



EUROPEAN COMMISSION

Brussels, 5.11.2010
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COMMISSION DECISION

of 5.11.2010

on Article 42b of the Staff Regulations concerning family leave

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THE EUROPEAN COMMISSION,

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

Having regard to the Staff Regulations of Officials and Conditions of Employment of Other Servants of the European Communities, laid down by Council Regulation (EEC, EURATOM, ECSC) No 259/68¹, as last amended by Council Regulation (CE, Euratom) No 723/2004 of 22 March 2004², and in particular Article 42b of the Staff Regulations,

Whereas:

- (1) it is necessary to have explicit and detailed rules for the application of the new family leave provisions,

HAS DECIDED AS FOLLOWS:

Article 1 - General

1. Provided that the conditions laid down in Article 42b of the Staff Regulations are met, an official/other servant shall be allowed to take family leave at his/her own request. The starting date of a period of family leave may in exceptional circumstances be delayed for a maximum of one month provided that such delay is in the interest of the service. In this case a reasoned decision shall be taken by the Appointing Authority. In urgent situations the starting date may not be delayed.

2. Where an official/other servant serving a probationary period is granted family leave in the form of full-time leave, the probationary period is suspended for the duration of the family leave.

¹ OJ L 56, 4.3.1968, p. 1.

² OJ L 124, 27.4.2004, p.1.

Article 2 - Procedure

1. A request for family leave shall be submitted by the official/other servant to the Appointing Authority through his/her immediate superior at least one month before the requested starting date, except on grounds of urgency. The minimum duration of family leave shall be 10 consecutive working days.
2. The request for family leave shall clearly indicate the name and date of birth of the person in respect of whom family leave is to be taken, the person's family relationship with the official/other servant, the planned duration of the leave, and whether family leave is being requested on a full-time or a part-time basis.
3. The request shall be accompanied by a medical certificate to be sent to the medical service with a diagnosis of the illness or handicap and confirming its seriousness. Where the medical certificate is not available at the time the request is submitted, it shall be provided within two weeks of that date.
4. The request for family leave may be renewed under the same terms, subject to the maximum duration for such leave as specified in Article 42b of the Staff Regulations.
5. The Appointing Authority may, at the request of the official/other servant concerned, or in the case of a change in the circumstances which justified the granting of family leave, withdraw the authorisation for family leave before the expiry of the period for which it was granted. Both the Appointing Authority and the official shall give at least one month's notice thereof, unless otherwise agreed between the official and his/her department.

Article 3 - Family leave taken on a part-time basis

1. In the case of family leave taken on a part-time basis, the working time arrangements must be approved by the immediate superior, taking into account the interest of the service, and the rules on working time arrangements for standard part-time work apply.
2. During family leave on a part-time basis the official/other servant shall not work overtime.

Article 3a – Withdrawal of authorisation for family leave

1. Officials/other servants may request withdrawal of the authorisation for family leave with retroactive effect due to illness. Such a request may be granted by the Appointing Authority in exceptional cases, taking into account the likely duration of the sick leave, the duration of the family leave and the fact that the illness prevents the official from performing the tasks for which he/she had requested family leave. In such cases, the authorisation may be withdrawn with effect from the first day of illness as attested by a medical certificate, provided that the request is made to the Appointing Authority as quickly as possible. The original medical certificate shall be sent to the Medical Service as soon as possible after the first day on which the person was unfit for work and no later than the fifth calendar day of absence, as evidenced by the postmark. However, the date of withdrawal may not be before the first day of the month in which the request for withdrawal was sent to the Appointing Authority.

2. In cases of force majeure, where officials/other servants are unable to request the withdrawal of the authorisation for family leave themselves, their consent shall be assumed and the withdrawal made on their behalf by the leave manager (GECO) in their DG, acting on a special ad hoc decision by the Appointing Authority.

Article 4 - Leave entitlements during family leave

Annual leave entitlements for an official spending part of the year on family leave are governed by the Commission Decision introducing implementing provisions on leave (in section III b 4 "Family leave").

Article 5 - Entry into force

This Decision shall enter into force on 1 January 2011.

They repeal and replace the Commission decision on Article 42b of the Staff Regulations concerning family leave of 14 April 2004 (Administrative Notice No 64-2004 of 15 June 2004).

Done at Brussels, 5.11.2010

*For the Commission
Maroš ŠEFČOVIČ
Vice-President of the Commission*