating the years of service, periods in which the official was not in active employment are deducted (for example, leave on personal grounds or invalidity).
- The 5 days are granted only in the year in which the official reaches 20, 25, 30, 35, 40 or 45 years of service. They are added as special leave and must be taken in block, in the year they are granted. They may not be postponed or reimbursed in the event of departure.
- No pro rata calculation is applied; once the official reaches the years of service in question, the 5 additional leave days are granted.
- SNEs have no leave entitlement for years of service.

### Legal basis:

- Article 57 of the Staff Regulations.

### 2.2.11. *Additional entitlement for first-level emergency response team members*

- Officials/SNEs: 1 day.

#### General principles:

- One additional day of leave is granted annually to officials/SNEs who are part of the first-level emergency response team and who actually participate in the exercises and courses for which they have volunteered and to which they are regularly invited.
- The Safety Unit draws up a list of the relevant officials/SNEs every year and sends it to the service responsible for working time for implementation.

### **3. MATERNITY LEAVE**

- Officials/SNEs:
  - 20 weeks;
  - 24 weeks for a multiple or premature birth or for a disabled or seriously ill child.

#### General principles:

- The maternity leave is normally divided into a maximum of six weeks before childbirth and 14 weeks afterwards (in total 140 calendar days).
- In the event of a multiple or premature birth or the birth of a disabled or seriously ill child, the absence remains at a maximum of six weeks before childbirth but is increased to 18 mandatory weeks afterwards (in total 168 calendar days).

- In the event of the birth of a disabled or seriously ill child, a copy of a detailed medical report must be sent to the Medical Service, which will give the Appointing Authority an opinion concerning the disability/severity of the illness before the latter authorises the period of 18 weeks following childbirth, where appropriate.
- A premature birth is defined as a birth which takes place before the end of the 34th week of pregnancy.
- Annual leave, leave on personal grounds, parental leave or part-time may be taken immediately, without interruption, after maternity leave.
- The rules applicable to sick leave during annual leave are applied during maternity leave. Sick leave during maternity leave for which a medical certificate is submitted in accordance with the current rules and accepted by the service managing medical absences therefore gives rise to an extension of the maternity leave. Where parental leave is planned immediately after maternity leave, sick leave during maternity leave will be re-credited to the official in the form of maternity leave immediately after the parental leave.
- The length of maternity leave is calculated in calendar days. Public and GSC holidays will not result in extra leave.
- If maternity leave is taken outside the place of employment (in the place of origin, for example), the mother must inform the service responsible for working time of the contact address and telephone number.
- The maternity leave is maintained in full if the child dies at birth or soon after.
- Where the national legislation of the employer of the SNE grants longer maternity leave, the secondment is suspended for the period exceeding that granted by the GSC. In that case a period equivalent to the suspension shall be added at the end of the secondment if the interests of the GSC warrant it.

### Implementation:

- Before the maternity leave begins, expectant mothers must provide the service responsible for working time with a document drawn up by their doctor giving the expected date of childbirth.
- Once the child is born, the mother must forward a copy of the birth certificate to the service responsible for working time as soon as possible.

### Legal basis:

- Article 58 of the Staff Regulations.

## **4. MISCELLANEOUS**

### **4.1. Part-time arrangements**

#### *4.1.1. Part-time work*

### General principles:

- The basic annual leave entitlement and the entitlement relating to age of an official authorised to work part-time is reduced proportionally for the period of part-time working under Article 59a of the Staff Regulations.
- Neither sick leave nor maternity leave cancels or interrupts a decision authorising part-time working. Unless that decision is annulled by the Appointing Authority, its provisions remain in force.
- If medical part-time is granted during a period of part-time working, the decision authorising part-time working may, at the request of the official, be annulled by the Appointing Authority during the period of medical part-time with effect from the beginning of the month following the date of the request for suspension submitted by the person concerned.

- An official may, in view of a period of maternity leave, request that a decision authorising her to work part-time be annulled by the Appointing Authority. The request must be submitted at least two months before the date on which it is to take effect (first day of a month).

Implementation:

- The rate of activity chosen determines the actual presence required, based on the number of working days in the month.
- The arrangements given on the part-time application in the IT system are indicative and are designed to facilitate management. Under no circumstance do they allow the official to exceed the hours of free time calculated on the basis of the part-time decision.

Legal basis:

- Article 55a of the Staff Regulations and Annex IVa to the Staff Regulations and Decision 14/2014 of the Secretary-General of 1 January 2014.

4.1.2. *Time Credit*

- Time credit is a special form of 50% part-time working, possible for a maximum of four months within any 12 month period, through which additional free days can be acquired. In this case, officials shall be remunerated as if they were working half-time, but shall in fact work full-time, during a specified period. They shall be entitled to 10,5 full days or 21 half days of leave for each month worked on half-time remuneration.

- Applications for Time Credit shall only be possible for a minimum period of one calendar month. One application for Time Credit can cover up to two months.
- The total number of leave days acquired in the form of Time Credit shall not exceed half of the working days in a given month.
- Time Credit shall be a facility, not a right. It will be granted if it is compatible with the interests of the service concerned. It shall not be counted as part-time work other than for the purposes of calculating the reduced remuneration and any related entitlements in the month(s) in question, and for giving rise to the ensuing leave entitlement.
- The period of validity of the leave days acquired in the form of Time Credit shall be 12 months from the starting date of the period in which they are remunerated as if they were working half-time.
- Where an official is prevented from using their Time Credit during the period of its validity because of the requirements of the service or other legitimate reasons, such as illness or the termination of the official's active employment, the Appointing Authority shall reimburse to the official the amount due, corresponding to the Time Credit balance outstanding at the end of the period of validity.
- Absences covered by Time Credit shall be applied for in full-days or half-days.

## **4.2. Administrative status other than active employment**

### *4.2.1. Secondment*

4.2.1.1. To an EU institution within the meaning of Articles 1a and 1b of the Staff Regulations or to an organisation devoted to furthering the Union's interests

- The GSC will transfer the balance of annual leave and sick leave at the time of secondment to the institution, agency or host body taking over the management of leave.
- Any leave entitlements acquired as compensation (overtime, time off for health reasons) must be regularised by the GSC before the date of secondment. Any outstanding balance will not be taken over by the GSC when the official returns from secondment.
- At the end of the secondment, the GSC takes over the management of leave in accordance with the statement of annual and sick leave to be provided by the institution, agency or body of secondment.
- The provisions applicable to leave are set out in the note from the Appointing Authority to the official specifying the administrative arrangements for the secondment.



#### 4.2.1.2. To the Presidency

- During a secondment to the Presidency, the leave system applicable is that of the host administration (Member State's administration).
- As a general rule, if the actual number of leave days taken during the period of secondment is less than two per month for the period during which the official is seconded, the balance will be added to the official's leave entitlements. If more days are taken during this period, the official will keep the benefit.
- More detailed provisions applicable to leave are set out in a note from the Appointing Authority and communicated to the official concerned in due time.

#### 4.2.1.3. To another entity

- The leave balance is frozen and fully preserved by the GSC and is available as soon as the official returns.
- Any leave entitlements acquired as compensation (overtime, time off for health reasons) must be regularised by the GSC before the date of secondment. Any outstanding balance will not be taken over by the GSC when the official returns from secondment.
- Annual leave entitlements are calculated taking into account the time worked at the GSC during the current year, in accordance with the principles laid down in Section 1, Annual leave.
- For the duration of the secondment, the leave system applicable is that of the entity to which the official has been assigned. No outstanding balance from that entity will be taken over by the GSC when the official returns.

#### 4.2.2. *Leave on personal grounds*

- The principles referred to above in respect of secondment to another entity (4.2.1.3.) apply.

##### Legal basis:

- Article 40 of the Staff Regulations.

#### 4.2.3. *Parental leave*

- The principles referred to above in respect of secondment to another entity (4.2.1.3.) apply.

##### Legal basis:

- Article 42a of the Staff Regulations and Decision No 11/2014 of the Secretary-General.

#### 4.2.4. *Family leave*

- An official on family leave is considered to be in active employment as regards his or her annual leave entitlements and consequently there is no reduction in his or her entitlements for the duration of the family leave.

##### Legal basis:

- Article 42b of the Staff Regulations.

#### 4.2.5. *Leave for military service*

- The principles referred to above in respect of secondment to another entity (4.2.1.3.) apply.

#### Legal basis:

- Article 42 of the Staff Regulations.

#### 4.2.6. *Other activities (fellowships etc.)*

- The principles referred to above in respect of secondment to another entity (4.2.1.3.) apply.

#### 4.2.7. *Suspension*

- The principles referred to above in respect of secondment to another entity (4.2.1.3.) apply.

#### Legal basis:

- Articles 23 and 24 of Annex IX to the Staff Regulations (Disciplinary proceedings).

#### 4.2.8. *Work elsewhere*

#### General principles:

- The principles referred to above in respect of secondment to another entity (4.2.1.3.) apply.

Implementation:

- If the work elsewhere is in the interest of the service, leave entitlements continue to be managed by the service responsible for working time at the GSC. The dates corresponding to the leaves are to be transmitted by email to the service responsible for working time.

*4.2.9. Leave in the interests of the service*

- The principles referred to below in respect of the termination of service (4.3.) apply.

Legal basis:

- Article 42c of the Staff Regulations.

**4.3. Termination of service - Payment of days of annual leave**

- Officials are entitled, on termination of service, to payment for days of annual leave not taken.
- SNEs: not permitted.

General principles:

- Termination of service may mean:
  - voluntary or compulsory resignation,
  - the end of a contract of a member of the temporary or contract staff,
  - retirement in the interests of the service,
  - dismissal,
  - removal from post,
  - retirement,
  - invalidity,
  - leave in the interests of the service,
  - non-active status,
  - death,
  - change in employment status with the GSC, without interruption, other than that of temporary or contract staff to permanent official.
- The number of hours/days of annual leave to which the official is entitled (basic entitlement, additional age-related entitlement and leave for the purpose of visiting one's home country) is recalculated on termination of service as a pro rata of the number of months or days actually worked (see points 1.1., 1.2. and 1.3. of Section 1. Annual Leave).
- For temporary or contract staff of the GSC who become officials of the Council without interruption, leave entitlements will continue as if there had been no change in their statutory situation.

#### Implementation:

- The service responsible for working time settles the leave balance in the IT system. On this basis, the PMO reimburses the hours/days of annual leave not taken, if the remaining balance exceeds 2 hours, or, in the event of a negative balance, initiates the administrative formalities for recovery.
- Calculation of the amount to be collected or reimbursed – 1 day = 1/30 of the monthly remuneration – is based on the last remuneration received (e.g. in the event of resignation after leave on personal grounds, on the basis of the last remuneration received immediately prior to departure on leave on personal grounds).

#### Legal basis:

- Article 4 of Annex V to the Staff Regulations.

#### **4.4. Transfer between EU institutions**

- Transfer as a permanent official to another EU institution is not treated as termination of service. In this case, leave balances and sick leave are transferred with the official.

#### **4.5. Cancellation of annual or special leave**

##### *4.5.1. Cancellation at the staff member's request*

#### General principles:

- Annual or special leave may be cancelled in whole or in part.

#### Implementation:

- The cancellation request must be entered into the centralised IT application.
- The request must be validated by the authorised manager/immediate superior.

#### 4.5.2. *Cancellation of annual leave due to sick leave*

- A medical certificate must be submitted within the prescribed deadline (see point 1.2 of Decision N°9/2022 of the Secretary General) in order to cancel annual leave in whole or in part.

#### 4.5.3. *Cancellation at the immediate superior's request*

##### General principles:

- Annual leave may be cancelled in whole or in part by the immediate superior in the interests of the service.

##### Implementation:

- In the case of annual leave that has not yet started, the immediate superior who granted the leave must notify officials as soon as possible in writing that their leave has been cancelled in whole or in part (the exact period is to be stated) in the interests of the service (which must be explained).
- In the case of annual leave which has already started, the immediate superior who granted the leave must notify the officials in writing that their annual leave is to be interrupted (the date of return to work and the duration of the interruption are to be stated) in the interests of the service (which must be explained).
- Officials must subsequently update their data in the centralised IT application in accordance with the immediate superior's decision.
- Officials must submit to the service responsible for managing Missions via their immediate superior a request for reimbursement of the amount, to be duly substantiated, of the expenses which they incurred through the cancellation or interruption of the annual leave.

#### 4.6. Carrying over days of annual leave

- Officials/SNEs: up to a maximum of 12 days.

##### General principles:

- Officials/SNEs who have not used up all their annual leave by 31 December of the current year may have the balance carried over and added to the leave entitlements of the following year:
  - automatically for up to 12 days,
  - by decision of the Appointing Authority for more than 12 days,
- The Appointing Authority may allow exceptions to the 12 day limit at an official's/SNE's request and after examining the case, but only where they have been prevented from taking the required amount of leave by the requirements of the service or long-term illness or an accident requiring a long recovery period.
- Justified absences such as maternity leave, adoption leave, parental leave, family leave, leave on personal grounds, leave for military service, other activities, suspension, etc., cannot justify a carry-over of more than 12 days of leave.

##### Implementation of the carry-over exceeding 12 days:

- In January, officials with a remaining balance of more than 12 days of annual leave from the previous year, shall introduce their request for exceptional carry-over in the IT system.
- Line managers will be asked their opinion, which will be taken into account by the Appointing Authority. If the request is refused, the carry-over remains limited to 12 days.

##### Legal basis:

- Article 4 of Annex V to the Staff Regulations.



#### 4.7. Public holidays

Lists of public holidays are drawn up by agreement between the Appointing Authorities of the institutions of the Union after consulting the Staff Regulations Committee<sup>10</sup>. Those lists are published in a Staff Note during the year preceding the year in question.

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<sup>10</sup> See Article 61 of the Staff Regulations. The lists of public holidays are adopted by the Board of the Heads of Administration.