



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 28.4.2004  
C(2004) 1597

**COMMISSION DECISION**

**introducing implementing provisions on leave**

## COMMISSION DECISION

### introducing implementing provisions on leave

THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Staff Regulations of officials of the European Communities and the Conditions of Employment of other servants of the European Communities (CEOS) laid down by Council Regulation (EEC, Euratom, ECSC) No 259/68<sup>1</sup>, and in particular Articles 57, 58 and 61 of the Staff Regulations and Annex V thereto, and Articles 16, 59, 60 and 91 of the CEOS,

Whereas:

- (1) In order to ensure that practice remains transparent and consistent, the implementing provisions applicable to leave should be combined in a single document.
- (2) Provision should be made for the possibility of subsequently rapidly amending the Annex to this Decision as appropriate.
- (3) In this respect, it seems not expedient for such amendments to be referred every time to the Commission where they remain limited in scope,

HAS DECIDED AS FOLLOWS:

#### *Article 1*

The Annex to this Decision establishing implementing provisions for leave is hereby approved.

#### *Article 2*

The Commission shall empower the Director-General for Personnel and Administration to make all necessary limited amendments to the Annex to this Decision.

#### *Article 3*

This Decision shall enter into force on 1 May 2004.

Done at Brussels, 28.4.2004.

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<sup>1</sup> OJ L 56, 4.3.1968, p. 1. Regulation as last amended by Regulation.(EC, Euratom) No 723/2004 (OJ L 124, 27.4.2004, p. 1).

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## DEFINITIONS:

SNE	=	Seconded national expert
GECO	=	Leave Administrator in the Directorate-General/department concerned
HRM	=	Head of Human Resources in the Directorate-General/department concerned
AA	=	Appointing authority
ARCC	=	Authority responsible for concluding contracts of employment
JSIS	=	Joint Sickness Insurance Scheme of the European Communities
SIC CONGES	=	Joint Information System present in every DG/department and designed to facilitate the administrative management of leave and absences
MS	=	Medical Service

## INTRODUCTION

With the aid of these rules on leave, the Commission hopes to establish uniform and consistent practice within all directorates-general, departments and offices. This document is directed at all Commission staff (permanent officials, other servants, seconded national experts, human resources managers, leave managers, etc.), with the exception of trainees, visiting scientists and research fellows employed by the JRC.

However, for staff employed in Delegations abroad, some leave is governed - by way of derogation - by Annex X to the Staff Regulations.

### (A) Organisation:

1. Management of leave has been decentralised and is therefore carried out by the Directorate-General, department or office to which the official/agent/seconed national expert belongs.
2. Any specific questions not answered in this document should therefore be referred to your leave manager (GECO).
3. DG ADMIN will coordinate the work of the leave managers so as to harmonise practices and avoid differing application of the rules on leave. DG ADMIN is therefore making a coordinator available to the DGs to this end. Only the leave manager or the human resources manager may refer general or specific questions not resolved at their level to DG ADMIN's leave coordinator.
4. The leave coordinator will make contact as necessary or implement the appropriate, harmonised procedures in order to find a suitable solution as soon as possible. If a

solution is needed to a general question, it will be submitted to all the human resources managers and leave managers for an opinion.

5. On no account may the coordinator act as substitute for the role of leave manager or human resources manager.

(B) A reminder of the rules:

Note that, except in cases of *force majeure* such as sickness or accident, officials/other servants/seconded national experts are not permitted to absent themselves from work without the prior authorisation of their immediate superior.

Officials/other servants/seconded national experts are therefore not permitted in principle to depart on annual or special leave until they have made sure that their immediate superior has signed their leave application in SIC CONGÉS. In cases of *force majeure*, they must advise their immediate superior.

Officials/other servants/seconded national experts are also required to enter their leave application into SIC CONGÉS in person. If this is not technically possible, they must give a written delegation to the person authorised to enter an application into SIC CONGÉS on their behalf. The person delegated must then print out a paper copy and have this signed by the applicant who was unable to enter the application personally.

Any absence not covered by a prior authorisation is to be recorded as soon as possible - in practice during the first few hours of absence - by the immediate superior (or the person authorised by him/her) in SIC CONGÉS with the reference “unjustified absence”.

## **I. ANNUAL LEAVE**

General principles:

- (a) A day of leave is a working day (in principle, from Monday to Friday inclusive, not including public holidays) that is not worked.
- (b) Under the Staff Regulations, annual leave taken by a permanent official/member of temporary staff/member of contract staff must include at least one period of two consecutive weeks, unless otherwise agreed with the immediate superior.
- (c) Any application for annual leave resulting in a negative balance may only be granted, exceptionally, by the immediate superior under his/her own responsibility, if reasoned grounds are given.
- (d) For someone entering service part way through a calendar year, the basic entitlement (I.a) and the additional entitlement (I.b) are calculated pro rata for the number of months to be worked until 31 December.
- (e) On the calculation of travelling time, see I.c below.
- (f) Calendar year = 1 January to 31 December inclusive.

- (g) As regards annual leave entitlement, a permanent official/member of temporary staff/member of contract staff on family leave (Article 42b of the Staff Regulations) is considered to be on active service.

**I.a: Basic entitlement**

(per month of service per calendar year)

Permanent official Member of temporary staff Member of contract staff	Member of auxiliary staff	Seconded national expert
15 days or less      1 day	Half a month      1 day	Half a month    1.5 days <sup>(1)</sup>
More than 15 days    2 days	Whole month      2 days	Whole month    2.5 days

Implementation:

- Maximum possible annual leave for officials and other servants:24 days
- Maximum possible annual leave for seconded national experts:30 days
- Other than in duly substantiated exceptional cases, no annual leave for officials/temporary agents/contract staff before completion of 3 months' service.

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<sup>1</sup> to be adjusted at the end of the contract



**I.b: Additional entitlement**

(excluding auxiliary staff and seconded national experts)

Grade (permanent officials and temporary staff only)	
AD16 – AD15	= 3 days
AD14 – AD13	= 2 days
AD12 – AD9	= 1 day
AST11 – AST10	= 1 day

Age (permanent officials/temporary staff/contract staff)	
Over 55	= 6 days
50-55	= 5 days
45-50	= 4 days
40-50	= 3 days
35-40	= 2 days
25-35	= 1 day
Under 21	= 2 days

Implementation:

- An official/other servant, with the exception of auxiliary staff, is entitled to additional days of leave depending on age and grade. However, combining these additional days with the basic entitlement may total no more than 30 days a year.
- The age and/or grade to be taken into account is the status on 1 July of the current year.
- An official who is seconded in the interests of the service to the Private Office of a Commission Member is to receive the entitlement for the grade in which he/she is seconded.

**I.c: Travelling time**

(excluding auxiliary staff and seconded national experts)

Linked to annual leave	
50-250 km	= 1 day
251-600 km	= 2 days
601-900 km	= 3 days
901-1 400 km	= 4 days
1 401-2 000 km	= 5 days
>2 000 km	= 6 days

Implementation:

- Travelling time is withdrawn on 31 December if no annual leave has been taken during that calendar year.
- Travelling time, which is not subject to pro rata calculation from the date of entry into service, is to be granted once per calendar year for travel to and from the place of origin, provided that annual leave has been taken and that the date of entry into service is before 1 October.
- Where entry into service takes place on or after 1 October, no travelling time linked to annual leave is to be granted for that year unless annual leave has been authorised, by way of exception, by the immediate superior, and provided that the number of days granted is equal to or greater than the travelling time and that it does not result in a negative balance on 31 December.
- The distance taken into account is to be calculated on the basis of the distance by rail between the place of employment and the place of origin.
- If the place of employment changes during the calendar year, the travelling time initially granted is to be retained for that calendar year.
- If no travelling time has been granted, possible travelling time is to be determined with reference to the distance between the new place of employment and the place of origin.
- The above provisions are to apply to staff whose place of employment is in the territory of the Member States.
- Travelling time for officials/temporary staff/contract staff whose place of employment is outside the territory of the Member States is to be determined by annual ad hoc Commission decision on the initiative of the DG responsible.

**I.d: Additional entitlement for years of service**

25 years' service	=	5 days
30 years' service	=	5 days
35 years' service	=	5 days
40 years' service	=	5 days
45 years' service	=	5 days

Basic principle:

An official/temporary staff member/contract staff member who has completed 25, 30, 35, 40 or 45 years' service at a Community Institution is to receive 5 days' additional annual leave.

Implementation:

- In calculating years of service, periods during which the staff member was not in active service or equivalent are to be deducted (e.g. leave on personal grounds, parental leave, invalidity pension, etc.).
- The 5 days are to be granted only in the year in which the staff member completes 25, 30, 35, 40 or 45 years' service and are to be added by the leave manager to annual leave entitlements on the basis of a list of recipients supplied by DG ADMIN.

Conditions:

The official/temporary staff member/contract staff member must take the one-off additional 5 days' leave by substantiating his/her application with "X years' service".

### **I.e: Additional entitlement for fire pickets**

Basic principle:

Officials/other servants/seconded national experts: fire pickets are entitled to 2 working days' compensatory additional leave.

Implementation:

- The leave is granted annually to officials/other servants/seconded national experts who are fire pickets and who actually take part in the exercises and prevention courses for which they have volunteered and to which they are regularly invited.
- The leave is credited by the leave manager to the official/other servant/seconded national expert in the year following his/her participation in the exercises and courses.
- The leave is shown in SIC CONGÉS under "miscellaneous" in "personal entitlement".
- The leave may not be carried over beyond the year in which it has been granted.
- Since the leave is compensatory, it may be combined with annual leave.

Conditions:

- The DG ADMIN unit responsible for health and safety at work is to draw up an annual list of the officials/other servants/seconded national experts eligible and send it to the human resources managers concerned.

## II. SPECIAL LEAVE:

In addition to annual leave (see part I above), permanent officials/other servants/seconded national experts may be granted special leave as summarised below.

(see the heading with the corresponding number for more details)

Heading number	Type of leave	Number of days	Official	Possible travelling time	Temporary /contract staff	Possible travelling time	Auxiliary staff	Possible travelling time	Second national expert <sup>(2)</sup>
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A. FAMILY REASONS:									
II.a.1	marriage of applicant	4	x	x	x	x	x	x	X (2 days)
II.a.2	marriage of child	2	x	x	x	x	x	x	
II.a.3	birth of a child	10	x	x	x	x	x	x	X (2 days)
II.a.4	serious illness of spouse	3	x	x	x	x	x	x	x
II.a.5	very serious illness of a child	5	x	x	x	x	x	x	
II.a.6	serious illness of a child	2	x	x	x	x	x	x	x
II.a.7	serious illness of a relative in the ascending line	2	x	x	x	x	x	x	x
II.a.8	death of spouse	4	x	x	x	x	x	x	x
II.a.9	death of wife on maternity leave	max. 24 weeks	x		x				
II.a.10	death of a child	4	x	x	x	x	x	x	x
II.a.11	death of a relative in the ascending line	2	x	x	x	x	x	x	x
II.a.12	death of a brother or sister	2	x	x	x	x	x	x	
II.a.13	adoption	max. 24 weeks	x		x		Sec. Nat.		
– mothers:									
II.a.14	maternity	max. 24 weeks	x		x		Sec. Nat.		x

B. OTHER									
II.b.1	outside activities	variable	x		x		x		
II.b.2	trade union leave	max. 4 days	x	x	x	x	X	x	
II.b.3	summons	variable	x	x	x	x	x	x	
II.b.4	cure	max. 15 days	x		x				
II.b.5	removal at place of employment <sup>(3)</sup>	2	x		x		x		

<sup>2</sup> See also Commission Decision of 30 April 2002 laying down the rules applicable to national experts on secondment to the Commission – C(2002)1559.

II.b.6	election	1	x	x	x	x	x	x	
II.b.7	Community examinations/competitions	according to attendance	x	X (possible)	x	X (possible)	x	x (possible)	
II.b.8	training	variable	x		x		x		
II.b.9	political office	max. 12 days	x		x				
II.b.10	jobseeking at end of contract	max. 4 days			x		x		

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<sup>3</sup> For other removals (taking up duty and change of post) see specific sheet II.b.5.

General principles:

1. Special leave is granted by way of exception and on the basis of a duly substantiated application.
2. The appointing authority for all special leave is the Director-General/Head of Department/Director, or the official to whom he/she has delegated responsibility, in the DG/Department/Office in which the official/other servant/seconded national expert is working.
3. Special leave must be taken at the time of the event which generates it. If the official/other servant/seconded national expert has not used special leave which he/she is entitled at the appropriate time, that leave may on no account be added to his/her annual leave entitlement in compensation.
4. The supporting documents must be supplied when applying for special leave or, failing that, at the latest when returning to work.
5. Special leave may be applied for and granted at any time, even during the first three months of service.
6. Special leave may be cancelled (see heading III.d).
7. A day or days of leave granted during annual leave for an event occurring during that period is considered as special leave. Travelling time corresponding to the actual duration of the journey made from the place of leave to the place of the event may also be granted (see [heading II.c](#)).
8. However, further to point 7 above, in the event of serious illness of a child, spouse or relative in the ascending line, special leave may be granted during annual leave only if one of the following two criteria is met:
  - (a) the place of the event must be at least 75 km from the place of annual leave;
  - (b) Medical Service approval if criterion 8(a) above is not applicable.
9. Certain types of special leave on family grounds may likewise be granted to an official/other servant/seconded national expert who is cohabiting or living in a registered partnership, provided that their situation has been recognised by the Administration.
10. Recovery of time in credit resulting from flexitime is not special leave and must be specifically accounted for by the immediate superior concerned.

## Heading: II.a.1 : Marriage of an official/other servant/seconded national expert

### Basic principle:

Official/other servant: 4 working days' special leave<sup>(4)</sup>

Seconded national expert: 2 working days' special leave

Travelling time may be granted  
(see heading "travelling time for special leave")

### Implementation:

- The special leave is taken at the official/other servant/seconded national expert's convenience:
  - (1) either at the time of the civil marriage ceremony or the registration of the partnership,
  - (2) or at the time of the religious marriage ceremony,
  - (3) or, by way of derogation from point 3 of the general principles governing special leave (see above), at some other time.
- In cases (1) and (2) above, the special leave may be split into days or half-days during the days preceding or following the marriage ceremony, but confers only a single possible travelling time entitlement for all the special leave.
- In case (3) above, the special leave is included under the "miscellaneous" heading in the annual leave entitlement.
- If the marriage ceremony is held outside the place of employment, the official/other servant may be eligible for travelling time (see heading) to be added to the special leave granted.
- If the special leave is preceded or followed by annual leave of 10 days or more, only half the travelling time for the special leave will be granted.

### Conditions:

- The official/other servant/seconded national expert must provide his/her leave manager with a copy of the marriage/partnership certificate or a certificate issued by the relevant national administrative authority.
- If the special leave has been requested for the religious ceremony,
- the above documents may be replaced:
  - either by an official certificate issued by the relevant religious authority,

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<sup>4</sup> The possible family entitlement will be determined by the PMO department responsible.

- or by any other supporting document.

## Heading: II.a.2: Marriage of a child of an official/other servant

### Basic principle:

Official/other servant: 2 working days' special leave<sup>(5)</sup>

Seconded national expert: no provision for special leave

Travelling time may possibly be added  
(see heading "travelling time for special leave")

### Implementation:

- The special leave is granted in respect of his/her own child and likewise in respect of a child of his/her spouse, cohabitant or registered partner.
- The special leave is granted, on request, either at the time of the civil marriage ceremony or at the time of the religious marriage ceremony.
- The special leave must be taken in the days around the marriage ceremony (e.g. if the marriage ceremony is on a Saturday, the Friday before and the Monday after).
- The special leave may be split into days or half-days, but confers only a single possible travelling time entitlement for all the special leave.
- If the marriage ceremony is held outside the place of employment, the official/other servant may be eligible for travelling time (see heading) to be added to the special leave granted.
- If the special leave is preceded or followed by annual leave of 10 days or more, only half the travelling time for the special leave will be granted.

### Conditions:

- The official/other servant must provide his/her leave manager with a copy of the marriage/partnership certificate or a certificate issued by the relevant national administrative authority.
- If the special leave has been requested for the religious ceremony,
- the above documents may be replaced:
  - either by an official certificate issued by the relevant religious authority,
  - or by any other supporting document.

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<sup>5</sup> The family entitlement will be determined by the PMO department responsible.



## Heading: II.a.3 Birth of a child of an official/other servant/seconded national expert

### Basic principle:

Official/other servant: 10 working days' special leave per child (<sup>6</sup>)

Seconded national expert: 2 working days' special leave per child

Travelling time may possibly be added  
(see heading "travelling time for special leave")

### Implementation:

- The special leave is to be taken during the 14 weeks following the birth.
- The special leave may be split into days or half-days, but confers only a single possible travelling time entitlement for all the special leave.
- Multiple births (twins, triplets, etc.) confer a single special leave entitlement.
- If the birth takes place outside the place of employment, the official/other servant may be eligible for travelling time (see heading) to be added to the special leave granted.
- The special leave (and the possible travelling time, subject to certain conditions - see heading) may be combined with annual leave.
- If annual leave of 10 days or more is taken in combination with the special leave, and if travelling time is granted for the birth, only half that travelling time will be granted.

### Conditions:

The official/other servant/seconded national expert must provide his/her leave manager with a copy of the birth certificate issued by the relevant national administrative authority.

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<sup>6</sup> The family entitlement will be determined by the PMO department responsible.

Heading: II.a.4: Serious illness of spouse (*see also "family leave"*)

Basic principle:

Official/other servant/seconded national expert: up to 3 working days' special leave

(see heading "travelling time for special leave")

Travelling time may possibly be added

Implementation:

- The official/other servant/seconded national expert is entitled, on request, to up to 3 working days' special leave in the event of serious illness of the spouse.
- In specific cases of chronic serious illness and exceptional family circumstances, the appointing authority may grant extensions up to a maximum total of 9 days per calendar year (see conditions below).
- However, the appointing authority may derogate from this limit of a maximum of 9 days in total per calendar year, in accordance with the opinion of the Medical Service. The opinion of the Medical Service shall be established on the basis of a detailed medical certificate and if it judges it necessary, at its explicit request, a report by a DG ADMIN assistant on the support available to the sick person.
- The special leave may be split into days or half-days, but confers only a single possible travelling time entitlement for all the special leave.
- If the special leave is preceded or followed by annual leave of 10 days or more, only half the travelling time for the special leave will be granted.

Conditions:

- The official/other servant/seconded national expert must provide his/her leave manager with a medical certificate containing his/her name and the name of the sick person, and certifying the need for him/her to be with the sick person between the dates stated.
- If this certificate contains information which the official/other servant/seconded national expert considers confidential, he/she may send the certificate to the Medical Service instead of to the leave manager and notify the latter of this and of the basic information contained in the certificate such as the names and the dates between which he/she is required to be with the sick person.
- For extension beyond 3 days, the official/other servant/seconded national expert must submit the original of a detailed medical certificate to the Medical Service, which must provide the appointing authority with an opinion on the seriousness of the illness and, if applicable, its chronic nature. For such extensions, the official/other servant/seconded national expert shall inform the leave manager of this.

- For derogations beyond the maximum laid down for extensions, the Medical Service shall inform the appointing authority how many days might be granted, and how.
- In an emergency a copy or fax of the above documents may be sent for prior approval, provided that the original is then sent as soon as possible.

Heading: II.a.5: Very serious illness of a child (*see also “parental leave”*)

Basic principle:

Official/other servant: up to 5 working days’ special leave

Seconded national expert: no provision for special leave

Travelling time may possibly be added  
(see heading “travelling time for special leave”)

Implementation:

- The official/other servant is entitled, on request, to up to 5 working days’ special leave per child in the event of very serious illness of a child or of hospitalisation of a child of 12 years of age or under.
- Extensions up to a maximum total of 15 days per child per calendar year may be granted by the appointing authority.
- The child must be considered dependent within the meaning of Article 2 of Annex VII to the Staff Regulations or conferring entitlement to a reduction in tax; in the event of hospitalisation, the child must be 12 years of age or less.
- The special leave may be split into days or half-days, but confers only a single possible travelling time entitlement for all the special leave.
- If the special leave is preceded or followed by annual leave of 10 days or more, only half the travelling time for the special leave will be granted.

Conditions:

- The official/other servant must provide the Medical Service with a detailed medical certificate containing his/her name and personnel number, the name, first name and date of birth of the ill child and the expected duration of the illness.
- In the event of hospitalisation, the medical certificate must also state the dates on which hospitalisation is expected to start and finish.
- The official/other servant is simultaneously to inform the leave manager of this.
- In the event of a negative opinion by the Medical Service, it will inform the staff member and the leave manager, who will allocate the days taken as special leave for “serious illness of child” within the limits provided for (see heading II.a.6 ) and allocate any surplus as annual leave.

Heading: II.a.6: Serious illness of child (*see also "parental leave"*)

Basic principle:

Official/other servant/seconded national expert: up to 2 working days' special leave (extension possible up to a maximum total of 6 days)

Travelling time may be granted (see heading "travelling time for special leave")

Implementation:

- The official/other servant/seconded national expert is entitled, on request, to up to 2 working days' special leave per child in the event of serious illness of the child.
- Extensions up to a maximum total of 6 days per child per calendar year may be granted by the appointing authority.
- The child must be considered dependent within the meaning of Article 2 of Annex VII to the Staff Regulations or conferring entitlement to a reduction in tax.
- The human resources manager, following an opinion by the Medical Service issued on the basis of a detailed medical certificate, may grant additional days' leave beyond the above 6 days, and may also grant the special leave for a child who no longer meets the conditions required to be considered a dependent child as referred to in the preceding paragraph.
- The special leave may be split into days or half-days, but confers only a single possible travelling time entitlement for all the special leave.
- If the special leave is preceded or followed by annual leave of 10 days or more, only half the travelling time for the special leave will be granted.

Conditions:

- The official/other servant/seconded national expert must provide his/her leave manager with a medical certificate containing his/her name, the name of the sick person and certifying the need for him/her to be with the sick person between the dates stated.
- If this certificate contains information which the official/other servant/seconded national expert considers confidential, he/she may send the certificate to the Medical Service instead of to the leave manager and notify the latter of this and of the basic information contained in the certificate such as the names and the dates between which he/she is required to be with the sick person.

Heading: II.a.7: Serious illness of a relative in the ascending line (*see also "family leave"*)

Basic principle:

Official/other servant/seconded national expert:	up to 2 working days' special leave (extension possible up to a maximum total of 6 days)
--------------------------------------------------	---------------------------------------------------------------------------------------------

Travelling time may possibly be added  
(see heading "travelling time for special leave")

A relative in the ascending line is defined as:

- the official/other servant/seconded national expert's father, mother and grandparents,
- the spouse/cohabitant/registered partner's father and mother.

The spouse's grandparents are excluded.

Implementation:

- An official/other servant/seconded national expert is entitled, on request, to up to 2 working days' special leave per relative in the event of serious illness of a relative in the ascending line.
- In specific cases of chronic serious illness and exceptional family circumstances, the appointing authority may grant extensions up to a maximum total of 6 days per relative in the ascending line per calendar year (see conditions below).
- However, the appointing authority may derogate from this limit of a maximum of 6 days per relative in the ascending line in total per calendar year, in accordance with the opinion of the Medical Service. The opinion of the Medical Service shall be established on the basis of a detailed medical certificate and if it judges it necessary, at its explicit request, a report by a DG ADMIN assistant on the support available to the sick person.
- The special leave may be split into days or half-days, but confers only a single possible travelling time entitlement for all the special leave.
- If the special leave is preceded or followed by annual leave of 10 days or more, only half the travelling time for the special leave will be granted.

Conditions:

- The official/other servant/seconded national expert must provide his/her leave manager with a medical certificate containing his/her name, the name of the sick person and certifying the need for him/her to be with the sick person between the dates stated.
- If this certificate contains information which the official/other servant/seconded national expert considers confidential, he/she may send the certificate to the

Medical Service instead of to the leave manager and notify the latter of this and of the basic information contained in the certificate such as the names and the dates between which he/she is required to be with the sick person.

- For extension beyond 2 days, the official/other servant/seconded national expert must submit the original of a detailed medical certificate to the Medical Service, which must provide the appointing authority with an opinion on the seriousness of the illness and, if applicable, its chronic nature. For such extensions, the official/other servant/seconded national expert shall inform the leave manager of this.
- For derogations beyond the maximum laid down for extensions, the Medical Service shall inform the appointing authority how many days might be granted, and how.
- In an emergency a copy or fax of the above documents may be sent to the Medical Service for prior approval, provided that the original is then sent as soon as possible.

## Heading: II.a.8: Death of spouse

### Basic principle:

Official/other servant/seconded national expert: 4 working days' special leave

Travelling time may possibly be added  
(see heading "travelling time for special leave")

### Implementation:

- This special leave is also granted to an official who is cohabiting or living in a registered partnership.
- The 4 days must be taken during the days following the death or at the time of the funeral.
- If the death entails additional obligations (inquest, autopsy, etc.) ordered by the relevant national authority, the special leave may be taken during a period following the official completion of those obligations.
- The special leave may be split into days or half-days, but confers only a single possible travelling time entitlement for all the special leave.
- If the death or funeral service takes place outside the place of employment, the official/other servant may be eligible for travelling time (see heading "travelling time for special leave").
- If the special leave is preceded or followed by annual leave of 10 days or more, only half the travelling time for the special leave will be granted.

### Conditions:

The official/other servant/seconded national expert must provide his/her leave manager with a copy of the death certificate or any other supporting document from which the relationship with the deceased can be clearly established.



Heading: II.a.9: Death of wife during maternity leave

Basic principle:

Official/other servant: maximum possible special leave of 20 or 24 weeks

Seconded national expert: no provision for special leave

Implementation:

- This special leave cannot be combined with the special leave for death of spouse.
- This leave is also granted in the event of death of the mother and birth of a viable child.
- The special leave must be taken continuously for a specified period in accordance with the following rules:

Wife is an official	Wife is not an official
<p>(a) maternity leave in progress:</p> <p>Granting of special leave equal to the number of days corresponding to remaining maternity leave (see heading II.a.14)</p>	<p>(a) death after childbirth:</p> <ul style="list-style-type: none"> <li>- within 140 days following the birth of one child</li> <li>- within 168 days following a multiple or premature birth or the birth of a handicapped child</li> </ul> <p>Granting of special leave equal to 140 or 168 days less the number of days between childbirth and the death</p>
<p>(b) no maternity leave in progress:</p> <p>Granting of special leave of 20 weeks or 24 weeks for a multiple or premature birth or the birth of a handicapped child</p>	<p>(b) birth of a viable child:</p> <p>Granting of special leave of 20 weeks or 24 weeks for a multiple or premature birth or the birth of a handicapped child</p>

Conditions:

The official/other servant must provide his leave manager with a copy of the death certificate and, if applicable, a copy of the birth certificate of a child, and a medical certificate if the birth was treated as premature or if the child is handicapped<sup>(7)</sup>.

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<sup>7</sup> The family entitlement will be determined by the PMO department responsible.

## Heading: II.a.10: Death of a child

### Basic principle:

Official/other servant/seconded national expert: 4 working days' special leave

Travelling time may possibly be added  
(see heading "travelling time for special leave")

### Implementation:

- The special leave is granted for an own child but also for a child of the spouse/cohabitant/registered partner.
- The 4 days must be taken during the days following the death or at the time of the funeral.
- The special leave may be split into days or half-days, but confers only a single possible travelling time entitlement for all the special leave.
- If the death or funeral service takes place outside the place of employment, the official/other servant may be eligible for travelling time (see heading "travelling time for special leave").
- If the special leave is preceded or followed by annual leave of 10 days or more, only half the travelling time for the special leave will be granted.

### Conditions:

- The official/other servant/seconded national expert must provide his/her leave manager with a copy of the death certificate or any other supporting document from which the relationship with the deceased can be clearly established.

Heading: II.a.11 :Death of a relative in the ascending line (including parents-in-law)

Basic principle:

Official/other servant/seconded national expert: 2 working days' special leave per relative in the ascending line

Travelling time may possibly be added  
(see heading "travelling time for special leave")

Implementation:

- The special leave is also granted to an official who is cohabiting or living in a registered partnership.
- The 2 days must be taken during the days following the death or at the time of the funeral.
- The special leave may be split into days or half-days, but confers only a single possible travelling time entitlement for all the special leave.
- The special leave is not granted for the death of the spouse's grandparents or great grandparents.
- If the death or funeral service takes place outside the place of employment, the official/other servant may be eligible for travelling time (see heading "travelling time for special leave").
- If the special leave is preceded or followed by annual leave of 10 days or more, only half the travelling time for the special leave will be granted.

Conditions:

The official/other servant/seconded national expert must provide his/her leave manager with a copy of the death certificate or any other supporting document from which the relationship with the deceased can be clearly established.

## Heading: II.a.12: Death of a brother or sister

### Basic principle:

Official/other servant: 2 working days' special leave per brother or sister

Seconded national expert: no provision for special leave

Travelling time may possibly be added  
(see heading "travelling time for special leave")

### Implementation:

- The 2 days must be taken during the days following the death or at the time of the funeral.
- The leave is not granted for the death of a brother-in-law or sister-in-law.
- The special leave may be split into days or half-days, but confers only a single possible travelling time entitlement for all the special leave.
- If the death or funeral service takes place outside the place of employment, the official/other servant may be eligible for travelling time (see heading "travelling time for special leave").
- If the special leave is preceded or followed by annual leave of 10 days or more, only half the travelling time for the special leave will be granted.

### Conditions:

The official/other servant/seconded national expert must provide his/her leave manager with a copy of the death certificate or any other supporting document from which the relationship with the deceased can be clearly established.

## Heading: II.a.13: Adoption

### Basic principle:

Official/other servant: 20 weeks (24 weeks if the child is handicapped)  
(1 week = 7 calendar days)

Seconded national expert: no provision for special leave

If the legislation of the country of adoption, which is not that of the official/other servant's employment, requires one or both of the adopting parents to complete a course of instruction or a stay there, additional special leave is granted for the length of the course or stay.

### Implementation:

- Each child adopted confers entitlement to a single period of special leave. The period is to start when the child arrives at the place of employment and cannot be added to another 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/other servants of a Community institution, the special leave may be shared between them as they wish.
- If one of the adopting parents is not an official/other servant of a Community institution and is eligible for comparable leave, the number of days of such leave is to be deducted from the special leave granted to the official.
- If his/her spouse, whether an official or not, is not in at least half-time paid employment, the official/other servant may be granted 10 days' special leave by analogy to the special leave for birth of a child and in accordance with the rules for that leave.

### Conditions:

- Submission to the appointing authority of a copy of the adoption certificate or, pending that, of an official document which proves legal responsibility for the child.
- For adoption of a handicapped child, a detailed medical certificate is to be sent to the Medical Service, which will then inform the appointing authority about the entitlement to 24 weeks' special leave.
- If additional special leave is granted, all the requisite supporting documents issued by the relevant national authorities are to be submitted.
- If one of the adopting parents does not work in a Community institution, and is entitled to comparable leave, an official certificate must be provided stating the length of leave granted. If this leave has not been used, the official/other servant must make a reasoned statement to the appointing authority.

- Certificate issued by the institution on the duration of special leave granted if the adopting parent works in another institution.
- Any document required for the granting of leave and/or additional special leave must be presented in a Community language. Where applicable, the official/other servant must provide any original documents in a non-Community language translated by a sworn translator.

## Heading: II.a.14: Maternity leave

### Basic principle:

Officials/temporary staff/contract staff/seconded national experts:	20 weeks 24 weeks for a multiple or premature birth or if the child is handicapped (1 week = 7 days)
Auxiliary staff:	in accordance with the social security scheme of the person concerned (contact must be made with the PMO department responsible to find out the specific rules of the national legislation)

### Implementation:

- In principle, the absence is divided into 6 weeks before childbirth and 14 mandatory weeks afterwards (in total 140 calendar days).
- In the event of a multiple or premature birth or the birth of a handicapped child, the absence remains at 6 weeks before childbirth but increased to 18 mandatory weeks afterwards (in total 168 calendar days).
- A premature birth is defined as a birth which takes place before the end of the 34th week of pregnancy.
- However, if she wishes and provided that her state of health permits, the mother may continue working beyond the 6th week preceding the expected childbirth and defer her maternity leave. In that case, she must, in her own interest, submit a medical certificate to the Medical Service - which will inform her leave manager - certifying that her state of health permits her to continue working beyond the limit of 6 weeks preceding childbirth.
- For a seconded national expert, where her national legislation provides for longer maternity leave, the secondment is interrupted for the period exceeding that granted by the Commission.
- During the 6 weeks preceding childbirth:
  - The mother may, on the basis of a medical certificate, work medical half-time. Half of that period will be deducted from the maternity leave and added to the period following childbirth.
  - In the event of illness not linked to the pregnancy, the maternity leave is extended by the duration of the incapacity, provided that the medical certificate states that the illness is not related to the pregnancy.
  - Illness linked to the pregnancy is included in the maternity leave.
  - Absence not covered by a medical certificate will be considered as related to the pregnancy and therefore included in the maternity leave.

- Any illness of more than three days' duration, or accident involving incapacitation of more than three days' duration, occurring after the date of childbirth, may result in extra time off and hence extension of maternity leave, provided the Medical Service approves the detailed medical certificate to be sent to it within 48 hours of the start of the illness or the accident occurring. The Medical Service must be warned in advance, by telephone or fax where applicable. Otherwise, by analogy, the procedure for absence on health grounds during annual leave shall apply.
- Public and Commission holidays will not result in extra leave.
- Annual leave, leave on personal grounds, parental leave or part-time may be taken immediately, without interruption, after maternity leave.
- If maternity leave is taken outside the place of employment (in the place of origin, for example), the mother must inform the Medical Service accordingly.
- The maternity leave is maintained in full if the child dies at birth or soon after.

Conditions:

- An expectant mother must provide her leave manager, before her maternity leave, with a document drawn up by her doctor giving the expected date of childbirth. The leave manager passes that information on to the Medical Service.
- After childbirth, the mother must submit a copy of the birth certificate as soon as possible to her leave manager, who will likewise inform the Medical Service.



## Heading: II.b.1: Engaging in an unpaid outside activity

### Basic principle:

Official/other servant: half the absence during working days and official hours at the Commission, up to a maximum of 12 days per year

Seconded national expert: no provision for special leave

No travelling time is to be granted.

### Implementation:

- The special leave can be granted only to an official/other servant who has been authorised by the appointing authority to engage in an outside activity in the interests of the Communities.
- The outside activity must not result in any compensation or remuneration other than reimbursement of travel and subsistence expenses.
- The working days to be taken into account as special leave at 50% must be expressly indicated in the appointing authority's authorising decision.

### Conditions:

- The official/other servant must provide his/her leave manager with a copy of the appointing authority's decision, which must state:
  - the entitlement to allocate half the working days of absence as special leave,
  - the exact working days of absence.

## Heading: II.b.2: Trade union leave

### Basic principle:

Official/other servant: maximum of 4 days per year

Seconded national expert: no provision for special leave

Travelling time may be granted (see heading “travelling time for special leave”)

### Implementation:

- Special leave may be granted to duly appointed delegates of organisations representing staff to enable them to take part in trade union meetings or congresses outside the Institution.
- The recognised organisation must notify in writing to the unit responsible for social dialogue the names of the people appointed, the number of days requested and the activity for which trade union leave is requested.
- After verifying that the request does indeed come from an organisation recognised under the 2003 Framework Agreement, that unit shall inform the human resources manager of the DG of the person concerned of his/her entitlement to special leave.

### Conditions:

The duly appointed delegate must apply for special leave via SIC CONGÉS.

## Heading: II.b.3: Summons

### Basic principle:

Official/other servant: one working day's special leave

Seconded national expert: no provision for special leave

Travelling time may possibly be added  
(see heading "travelling time for special leave")

### Implementation:

- Where an official/other servant is summoned by a court or official judicial authority (e.g. an examining magistrate) as a witness in a case which does not concern him/her directly or personally, one day's special leave may be granted on submission of the summons.
- Annual leave may be combined with that special leave. If the annual leave is 10 days or more, only half the travelling time will be granted.
- For an official/other servant called for jury service, special leave will be granted for the whole period during which he/she is required to sit.

### Conditions:

- Special leave is to be granted only if the official/other servant is summoned to testify in a case in which he/she is not involved, in other words if he/she is not under investigation, the party bringing a civil action or the opposing party.
- The supporting documents are to be the summons (issued by the court or official judicial authority).

## Heading: II.b.4: Cure

### Basic principle:

Officials, temporary/contract staff: special leave for half the time needed for the cure, but not exceeding 7.5 days

Auxiliary staff and seconded national experts: no provision for special leave

No travelling time is to be granted.

### Implementation:

- In the case of a spa cure duly authorised by the Joint Sickness Insurance Scheme's medical officer, the appointing authority may grant special leave for half the time needed for the cure, but not exceeding 7.5 working days and subject to the cure being at an establishment approved by the relevant national bodies.
- In the light of the report at the end of the cure, and on a proposal from the medical officer, the appointing authority may grant up to 7.5 days additional leave.
- Special leave for a spa cure may be granted only once every twelve months.
- A spa cure is calculated in calendar days from a medical viewpoint but in working days from a leave viewpoint: the leave manager therefore calculates half the length of the cure in working days.

### Conditions: (see also JSIS for rules on applying for a cure):

- Having obtained prior authorisation under the Joint Sickness Insurance Scheme, the official or other servant submits an application for annual leave in the usual way covering the whole period of the cure, which must not exceed 21 calendar days.
- On return from the cure, the official/agent is to send his/her leave manager a copy of the spa establishment's certificate giving the exact dates of the cure, together with a copy of the Joint Sickness Insurance Scheme prior authorisation.
- After calculating the number of working days, half the duration taken into account will be counted as special leave and deducted from the annual leave application submitted before the start of the cure.

## Heading: II.b.5: Removal

### Basic principle:

Official/other servant:	up to 2 working days' special leave
Seconded national expert:	no provision for special leave
Travelling time:	only for officials/temporary staff/contract staff for a removal to take up duty or change place of employment. (see heading "travelling time for special leave")

### Implementation:

- Special leave is granted on taking up duty or changing place of employment.
- Special leave is also granted at the time of the removal itself where the staff member proves that he/she has officially changed his/her principal address at the place of employment.
- The special leave may be split into days or half-days, but confers only a single possible travelling time entitlement for all the special leave.
- If special leave is preceded or followed by annual leave of 10 days or more, only half the travelling time for the special leave will be granted.
- Possible travelling time is granted only on the basis of need.

### Conditions:

The official/other servant must provide his/her leave manager with either a document certifying his/her change of principal address issued by the local authority responsible, or a copy of his/her new identity card, or a copy of the removal firm's invoice or a copy of the new lease. He/she must also notify the change of address to DG ADMIN, so that his/her personal file can be updated.

## Heading: II.b.6: Elections outside the place of employment

### Basic principle:

Official/other servant: 1 day maximum

Seconded national expert: no provision for special leave

Possible travelling time (see heading “travelling time for special leave”)

### Implementation:

- Special leave is granted for taking part in elections of the following types:
- presidential,
- - parliamentary,
- European Parliament,
- referendum,
- regional (German Länder, Spanish Autonomous Communities, Italian regions, etc.),
- municipal, local, provincial, cantonal.
- Special leave is granted only if voting is on a working day which is not a Commission holiday.
- The special leave may be combined with annual leave.
- Special leave is not granted if it is possible to vote by post or at the embassy or consulate at the place of employment without compromising the right to vote at other elections<sup>8</sup>.

### Conditions:

The official/other servant must provide his/her leave manager with an official document certifying that he/she has actually voted outside the place of employment.

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<sup>8</sup> A table of voting options at the place of employment will be published on a regular basis by the Directorate-General for Personnel and Administration.

Heading: II.b.7: Sitting an examination/competition/selection board organised by EPSO or by a Community Institution or Agency

Basic principle:

Official/other servant: special leave corresponding to the duration of the tests, normally 0.5 days for an oral test and 1 day for a written test

Seconded national expert: no provision for special leave

Possible travelling time (see heading “travelling time for special leave”)

Implementation:

- An official/other servant who is invited to sit tests for a competition/examination/selection board organised by EPSO or by a Community Institution or Agency may be eligible for special leave.
- Provided that the days in question are working days, the leave will comprise the duration of the test(s) plus any travelling time required for the return journey between the place of employment and the place of the tests.
- Leave cannot be granted for a preliminary job interview (case normally covered by a mission order).

Conditions:

The official/other servant must provide his/her leave manager with a copy of the invitation and proof of actual participation, or any other document certifying presence at the tests and their duration.

Heading: II.b.8: Training

New general implementing provisions for Article 24a of the Staff Regulations are currently being drawn up by DG ADMIN/A/3.



## Heading: II.b.9: Holding elected public office

### Basic principle:

Officials/temporary staff/contract staff: 12 days a year maximum

Auxiliary staff/seconded national experts: no provision for special leave

No travelling time is to be granted.

### Implementation:

- Special leave may be granted only to an official/other servant who has been authorised by the appointing authority to hold elected public office.
- Leave granted may be extended annually for the duration of the term and calculated pro rata if the term begins or ends part way through a calendar year.
- Leave is granted per meeting day or half-day during Commission working days and hours, subject to a limit of 12 days a year maximum.
- Leave may not be carried over beyond the year during which it has been granted.

### Conditions:

The official/other servant must provide his/her leave manager, when first applying for leave, with a copy of the appointing authority's decision and then a certificate or certificates issued by the authority responsible stating the date of the meeting and confirming actual attendance.

## Heading: II.b.10: Jobseeking at end of contract

### Basic principle:

Temporary/contract/auxiliary staff: 1 day a week, 4 days maximum

No provision for travelling time.

### Implementation:

- The authority empowered to conclude contracts of employment may grant a temporary/contract/auxiliary member of staff special leave of one day a week, which may be split into two half-days, up to a total of 4 days maximum, to look for a new job during the 6 weeks preceding the end of his/her contract, subject to the following conditions:
- an extension of the contract must not be in progress or officially planned (officially means that the relevant authority empowered to conclude contracts of employment has formally agreed a contract, even if administrative procedures have yet to be launched).
- the contract must not have been terminated at the staff member's volition or without notice.
- The special leave may not be added to the annual leave entitlement or carried over or reimbursed on leaving the post.
- In the absence of any supporting documents (see conditions below), the absence is counted as annual leave.

### Conditions:

The staff member must provide his/her leave manager, at the latest during the 24 hours following resumption of duty, with a document proving that he/she has been to an organisation, firm or individual with a view to obtaining a new job (written confirmation of attendance at an interview, for example).

## Heading II.c : Travelling time for special leave

0 - 200 km	=	0 days
201 - 600 km	=	1 day
601 - 1200 km	=	2 days
1201 - 1800 km	=	3 days
>1,800 km	=	4 days

This table shows the maximum time authorised for one return journey, other than by plane.

### Basic principle:

Travelling time may possibly be added to special leave (see specific heading), provided that it corresponds to the time actually spent travelling from or to the place of employment and that that time is on a working day which is not a Commission holiday.

### Implementation:

- Travelling time is always subject to assessment and decision by the appointing authority.
- It may be granted to officials, temporary staff, contract staff and auxiliary staff, but seconded national experts are not entitled to travelling time for special leave.
- It is granted with reference to the time actually needed to travel, and must not exceed the maximum shown in the above table.
- No travelling time may be granted if the outward and/or return journey takes place during the weekend or a public holiday.
- It is granted only if the official/other servant leaves the place of employment to travel to the place of the event in question and then back to the place of employment.
- Travelling time is calculated half for the outward and half for the return journey.
- Travelling time must immediately precede (outward journey) or follow (return journey) special leave.
- If the journey is made by plane:
  - = 1 day maximum for outward journey
  - = 1 day maximum for return journey.
- The choice of travel schedule is left to the official/other servant's discretion.

- If the journey is not made entirely by plane or the place of the event is outside Europe and the journey is made by plane, the appointing authority may grant more travelling time than provided for in the eighth indent of “implementation” above. Account should be taken of the time actually needed for the journey - supporting documents required - subject to a maximum limit of 2 days for the outward and 2 days for the return journey.
- If the special leave is preceded and/or followed by a short period of annual leave (less than 10 days), the travelling time (outward and/or return) is applied to the beginning and end of the special leave. If the special leave is combined with annual leave of 10 working days or more, only half the travelling time for the special leave is to be granted.
- If the official/other servant is on annual leave, travelling time corresponding to the actual duration of the journey from the place of annual leave to the place of the event in question may be granted by the appointing authority in accordance with the above criteria.

Conditions:

The official/other servant must provide the leave manager with all the supporting documents showing the journey duration and schedule and the means of transport used: tickets or boarding cards, or any other supporting documents such as: motorway toll tickets, till receipts for petrol, restaurant/hotel bills, etc.

### **III. MISCELLANEOUS**

#### **III.a: PART-TIME WORKING:**

Basic principle:

- The annual leave entitlements (basic entitlement + grade + age) of an official/other servant authorised to work part time are reduced proportionally for the period of part-time working.
- Sick leave neither cancels nor interrupts a decision authorising part-time working: unless that decision is cancelled by the appointing authority which took it, its provisions are to remain in force.
- If medical part-time is granted during a period of part-time working, the latter must be suspended during the period of medical part-time.

Implementation:

Entries are made with reference to hours of absence and not to days or half-days taken.

### **III.b: ADMINISTRATIVE STATUS OTHER THAN ACTIVE SERVICE**

#### III.b.1. Secondment:

##### III.b.1.a: To a Community Institution or Agency:

- Management of leave is the responsibility of the host Institution or Agency, which is to receive from the DG of origin a statement of annual and sick leave at the time of secondment.
- Leave acquired as compensation for time worked before the date of secondment is the responsibility of the DG of origin before the date of secondment.
- At the end of the secondment, the DG to which the person is posted back takes over management of leave in accordance with the statement of annual and sick leave to be provided by the Institution or Agency of secondment.

##### III.b.1.b: To a non-Community body:

- The leave balance is frozen by the DG of origin.
- Annual leave entitlements are calculated taking into account the time worked at the Commission during the current year, in accordance with the principles laid down in I ANNUAL LEAVE.
- If the outstanding balance is more than 12 days (the maximum possible automatic carry-over from one year to the next), the official - if he/she wishes to recover all the balance on returning - is requested to submit to his/her human resources manager at the time of leaving on secondment an application for additional carry-over (see III.e: CARRY-OVER OF ANNUAL LEAVE). In examining this request, the human resources manager will take account in particular of the date on which the secondment commences.

#### III.b.2: Leave on personal grounds:

The principles referred to above in respect of secondment to a non-Community body shall also apply to leave on personal grounds.

#### III.b.3: Parental leave:

see III.b.1 b above.

The principles referred to above in respect of secondment to a non-Community body shall also apply to parental leave.

III.b.4: Family leave:

Officials/temporary staff/contract staff are to be regarded as on active service during family leave with respect to annual leave entitlements and, therefore, are to continue to be managed by the DG of origin without reduction of entitlements.

III.b.5: Leave for military service:

see III.b.1.b above.

The principles referred to above in respect of secondment to a non-Community body shall also apply to leave on military service.

This provision does not apply to an official or temporary member of staff in the event of a period of military instruction or conscription during which he/she retains entitlement to remuneration, despite this being reduced by the amount of the military pay received.

During that period, his/her leave is to continue to be managed by the DG of origin.

III.b.6: Long-term missions (fellowships, etc.):

see III.b.1.b above.

The principles referred to above in respect of secondment to a non-Community body shall also apply to long-term missions.

III.b.7: Exchanges - Commission decision C (94) 3895 of 5 January 1995

see III.b.1.b above.

The principles referred to above in respect of secondment to a non-Community body shall also apply to exchanges.

III.b.8: Suspension (Annex IX - disciplinary procedure):

see III.b.1.b above.

The principles referred to above in respect of secondment to a non-Community body shall also apply in cases of suspension.

### III.c: TERMINATION OF SERVICE

Basic principle:

Officials/other servants – but not seconded national experts - are entitled, on termination of service, to payment for days of annual leave not taken.

The following are treated as termination of service:

- voluntary or compulsory resignation,
- retirement in the interests of the service,
- dismissal,
- removal from post,
- retirement or invalidity,
- death,
- change in employment status, without interruption, other than that of temporary or contract staff to permanent official (within the same institution).

Note: Transfer as a permanent official to another Institution is not treated as termination of service. In this case, leave and sick leave are likewise to be transferred.

Implementation:

- The number of days' annual leave to which the official/other servant is entitled is recalculated on termination of service as a pro rata of the number of months or days actually worked (see I. ANNUAL LEAVE, General principles, point (d) and annex).
- Any parts of days are rounded up or down according to whether or not they come to 50% of a day.

Conditions:

- The leave manager is to draw up a balance of annual leave not taken and send it, on request, to the PMO department responsible. The latter reimburses the days of annual leave not taken 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 - is based on the final remuneration received (e.g. in the event of resignation after leave on personal grounds, on the basis of the remuneration received immediately prior to departure on leave on personal grounds).



### **III.d: CANCELLATION OF ANNUAL OR SPECIAL LEAVE**

III.d.1: At the staff member's request:

Basic principle:

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

Annual leave may be cancelled in whole or in part by:

- sick leave (see specific heading “absence due to sickness”),
- special leave (see heading “special leave - general principles”).

Implementation:

- The cancellation request must be submitted via SIC CONGÉS, stating the exact period to be cancelled and the reasons for cancellation.
- The request must be approved with the signature of the immediate superior authorised to do so.

III.d.2: At the immediate superior's request:

Basic principle:

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 not yet started, the immediate superior who granted the leave must, in coordination with the human resources manager, notify the staff member as soon as possible in writing that his/her 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 started, the immediate superior who has granted the leave must, in agreement with the human resources manager, notify the staff member in writing that his/her annual leave has been 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).
- The immediate superior must at the same time also inform the leave manager and the PMO department responsible.
- The official/other servant/seconded national expert concerned must contact his/her leave manager regarding the procedures and formalities for reimbursement of the amount, to be duly substantiated, of the expenses which he/she has incurred through the cancellation or interruption of the annual leave.
- He/she will also be credited by the leave manager with the number of days' leave cancelled or interrupted.

### **III.e: CARRY-OVER OF ANNUAL LEAVE**

#### Basic principle:

An official/other servant/seconded national expert who has not used up all his/her annual leave by 31 December may have the balance carried over to the following year:

- automatically for 12 days or less,
- by decision of the human resources manager for more than 12 days.

#### Implementation:

- Reminder: leave taken during a calendar year “X”, i.e. between 1 January and 31 December, is deducted from the leave entitlements for that year “X”.
- Carry-over of 12 days maximum is done automatically and added in January of the following calendar year to the entitlements for that year.
- Carry-over of more than 12 days is authorised only if it has been established that the staff member has been unable to take them during the current calendar year for reasons attributable to the needs of the service (to be expressly substantiated) and is added to the entitlements for the following calendar year after decision by the human resources manager.
- If the human resources manager refuses approval, the carry-over is to remain limited to 12 days.
- No carry-over in excess of 12 days is authorised if the leave days have not been taken for reasons other than the needs of the service (e.g. for health reasons: illness, accident, recovery of annual leave following an accident or illness during annual leave, maternity leave, adoption leave, parental leave, family leave, leave on personal grounds, unpaid leave, leave for military service, etc.).
- Any negative balance - duly authorised by the immediate superior - of excessive leave days taken during the current calendar year is of course to be automatically carried over and deducted from the entitlements for the following year.

#### Conditions:

- The carry-over application must be submitted via SIC CONGÉS.
- That application must state the number of days to be carried over and clearly explain the needs of the service which have prevented the staff member from using up his/her annual leave in excess of the 12 days carried over automatically.
- The application, countersigned by the immediate superior, must reach the human resources manager by 31 January at the latest.
- The human resources manager may refuse to carry over more than the 12 days automatically carried over if the application does not state the number of days to

be carried over, is not substantiated, or contains a substantiation which is too generic or incorrect.

### **III.f: PUBLIC HOLIDAYS**

Basic principle:

Each year, the Commission issues a list of public holidays in Brussels and Luxembourg for the following calendar year.

That list is published in the Administrative Notices during the second half of the year preceding the year in question.

By consensus, the total number of public holidays is between 17 days (minimum) and 19 days (maximum).

The public holidays at the Commission's Offices and Delegations, the Joint Research Centre or other establishments are determined, according to the needs of the service, by the Director-General responsible for each of them or, failing that, by the management of those establishments.

#### **FLEXIBILITY:**

Basic principle:

An official/other servant/seconded national expert may choose to work on Maundy Thursday, Good Friday and the day after Ascension Day, which are holidays at the Commission but days on which its offices remain open.

The number of days worked is added to the annual leave balance for the current year.

Conditions:

- An official/other servant/seconded national expert who wishes to work on those days must inform his/her immediate superior at least 15 days in advance.
- Each department records actual presence on those days and sends the human resources manager, by 31 July at the latest, a list stating the names, personnel numbers and dates (1/2 and whole days to be specified) on which staff were present.

### **III.g: END-OF-YEAR “PERMANENCE”**

#### Basic principle:

At the Commission in Brussels and Luxembourg, the days between Christmas and New Year are traditionally public holidays.

Public holidays at the EU Offices and Delegations, the Joint Research Centre and other establishments are determined, according to the needs of the service, by the Director-General responsible for each or, failing that, by the management of those establishments.

Nevertheless, in the interests of the service, Directors-General and Heads of Department are to determine the units which must be staffed, except on Christmas Day, New Year’s Day and Saturdays and Sundays, which remain non-working days.

#### Implementation:

- Staff who provide the end-of-year “permanence” are compensated on the basis of 1.5 days’ leave for each whole day worked. For the purposes of that calculation, all half-days worked are added together. If the resulting total is not a whole number of days, the half-day left over is compensated by 1 day.
- The compensatory days are added to the annual leave entitlements for the following calendar year.

#### Conditions:

- “Permanence” must be done at the office.
- The Head of Unit concerned must send the human resources manager, by 31 January, a list of the staff who have actually worked during that period, stating each person’s personnel number, post and the dates worked (1/2 and whole days to be specified).