



EUROPEAN COMMISSION

Brussels, 5.11.2010  
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**COMMISSION DECISION**

**of 5.11.2010**

**on the general provisions for implementing Article 42a of the Staff Regulations  
concerning parental leave**

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### on the general provisions for implementing Article 42a of the Staff Regulations concerning parental leave

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 259/68<sup>1</sup>, as last amended by Regulation (EC, Euratom) No 723/2004<sup>2</sup> of 22 March 2004, and in particular Article 42a of the Staff Regulations,

Having regard to the opinion of the Staff Regulations Committee,

After consulting the Staff Committee,

Whereas:

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

HAS DECIDED AS FOLLOWS:

#### *Article 1 – General*

1. Officials/other servants shall be entitled to parental leave under the conditions laid down in Article 42a of the Staff Regulations.
2. Parental leave is an individual right and may not be refused. Where parental leave is requested for a period immediately following maternity leave, adoption leave or leave for the birth of a child, it may not be postponed by the appointing authority. In all other cases it may, by way of exception, be postponed for a maximum of one month where duly justified by the interest of the service.
3. Where an official/other servant is granted full-time parental leave during his/her probationary period, the probationary period shall be suspended for the duration of the parental leave.

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<sup>1</sup> OJ L 56, 4.3.1968, p. 1.

<sup>2</sup> OJ L 124, 27.4.2004, p. 1.

## *Article 2 - Procedure*

1. The request for parental leave shall be submitted by the official/other servant to his/her immediate superior for an opinion at least two months before the requested starting date; the period of two months is reduced to one month before the requested starting date if the duration of the requested leave is not more than two months or in the case of a request for parental leave to be taken directly after maternity or adoption leave; if the requested leave is to be taken directly after leave for the birth of a child the period is reduced to two weeks.
2. The request shall clearly indicate the name and the date of birth or adoption of the dependent child in respect of which parental leave will be taken, the exact duration, and whether parental leave is being requested on a full-time or half-time basis. In the case of an unborn child, the name and date of birth of the child must be supplied to the appointing authority within a month of the birth.
3. The request for parental leave may be renewed under the same terms, subject to the maximum duration specified in Article 42a of the Staff Regulations.
4. 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 parental leave, withdraw the authorisation for parental 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 - Parental leave taken on a half-time basis*

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

## *Article 3a - Withdrawal of authorisation for parental leave*

1. Officials/other servants may request withdrawal of the authorisation for parental 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 parental leave and the fact that the illness prevents the official from performing the tasks for which he/she had requested parental 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 parental 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 - Single parent*

1. A single parent for the purposes of the first paragraph of Article 42a of the Staff Regulations is an official/other servant with a dependent child for which he/she has primary responsibility, and who exercises that responsibility alone, on condition that:

- he/she is not married or, although married, is legally separated,

and

- he/she is not in a registered partnership within the meaning of Article 1(2)(c) of Annex VII to the Staff Regulations.

2. An official/other servant who requests parental leave as a single parent must declare on his/her honour that he/she has sole primary responsibility for the child. If necessary, the appointing authority may demand documentary proof thereof.

3. In exceptional circumstances, the appointing authority shall be able to conduct an assessment of any individual situation on the basis of a referral or on its own initiative.

#### *Article 5 - Leave entitlements during parental leave*

Annual leave entitlements for an official/other servant spending part of the year on parental leave are governed by the Commission Decision on implementing provisions on leave (Section III.b.3 “Parental leave”).

#### *Article 6 - Entry into force*

These general implementing provisions shall enter into force on 1 January 2011.

They repeal and replace the Commission Decision on Article 42a of the Staff Regulations concerning parental leave of 15 April 2004 (Administrative Notice No 54-2004 of 4 June 2004).

Done at Brussels, 5.11.2010

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