



Council of the European Union
General Secretariat

Brussels
(OR. en)

SN 2603/23

LEGAL ACTS

Subject: DECISION No xx/2023 OF THE SECRETARY GENERAL OF THE
COUNCIL on working time and teleworking at the General Secretariat of
the Council

ANNEX I

DECISION No xx/2023

OF THE SECRETARY GENERAL OF THE COUNCIL

on working time and teleworking

THE SECRETARY-GENERAL OF THE COUNCIL,

Having regard to the Staff Regulations of Officials of the European Union (Staff Regulations) and the Conditions of Employment of Other Servants of the European Union (CEOS), laid down by Council Regulation (EEC, Euratom, ECSC) No 259/68¹, and in particular Articles 1e(1) and (2), Articles 55 and 56 of the Staff Regulations and Articles 16 and 91 of the CEOS,

Having regard to Council Decision (EU) 2015/1027 of 23 June 2015 concerning the rules applicable to experts on secondment to the General Secretariat of the Council²,

After consulting the Staff Committee,

¹ OJ L 56, 4.3.1968, p. 1.

² OJ L 163, 30.6.2015, p. 40.

Whereas:

- (1) The General Secretariat of the Council (GSC) promotes a modern, digital, and flexible working environment to protect staff's health and wellbeing, enhance efficiency and effectiveness, ensure work-life balance, and preserve its attractiveness as an employer. For those purposes, it is necessary to adapt GSC rules on working time and teleworking.
- (2) Large-scale teleworking - implemented at very short notice during the COVID-19 pandemic – showed that the GSC can function effectively also in such circumstances and demonstrated that teleworking is an essential tool for ensuring business continuity.
- (3) A combination of working at the office and teleworking, where both modalities are considered equivalent, entails a high degree of autonomy for staff, as well as a greater sense of responsibility. For line managers, it implies taking an objective- and result-oriented approach. It also implies developing an efficient remote management based on trust, in accordance with the approach that the GSC has been following since the reform of the working time rules in 2017.
- (4) A combination of working at the office and teleworking, should be implemented in a way that ensures organisational awareness, the effective integration of new staff, and the transmission of knowledge, know-how, and expertise. It should also consider effective collaborative exchanges and team cohesion in a multi-cultural context to ensure a smooth functioning of all GSC services.
- (5) Teleworking should take into account psycho-social risks such as those linked to digital overload, a blurred line between professional and private lives or social isolation, which can derive from the teleworker becoming isolated from their team or distanced from the GSC's working culture.

- (6) All staff regardless of the work pattern they choose to follow, should be treated equally. This refers notably to workload and, where applicable, performance indicators, as well as staff development opportunities including training and career prospects.
- (7) Telework helps reduce greenhouse gas emissions and congestion arising from staff commuting by car to work and contributes towards supporting the GSC environmental commitments to reduce greenhouse gas emissions and to promote a more sustainable mobility.
- (8) The trade unions in the GSC were consulted, in accordance with Article 8 of the Framework Agreement³.
- (9) Decision No 50/2018 of the Secretary-General of the Council on working time at the GSC and Decision No 8/2020 of the Secretary-General of the Council on teleworking should therefore be repealed.

HAS DECIDED AS FOLLOWS:

³ Agreement between the Council of the European Union and the Trade Union or Professional Organisations of the staff of the General Secretariat of the Council of 28 March 2006 (CP 53/06)

Chapter I

GENERAL PROVISIONS

Article 1

Subject-matter and Scope

1. This Decision sets down arrangements for the organisation of working time and teleworking at the General Secretariat of the Council (GSC).
2. It applies to all staff covered by the Staff Regulations or by the CEOS. It also applies to seconded national experts (SNEs).

Article 2

Definitions

For the purpose of this decision, the following definition applies:

- (a) *Line manager*: first reporting officer, who may delegate partly or entirely their authority under this decision.

Chapter II

WORKING TIME

Article 3

Working time and flexitime arrangements

1. The normal working time shall be set at 40 hours per week, spread over five working days, from Monday to Friday. As a general rule, a full working day shall be set at 8 hours, while a half working day shall be set at 4 hours. This paragraph shall apply pro rata to staff working part-time.
2. Line managers shall ensure that the overall work assigned to their staff is in principle manageable in a standard 40-hour working week, while having regard to inevitable peak periods during the year. This paragraph shall apply pro rata to staff working part-time.
3. Flexitime shall be the default regime applicable to staff. It allows staff to:
 - (a) vary the time at which they start and end their working day, according to Article 4;
 - (b) offset or recuperate additional hours worked, where eligible, according to Article 6.
4. Where excess hours are imposed by service needs, staff may offset those extra hours by working less hours the following days, weeks, or months. They can also take a full or half day of recuperation, under the conditions set out in Article 6(5).

5. Due to particular service requirements linked to the nature of their duties and after consulting the Human Resources Directorate and the Staff Committee, the Appointing Authority may decide to exclude certain groups of staff from applying flexitime. Any decision to that effect, already in force before the entry into force of this Decision, continues to apply.
6. IT tools are made available to staff entitled to flexitime to enable them to plan and record their working hours. Registered working hours shall correspond to the time actually spent working.
7. Line managers shall respect the principles of trust-based management, which entail a high level of autonomy for staff and no unnecessary control. Where they notice possible discrepancies between the number of hours registered and those effectively worked, they shall discuss these discrepancies with the staff member with a view to clarifying and, where necessary, resolving the situation.
8. Line managers may delegate the execution of administrative tasks related to the implementation of this Decision, while remaining overall responsible for its implementation within their service.

Article 4

Daily working hours

1. Staff shall work mainly between 7.00 and 20.00.
2. The normal working day for staff working full time is from 8.30 to 12.30 and from 13.30 to 17.30.

3. Staff can make use of flexitime to vary the time they start and finish their working day. As a general rule, the number of daily working hours should not exceed a total of 10 hours except in duly justified cases.
4. At their initiative, on an occasional basis and for reasons not linked to the interests of the service, staff may ask to work outside the time frame referred to in paragraph (1). The line manager may, in accordance with the interests of the service, agree to the staff member's request. These working hours are not to be considered as overtime work and, therefore, shall not give right to compensation in terms of additional credit hours, overtime payment or time off for health reasons.
5. Line managers may, in accordance with the interests of the service and in agreement with the staff member concerned, decide on hours during which that staff member shall work, within the time frame set out in paragraph (1). Any decision to that effect, already in force before the entry into force of this Decision, continues to apply. If no agreement can be reached, the normal working day set out in paragraph 2 applies.

Article 5

Right to disconnect

1. The “disconnection period” shall be considered to be any period outside a staff member's working time.
2. Line managers and other staff shall refrain to contact staff or request them to work during the disconnection period, unless the nature of work or tasks require availability during such period or there is an urgency.
3. Information and/or emails received by staff members which do not require their immediate reaction or are not specifically addressed to them are not considered to be a contact referred to in the second paragraph.

Article 6

Time accounting, offsetting, and recuperating working hours

1. Staff whose actual working time corresponds closely to their planned or to the normal working day, are not required to record their starting and finishing working times, nor their lunch breaks, unless they deviate from that for more than 30 minutes.
2. Where staff worked and recorded more than 8 hours or, for staff on a part-time regime, the hours derived from their work patterns, they shall be credited with the corresponding amount of time ('credit'). Where staff worked less than that, they shall be debited with the corresponding amount of time ('debit'). An IT tool will be used to record and display staff members' 'credit' or 'debit' hours. The balance of credit and debit hours shall be calculated at the end of each calendar month and carried over to the next month.
3. As a general rule, a monthly credit balance shall be offset by subsequent shorter working time compared to the daily average of 8 hours. Credit balance shall not exceed 100 hours.
4. A debit balance shall not exceed 10 hours. It shall be carried over to the next month and shall be offset by a longer working time during the following three calendar months at the latest. Any excess over that limit shall be deducted from annual leave and, if annual leave is exhausted, from the remuneration for the corresponding number of hours.

5. Where the balance is in credit, officials or temporary agents in grades AD8/AST8 and lower and in function group AST/SC, contract staff, and SNEs may request to recuperate half or full days. Officials and temporary agents in grades AD9/AST9 and higher may recuperate only half days. No more than 4 full days or 8 half days can be recuperated per calendar month. This paragraph shall apply pro rata to staff working part-time. Staff to whom the second paragraph of Article 44 of the Staff Regulations applies shall not be eligible for recuperation.
6. The line manager, having due regard to the principles of trust-based management, may approve the recuperation request insofar as the request is in accordance with the interests of the service.
7. Upon termination of service at the GSC, staff shall forfeit any outstanding credit in their debit/credit account. In the event of an outstanding debit, they shall forfeit a corresponding amount of leave or remuneration.

Article 7

Minimum rest breaks

1. Staff shall be encouraged to take regular breaks, especially when working in front of a screen.
2. For working days exceeding six hours work, they shall take a minimum of one break of at least 20 minutes. If no break is registered, a 20-minute break will be deducted automatically.
3. Staff is entitled to an uninterrupted daily break of at least 12 hours, between finishing work and resuming work the next day.

4. Staff is entitled to an uninterrupted weekly break of at least 24 hours in addition to the daily break of 12 hours.
5. If, owing to requirements of the service, staff cannot take the uninterrupted daily or weekly break they are entitled to time off for health reasons.

Article 8

Compensation for overtime

1. Staff may not be required to work overtime except when instructed by managers in cases of urgency or exceptional pressure of work.
2. At the end of the month, staff entitled to overtime compensation within the meaning of Article 56(3) of the Staff Regulations and Articles 16 and 91 of the CEOS, must submit overtime hours to their line manager for approval after verification that there is no outstanding debit from their debit/credit counter. Approved overtime hours are compensated as follows:
 - Overtime hours between 22.00 and 7.00, or on a Sunday, public holiday, or a day when the office is closed, are compensated at 200 %.
 - Overtime hours at any other moment are compensated at 150%.

Article 9

Staff working beyond their part-time arrangement

In duly justified cases staff who work part-time may be asked by their line manager to work beyond their part-time arrangement on specific occasions. They will be credited with the corresponding amount of time actually worked, but have no right to the compensation provided for in Article 8(2). The agreement of the staff member concerned is necessary when the request concerns work between 20.00 and 7.00, or on Saturdays or Sundays or public holidays or more than 10 hours in a day.

Article 10

Night work, and work on Saturdays, Sundays or public holidays

Unless specific arrangements are in place, such as shift work arrangements, work between 22.00 and 7.00 or work on Saturdays, Sundays and public holidays may be carried out only in cases of urgency or exceptional work pressure, in accordance with the interests of the service and upon written instructions from the line manager, indicating the reasons for the obligation.

Article 11

Time off for health reasons

1. Staff working for at least thirty minutes between 20.00 on a Friday or before a public holiday and 7.00 the following Monday or working day, on request of their manager, are entitled to a period of time off for health reasons equal to the time so worked, up to a maximum of eight hours for each worked day.
2. Staff who have to work for at least thirty minutes during their daily break, on request of their manager, are entitled to a period of time off for health reasons equal to the time worked during the break.
3. Time off for health reasons must be taken on the first working day following the date on which the work which gave rise to the entitlement took place.

Article 12

Deferred time off for health reasons

1. Where, for duly justified reasons connected with the requirements of the service, a period of time off for health reasons cannot be taken within the limit set in Article 11(3) it may be deferred.

2. Where a period of time off for health reasons is interrupted, staff are entitled to deferred time off corresponding to the number of hours of rest that they have not taken.
3. Periods of deferred time off for health reasons shall, where possible, be taken en bloc.
4. There is a window of 2 weeks within which to take deferred time off for health reasons. The window begins on the second working day following the date on which the work which gave rise to the entitlement took place. It includes both the week beginning on Monday after that date and the following week.

Article 13

Time off in advance for health reasons

1. When, in preparation for long or late work which is necessary for reasons of the service, staff are obliged to take time off in advance for health reasons and to start work at a time later than the normal working time or the time planned in their timetable for that day, their presence will be recorded and counted only as from the time when they are asked to start work.
2. If the number of hours which staff members work following time off in advance for health reasons is greater than 8 hours, the excess shall be credited to their debit/credit account.
3. If the number of hours which staff members work following time off in advance for health reasons is less than 8 hours for that day, the missing hours shall be considered to have been worked.

Article 14

Specific situations

1. The following absences shall be counted as time worked:
 - (a) ante-natal examinations directly related to pregnancy;
 - (b) the annual medical examination or other examinations requested by the Appointing Authority;
 - (c) breastfeeding;
 - (d) medical examinations independently undertaken by the staff member, up to a maximum of 36 hours a year. In exceptional cases, the Appointing Authority may grant time, in addition to the 36 hours allowance, to a staff member suffering from a serious illness recognised under the Joint Sickness Insurance Scheme and in respect of which they are entitled to full reimbursement of medical expenses directly related to that serious illness, for the length of time laid down by the Joint Sickness Insurance Scheme. Selective checks may be carried out by the examining doctor of the GSC.
2. Working hours during a mission are accounted in the same manner as normal working hours.
3. Travelling time for a mission is counted and registered as working time, including when taking place during nights, on a weekend or on a public holiday. According to Article 2 of Annex VI of the Staff Regulations, travelling time for a mission shall not be treated as compensated overtime.

4. Absences for annual leave, special leave, sick leave, and recuperation 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. This paragraph applies pro rata to staff working part-time.
5. Participation in training and other staff development activities shall be accounted as working time, within the limits set by the Rules on staff development activities.
6. Participation to trade unions activities shall be dealt with in accordance with the Agreement between the Council of the EU and the Trade Unions or Professional Organisations of the staff of the GSC of 28 March 2006 (CP 53/06).

Article 15

Staff who are excluded from the flexitime regime

1. Staff in receipt of a fixed allowance for overtime, staff working in shifts and, more generally, groups of staff determined according to the procedure described in Article 3 (5), are excluded from the flexitime regime and shall follow the timetable provided for their department 's specific requirements.
2. The line manager shall be responsible for keeping a specific account of:
 - the hours worked by staff in function group AST grade 5 or more or function group AD, contract agents in function groups III and IV and SNEs outside their timetable between 20.00 on a Friday or before a public holiday and 7.00 the following Monday or working day;
 - the hours worked by staff in function group AST grade 5 or more or function group AD, contract agents in function groups III and IV and SNEs doing shiftwork when those hours have been worked outside staff timetable or on their rest day.

3. Staff with a positive balance in the account referred to in paragraph (2), are entitled to recuperate the hours available on their account, at a time agreed with their line manager.
4. By way of derogation from Article 7 (3), the length of the daily break of staff doing shiftwork shall be laid down in their timetable and shall not be less than eleven hours. Staff doing shiftwork who work for more than 30 minutes on a rest day planned in their timetable, on request of their manager, are entitled to a period of time off for health reasons equal to the time so worked, up to a maximum of eight hours for each worked day. Time off for health reasons must be taken according to the rules set in Articles 11 and 12.

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Chapter III

TELEWORKING

Article 16

Teleworking

1. Teleworking is neither a right nor an obligation. It is a voluntary and reversible arrangement between managers and staff, to be applied in accordance with the interests of the service.
2. Teleworking is allowed for tasks that, by their nature, can be adequately performed remotely. Tasks which are not suitable for teleworking are the ones that may require:
 - (a) a physical presence in the office,
 - (b) access to classified information or data with security implications when remote access cannot be given, or
 - (c) expensive fixed equipment or infrastructure which is only accessible on GSC premises.
3. Teleworking is available to all staff that can accomplish their tasks, or a part of their tasks remotely.
4. Teleworkers shall ensure they have a reliable broadband connection and an appropriate working environment when working remotely. They shall ensure compliance with GSC internal rules and policies on data security, cybersecurity and remote access as well as to respect applicable confidentiality standards. Where technical issues linked to connectivity or to their place of telework prevent them from adequately performing their duties, staff shall return to the office at their own expense within a reasonable time.

5. Carrying out professional duties during a mission or participating in work meetings or events outside GSC premises is not considered to be telework.

Article 17

Place of telework

Telework shall be performed at the place of residence of the teleworker or any other place, provided it is situated at no greater distance from their workplace than is compatible with the proper performance of the duties, in accordance with Article 20 of the Staff Regulations.

Article 18

Telework from a greater distance

1. Line managers may authorise staff to telework from a greater distance than the place referred to in Article 17 for up to 15 working days per calendar year, in accordance with the interests of the service.
2. In duly documented exceptional circumstances, such as urgent imperative, health or family reasons, the Appointing Authority, upon request of the staff member and after having consulted the line manager and, where necessary, the Medical Officer, may authorise staff to telework from a greater distance than the place referred to in Article 17 for up to one month. The authorisation may be renewed under the same conditions. The staff member shall communicate their temporary address to the administration before the start of such teleworking period by indicating this temporary address in the IT system.

3. Where, in exceptional and duly justified cases and in accordance with Article 5 of Annex V to the Staff Regulations and Articles 16 and 91 of the CEOS, staff members are recalled to duty for service reasons while on annual leave or have their leave cancelled, line managers may instead authorise them to telework from a greater distance than the place referred to in Article 17 for a maximum of 10 working days. These days will not be subtracted from the number of days referred to in paragraph (1).

Article 19

Teleworking arrangements

1. All staff whose tasks are compatible with teleworking may perform part of their working time remotely, on the basis of a decision of their line manager in accordance with the interests of the service.
2. The arrangement may be formalised or, by common agreement between the line manager and the staff member, agreed informally. All arrangements, regardless of their form, shall be subject to the rules laid down in this Decision.
3. Subject to the agreement of the line manager, staff may telework during another time slot than the one already agreed in accordance with paragraphs (1) and (2) of this Article or be granted an ad hoc additional time slot of teleworking, provided that, as a result, they are present in the office for at least 20 % of their working time per week and per month, and at least one day per week. The minimum presence in the office shall not apply to staff members who have been authorised to telework according to Article 18.

4. At any time, line managers may, in accordance with the interests of the service, recall staff to the office or instruct staff to telework during another time slot or other time slots than the one or ones previously agreed. Such a decision does not entail nor require the modification of teleworking arrangements.
5. Managers can require a higher presence for some of their staff or a presence during specific time slots for the whole service, in accordance with the interests of the service. These interests may include a physical presence at meetings with Members States or the other Institutions, but also a physical presence at team meetings or in network events, physical events contributing to team cohesion, physical job coaching sessions to ensure the integration of staff new to the service and, more generally, being available for colleagues to sharing organisational knowledge, know-how and expertise as well as for informal collaborative exchanges to foster creativity.
6. Managers shall ensure that teleworking arrangements are applied in a fair way across their service. Where necessary, they may adopt specific implementing instructions based on the general rules in this Decision. They may consult the service responsible for working time before adopting such instructions.
7. At their own initiative, staff members with temporary health issues but who are still able to telework may request from their line manager the authorisation to telework for a maximum of one month. In that case, the line manager may ask that the issue is certified by a doctor and notified to the Medical Officer, who may proceed with any appropriate verification. The line manager may authorise the request, in accordance with the interests of the service. The authorisation may be renewed under the same conditions.

Article 20

Equipment, technical support, and connectivity

1. In general, the equipment provided to teleworkers will be a laptop, which shall be used both at the office and when teleworking. Additional equipment may be provided by SMART, subject to budget availability and where technically feasible and compatible with the policies of the GSC on data security and cybersecurity.
2. SMART shall also provide staff with adequate IT tools required for a combination of work at the office and teleworking. This includes, for instance, tools for hybrid meetings or collaboration platforms accessible from the office and from outside GSC premises.
3. Specific needs of staff with disability, in terms of working both at the office and remotely, shall be catered for under the reasonable accommodation procedure.

Article 21

Health and safety

1. The relevant GSC services shall provide teleworkers with information on occupational health and safety, ergonomics as well as precautions to be taken against damage and theft.
2. Teleworkers shall take reasonable preventive measures to avoid physical risks in their place of teleworking. They remain covered by the insurance against accident and occupational disease provided by Article 73 of the Staff Regulations to the same extent as staff working at the office.
3. The GSC may not be held liable for health and safety in the teleworking environment save in respect of equipment or materials provided to the teleworker by the GSC itself.

Chapter IV

FINAL PROVISIONS

Article 22

Derogations

In cases of extraordinary circumstances, temporary decisions concerning working hours, flexitime or teleworking that derogate from this Decision may be adopted by the Director-General for Organisational Development and Services in accordance with the interests of the service and after informing the Staff Committee. These decisions will be duly communicated to staff indicating the reason for the derogation. Derogations must be limited in both duration and scope, taking due account of extraordinary circumstances. In case of urgency, the Staff Committee may be informed at the same time as staff.

Article 23

Repeals

This Decision repeals Decision No 50/2018 of the Secretary-General of the Council on working time at the GSC and Decision No 8/2020 of the Secretary-General of the Council on teleworking.

Article 24

Entry into force

This Decision enters into force on ...

Done at Brussels, ...