

Council of the European Union
General Secretariat
The Secretary-General

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Brussels, 28. 06. 2019

Ms Emily O'Reilly
European Ombudsman
Email: Registry@ombudsman.europa.eu

Subject: SI/1/2019/AMF on the leave rights of certain staff members and the best interests of the child

Dear Ms O'Reilly,

Please find hereafter our response to your letter of 08 May 2019 in which you request information on the leave rights of certain staff members in the context of same-sex couples or in relation to surrogacy.

As a preliminary remark, it is noted that you don't refer to any suspected maladministration. The questions you touch upon in your inquiry are complex in nature as they refer to situations that are not explicitly regulated by the rules applicable to EU staff members. In addition, as far as the General Secretariat of the Council is concerned, no case of an official claiming leave following a birth by surrogacy has been handled yet.

Nevertheless, I am pleased to provide the following information on your specific requests :

1. If a woman in a same-sex couple becomes pregnant through artificial insemination and gives birth, what leave rights are provided to the non-biological mother of the child (assuming she is a staff member of your institution)?

Where a female staff member of the General Secretariat of the Council is the non-biological parent of the child of her same-sex partner, born through artificial insemination, then, at the birth of her child, she will be entitled to a special leave for 'birth of child of an official' of ten days, foreseen under point II.a.3 of the Annex to the Decision No 1/2014 of the Secretary General of the Council laying down rules for the application of the provisions of the Staff Regulations in relation to leave for officials in active employment within the General Secretariat of the Council, which implements the 8th indent, first paragraph of Article 6 of Annex V to the Staff Regulations.

We have only been confronted with one such case.

II. What is the current policy in your institution regarding leave made available to staff members who become parents through surrogacy? Please include, in your answer, details of the duration of the leave per parent, how such leave is approved and how relevant information is made available to staff. Please provide a copy of the relevant policy/policies.

The General Secretariat of the Council has not been confronted with such a case, and thus does not have a specific policy on the matter.

Nevertheless, if confronted with such a case, the General Secretariat would apply the existing legal framework provided by the Staff Regulations, and in particular Article 6 of Annex V to the Staff Regulations, in a manner consistent with Articles 21 and 24 of the Charter of Fundamental Rights and Article 1d of the Staff Regulations, taking into account the fact that we can observe objective differences and evolutions in the way Member States regulate these issues in their national law. If the official becomes parent through surrogacy in conformity with the applicable legal framework, that situation is in essence comparable to the situation of becoming parent through adoption.

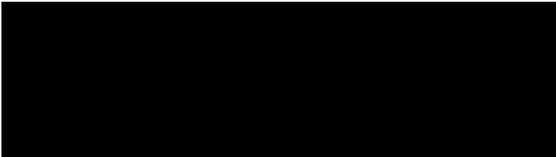
Thus, if a staff member of the General Secretariat of the Council becomes parent through surrogacy, the Appointing Authority would grant special leave on the basis of Article 6 of Annex V to the Staff Regulation, by applying by analogy the regime applicable to adoption leave. The latter is set out in point II.a.13 of the Annex to the Decision No 1/2014 of the Secretary General.

This means that:

- The official would be granted a special leave of 20 weeks (24 weeks if the child is disabled or seriously ill);
- If both adopting parents are officials of an EU institution, the special leave may be shared between them as they wish;
- If one of the adopting parents is not an official of an EU institution and is eligible for comparable leave, the number of days of such leave is deducted from the special leave granted to the official;
- If the spouse, irrespective of whether or not they are an official, is not in at least half-time paid employment, the period of special leave may be reduced to ten days by analogy to the special leave for birth of a child and in accordance with the rules for that leave;
- The rules applicable to sick leave during adoption leave are applied during the special leave;
- Each child adopted confers entitlement to a single period of special leave. The period starts when the child arrives in the household and cannot be added on to another period which may have been granted for another child (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).

Such special leave would be granted after submission of a copy of an official document establishing the legal responsibility of the official for the child, as for an adoption leave.

I hope that you shall find this information useful.


 Jeppe TRANHOLM-MIKKELSEN

Enclosure:

Decision No 1/2014 of the Secretary General laying down rules for the application of the provisions of the Staff Regulations in relation to leave for officials in active employment with the General Secretariat of the Council



COUNCIL OF
THE EUROPEAN UNION
THE SECRETARY-GENERAL

**DECISION No 1/2014
OF THE SECRETARY-GENERAL**

**laying down rules for the application of the provisions of the Staff Regulations in relation to
leave for officials in active employment within the General Secretariat of the Council**

THE SECRETARY-GENERAL OF THE COUNCIL,

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

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

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

having regard to Council Decision 2007/829/EC of 5 December 2007 ⁴ concerning the rules applicable to national experts and military staff on secondment to the General Secretariat of the Council,

¹ OJ L 315, 2.12.2009, p. 51.

² OJ L 315, 11.12.2009, p. 35, most recently amended by the Council Decision of 1 July 2013, OJ L 183, 2.7.2013, p. 11.

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

⁴ Council Decision 2007/829/EC of 5 December 2007 concerning the rules applicable to national experts and military staff on secondment to the General Secretariat of the Council and repealing Decision 2003/479/EC (OJ L 327/10, 13.12.2007, p. 10).

Whereas in order to facilitate consultation of the applicable rules, and to ensure uniform and consistent practice, a single instrument is required containing information and rules, including the provisions of the Staff Regulations which apply to leave and the rules on the application of those provisions within the General Secretariat of the Council,

HAS DECIDED AS FOLLOWS

Article 1

The provisions of the Staff Regulations and the rules for their application in relation to leave, as set out in the Annex to this Decision, shall apply within the General Secretariat of the Council with respect to officials in active employment. This Decision shall have the force of a service instruction. It repeals and replaces the provisions formerly in force in relation to leave.

Article 2

This Decision shall enter into force on 1 January 2014.

Done on 1 January 2014

Uwe CORSEPIUS

**ANNEX TO DECISION NO 1/2014
OF THE SECRETARY-GENERAL**

**laying down rules for the application of the provisions of the staff regulations in relation to
leave for officials in active employment within the General Secretariat of the Council**

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ACRONYMS AND DEFINITIONS

| | | |
|--|---|---|
| AA | = | Appointing Authority |
| SNE | = | seconded national expert |
| official | = | official, temporary staff member, contract staff member |
| JSIS | = | Joint Sickness Insurance Scheme of the European Union |
| LFD | = | Leave/Flexitime Department (tel. 2727) |
| GSC | = | General Secretariat of the Council |
| MS | = | Medical Service |
| 1 week | = | 7 calendar days |
| 1 calendar year | = | 1 calendar year = from 1 January to 31 December inclusive |
| 1 day of leave/special leave | = | number of hours planned for the day on the date in question ⁵ |
| 1 half-day of annual leave/special leave | = | number of hours planned for the morning or afternoon on the date in question |

⁵ Article 6(3) of Decision 2/2014 of the Secretary-General concerning flexible working hours within the Council.

INTRODUCTION

The aim of these provisions on leave is to ensure uniform and consistent practice within all the Directorates-General and other departments of the General Secretariat of the Council (GSC). These provisions apply to all GSC staff except for trainees and in cases explicitly provided for in this document.

A. Organisation

1. The management of leave entitlements is centralised and is carried out by the Leave/Flexitime Department (LFD) of Directorate-General A1.
2. Any specific questions not answered in this document should therefore be referred to the LFD (tel. 2727).

B. Reminder of the general rules

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

Officials/SNEs are therefore not permitted in principle to depart on annual or special leave until they have made sure that their immediate superior has approved their application. In cases of force majeure, they must notify their immediate superior or ask someone else to do so on their behalf.

Since the general introduction of the flexitime system, leave applications are made and authorised electronically.

For those officials not participating in the flexitime system, any absence which is not covered by prior authorisation is to be recorded as soon as possible – in practice during the first few hours of the absence – by the immediate superior (or the person authorised by him or her) in the attendance lists, with a note of the reason for the absence (illness, leave etc.) or an indication that no reasons for absence have been provided.

In accordance with Article 60 of the Staff Regulations, without prejudice to any disciplinary measures that may apply, any unauthorised absence which is duly established is deducted from the annual leave of the member of staff concerned. If an official has no outstanding leave entitlement, he or she loses the benefit of his or her remuneration for the corresponding period.

Provisions relating to SNEs:

The leave entitlements of SNEs are set out in Article 12 of Council Decision 2007/829/EC of 5 December 2007.

I. ANNUAL LEAVE

General principles:

- (a) a day of leave is a working day which is not worked ⁶ (this definition does not apply to an official/SNE doing shift work);
- (b) in accordance with Article 2 of Annex V to the Staff Regulations, annual leave may be taken all at once or in several periods at the request of the official and with the agreement of the immediate superior, and it must include at least one period of two consecutive weeks of leave. Without prejudice to this obligation under the Staff Regulations, staff are asked to take as many days of leave as possible over the summer, i.e. between mid-July and the beginning of September, which is the slack period in the GSC's activity;
- (c) to ensure that leave can be planned in such a way as to reconcile the legitimate interests of all officials with the need to provide efficiently operating services and sound administration, managers must implement all the preparatory measures which are necessary in order to identify, at an early stage, any situation which is likely to result in (1) an inability to provide continuous service, and/or (2) situations involving a balance or more than 12 days of annual leave at the end of the year. It is therefore essential that departments put in place a decentralised leave-planning procedure at the beginning of the year;

Implementation:

- The leave request must be entered in the Flexitime application.
- The request must be validated by the authorised time manager/immediate superior as soon as possible; the immediate superior must inform the official immediately if the leave cannot be granted due to requirements of the service.
- The official must obtain permission for leave before taking it.

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

I. a Basic entitlement (for officials and other staff: per month of service per calendar year – Article 57 of the Staff Regulations and Article 1 of Annex V to the Staff Regulations; for SNEs: Article 12 of Council Decision 2007/829/EC)

| <i>Official/Temporary staff member/Contract staff member</i> | | <i>SNEs</i> | |
|--|----------------------|---|----------------------|
| <i>number of days of service/month</i> | <i>days of leave</i> | <i>amount of service/month</i> | <i>days of leave</i> |
| <i>15 days of service or less</i> | <i>1 day</i> | <i>Less than one whole month of service</i> | <i>----</i> |
| <i>More than 15 days of service</i> | <i>2 days</i> | <i>Whole month of service</i> | <i>2.5 days</i> |

Basic principles:

- Annual maximum possible for officials and other staff: 24 days;
- Annual maximum possible for SNEs: 30 days;
- Except in duly justified cases, no annual leave for an official until he or she has completed three months' service;
- For those entering service during a calendar year, the basic entitlement is calculated pro rata on the basis of the number of months to be worked before 31 December; similarly, leave for those terminating their service or in respect of a period during which the official holds an administrative status other than "active employment" (see IV.b) during the year is calculated pro rata.

I. b Additional age-related entitlement (excludes SNEs) (Article 57 of the Staff Regulations)

| | | |
|---------------------|---|--------|
| from 25 to 34 years | = | 1 day |
| from 35 to 39 years | = | 2 days |
| from 40 to 44 years | = | 3 days |
| from 45 to 49 years | = | 4 days |
| from 50 to 54 years | = | 5 days |
| 55 years and above | = | 6 days |

Basic principles:

- Officials are entitled to additional days of leave depending on their age; however, the total of those days with the basic entitlement must not exceed 30 days per year;
- The age on which the calculation is based is that on 1 July of the year in question;

- For those entering service during a calendar year, the additional age-related entitlement is calculated pro rata on the basis of the number of months to be worked before 31 December. Similarly, the entitlement for those terminating their service or in respect of a period during which the official holds an administrative position other than "active employment" during the year (see IV.b) is calculated pro rata.

I. c Additional entitlement for leave for the purpose of visiting one's home country (excludes SNEs) (Article 7 of Annex V to the Staff Regulations)

Basic principles:

- Officials who are entitled to the expatriation or foreign residence allowance shall be entitled to two and a half days of supplementary leave every year, for the purpose of visiting their home country;
- This supplementary leave is granted to officials once per calendar year. For those entering service during a calendar year, this supplementary leave is calculated pro rata on the basis of the number of months to be worked before 31 December; similarly, leave for those terminating their service or in respect of a period during which the official holds an administrative status other than "active employment" (see IV.b) during the year is calculated pro rata;
- If the entitlement to the expatriation or foreign residence allowance is granted during a calendar year, the supplementary leave is calculated pro rata on the basis of the number of months to be worked before 31 December;
- The above provisions apply to officials whose place of employment is within the territories of the Member States.

I. d Additional entitlement for years of service (Article 57 of the Staff Regulations) – (excludes SNEs)

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

Basic principle:

- An official who has completed 25, 30, 35, 40 or 45 years of service within the Community institutions receives 5 days' additional annual leave;
- In calculating the years of service, periods in which the official was not in active employment or treated as such are deducted (for example, leave on personal grounds, parental leave, invalidity pension);

- The 5 days are granted only in the year in which the official reaches 25, 30, 35, 40 or 45 years of service and are added to the annual leave entitlement;
- No pro rata calculation is applied in the year of retirement to the additional entitlement for years of service.

Conditions:

- These 5 days of exceptional leave must be taken during the current year. They may not be postponed or reimbursed in the event of departure.

I. e Additional entitlement for first-level emergency response team members

Basic principle:

- Official/SNE: first-level emergency response team members are entitled to one day's additional compensatory leave per year.
- The additional entitlement for first-level emergency response team members is not subject to a pro rata calculation on the basis of the date of entry into service; nor is there any pro rata calculation in the year of departure.

Conditions:

- The leave is granted annually to officials/SNEs who are part of the first-level emergency response team and who actually participate in the exercises and courses for which they have volunteered and to which they are regularly invited.
- The Health and Safety Department draws up a list of the relevant officials/SNEs every year and sends it to the LFD for action.

II. SPECIAL LEAVE (General principles – Annex V to the Staff Regulations)

As well as annual leave (see section I above), officials/SNEs may be granted special leave as summarised below.

ENTITLEMENT TO SPECIAL LEAVE FOR OFFICIALS/SNEs

(Summary table)

| II | <u>SPECIAL LEAVE</u> | Maximum number of days per calendar year OFFICIALS | Travelling time | Maximum number of days per calendar year SNEs (1)(2) | Travelling time |
|--|--|--|------------------------|---|------------------------|
| II.a | FAMILY REASONS | | | | |
| II.a.1 | Marriage of official/SNE | 4 | no | 2 | no |
| II.a.2 | Marriage of the child of an official | 2 | no | – | – |
| II.a.3 | Birth of a child of an official/SNE – To be taken within 14 weeks following the birth | 10 | no | 2 10 (in the month following the birth) | no |
| | Birth of a disabled or seriously ill child | 20 | | 20 | |
| II.a.4 | Serious illness of spouse | 3 (renewable once or twice) | possible | 3 | no |
| II.a.5 | Very serious illness of a child | 5 (renewable once or twice) | possible | – | – |
| II.a.6 | Serious illness of a child | 2 days renewable up to a maximum of 12 days for each dependent child | no | 2 days per calendar year per dependent child | no |
| II.a.7 | Serious illness of a relative in the ascending line (father, mother, grandparents; parents-in-law) | 2 Maximum 6 per calendar year for all relatives in the ascending line | possible | 2 For all relatives in the ascending line | no |
| II.a.8 | Death of spouse | 4 | possible | 4 | no |
| <p>(1) Where secondment is for a period of less than 6 months, a maximum of 3 days of special leave may be granted to the SNE for the entire period of the secondment.</p> <p>(2) In addition to the leave set out in this table, on a duly justified request by the SNE's employer, up to two days of special leave may be granted by the GSC in each twelve-month period. Requests are examined on a case-by-case basis. Additional special leave of two days per period of 12 months may be granted at the request (with due justification) of the SNE.</p> | | | | | |

| II | <u>SPECIAL LEAVE</u> | Maximum number of days per calendar year OFFICIALS | Travelling time | Maximum number of days per calendar year SNEs (1)(2) | Travelling time |
|----------------|---|---|------------------------|---|------------------------|
| II.a.9 | Death of the wife during maternity leave | Remainder of the maternity leave: maximum 20 weeks (24 weeks if multiple birth/premature birth/disabled or seriously ill child) | no | – – | – |
| II.a.10 | Death of a child | 4 | possible | 4 | no |
| II.a.11 | Death of a relative in the ascending line/parent-in-law | 2 | possible | 2 | no |
| II.a.12 | Death of a brother or sister | 2 | possible | – | – |
| II.a.13 | Adoption (unless spouse not working) 20 weeks Adoption of a disabled or seriously ill child 24 weeks | 140 ⁽³⁾ 168 ⁽³⁾ | no | – | – |
| II.a.14 | Breastfeeding | Maximum two hours/day (depending on number of hours planned for the day) up to six months (may be extended for medical reasons) | no | – | – |
| II b | OTHER REASONS | | | | |
| II.b.1 | Unpaid outside activity (if authorised by the Appointing Authority) | 10 | no | – | – |
| II.b.2 | Court summons specifying that the person is called as a witness or to be a member of a jury | depending on the summons/call for jury service | no | – | – |
| II.b.3 | Medical consultation abroad (with agreement of the medical officer) | 3 | no | – | – |
| II.b.4 | Spa cure | Half of the duration of the stay with a ceiling of 7.5 working days | no | – | – |

(3) Where the legislation of the country requires the parents to stay there the Appointing Authority may grant an additional 5 days of special leave.

| II | <u>SPECIAL LEAVE</u> | Maximum number of days per calendar year OFFICIALS | Travelling time | Maximum number of days per calendar year SNEs (1)(2) | Travelling time |
|---------------|---|---|------------------------|---|------------------------|
| II.b.5 | Change of address: new address to be specified Move from the place of origin: 1 year from establishment | 2 2 | no possible | Maximum of 2 on taking up duties if costs to be paid by GSC or Member State | – |
| II.b.6 | Elections outside the place of employment | depending on voting day | possible | – | – |
| II.b.7 | Participation in an examination/competition/selection process/interview organised by EPSO or by an EU institution or agency | from 0.5 to 1 | possible | – | – |
| II.b.8 | Jobseeking at end of contract (6 weeks before the end of the contract) | 1/week Maximum 4 | no | – | – |
| II.b.9 | Training | depending on the training | no | – | – |

General principles:

1. Special leave is granted by way of exception and on the basis of a duly substantiated application.
2. Special leave must be taken at the time of the event which gives rise to it. If special leave is not taken at the time when it might have been granted, under no circumstances may it subsequently be added as compensation to the annual leave entitlement or be postponed or reimbursed on termination of service.
3. Where further details are required in order to regularise a period of special leave, the official will have to communicate the dates/period during which he or she wishes to take the special leave to the LFD, by e-mail to the Flexiline Helpline (flexiline@consilium.europa.eu), or by using the application form for special leave available on Domus: [Support & Services > Forms > Administration > Leave & absences > Special leave](#).
4. Supporting documents must if possible be provided 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 in whole or in part (same procedure as for annual leave) (see point IV.e).
7. A day of special leave taken on a day on which a short day had been planned (planned presence only in the morning and not in the afternoon, or vice versa) counts as a full day of special leave.
8. If the event justifying the application for special leave occurs during a period when the official is on annual leave, taking compensation for overtime, taking time off for health reasons, on Flexileave or on maternity leave (or by analogy taking leave for adoption), the official may be granted special leave within the limits for the number of days and in the **cases explicitly provided for in Article 6 of Annex V to the Staff Regulations** (marriage of the official: four days; change of residence of the official: two days; serious illness of spouse: three days; death of spouse: four days; serious illness of a relative in the ascending line: two days; death of a relative in the ascending line: two days; marriage of a child: two days; birth of a child: ten days; birth of a child born with a disability or suffering from a serious illness: twenty days; death of the wife during maternity leave: a number of days corresponding to the remaining maternity leave; serious illness of a child: two days; very serious illness of a child: five days; death of a child: four days; adoption of a child: 20 weeks, or 24 weeks in the case of adoption of a disabled child).
9. Special leave of a family nature may also be granted to officials/SNEs who are cohabiting or in a registered partnership, provided that their situation has been recognised by the Administration.
10. Special leave may be combined with annual leave.

11. **Travelling time** may be granted to officials taking account of need, and be added to special leave within the limits laid down in these provisions. The general principle is that the maximum travelling time, when provided for, is based on the distance between the place of employment and the place of the event as follows:

| | | |
|------------------|---|----------|
| 50 to 200 km | = | 0.5 day |
| 200.5 to 1200 km | = | 1 day |
| over 1200 km | = | 1.5 days |

However, these provisions may allow travelling time calculated in accordance with specific rules for certain types of special leave.

- 11.1. SNEs are not granted travelling time for special leave.
 - 11.2. Travelling time may be granted for travel to the place of an event – if the event was unexpected and unplanned (the case of the death or serious illness of a spouse or parent).
 - 11.3. It may be granted only when the person concerned has to leave his or her place of employment to go to the place of the event.
 - 11.4. Travelling time must directly precede or directly follow special leave.
 - 11.5. If special leave is combined with annual leave of ten working days or more, only half of the travelling time for the special leave is granted.
 - 11.6. No travelling time is granted for special leave during annual leave.
 - 11.7. In the case of consecutive periods of special leave at the same place (for example serious illness of a relative in the ascending line, followed by death of a relative in the ascending line), travelling time will only be granted once.
12. For SNEs, in addition to the special leave referred to in the last subparagraph of Article 12(3) of Decision 2007/829/EC, additional special leave of two days per period of twelve months may be granted on the duly justified request of the SNE.
13. For SNEs, in addition to the special leave referred to in Article 12(4) of Decision 2007/829/EC, on a duly justified application by the SNE's employer, up to two days of special leave may be granted by the GSC in a twelve-month period. Requests are examined on a case-by-case basis.
14. With the exception of the special leave requested by the SNE'S employer (Article 12(4) of Decision 2007/829/EC), the special leave indicated in this document does not apply in the case of a secondment of a duration of less than six months. However, in such cases, the SNE may be granted special leave on the basis of a duly justified request (a maximum of three days for the whole period of secondment).

II. a Family reasons

II. a. 1 Marriage of an official/SNE (Article 6 of Annex V to the Staff Regulations)

Basic principle:

Official: four working days' special leave.

SNE: two working days' special leave.

Travelling time: not permitted.

Implementation:

- The special leave is taken at the convenience of the person concerned:
 1. for the civil marriage ceremony or
 2. for the religious marriage ceremony.
- In both cases, the special leave may be split into days or half days during the days preceding or following the marriage.

Conditions:

- The person concerned enters a "special leave to be justified" absence in Flexitime;
- For the civil marriage ceremony, the person concerned must provide the LFD with a copy of the marriage certificate or a certificate issued by the relevant national administrative authority, indicating the days of absence concerned;
- For the religious marriage ceremony the above documents may be replaced by:
 1. an official certificate issued by the relevant religious authority or
 2. any other supporting document.
- The LFD regularises the "special leave to be justified" on the basis of the documents provided.

II. a. 2 Marriage of a child of an official (Article 6 of Annex V to the Staff Regulations)

Basic principle:

Official: two working days' special leave.

SNE: no provision for special leave.

Travelling time: not permitted.

Implementation:

- Special leave is granted for one's own child and also for the child of the spouse, cohabitant or registered partner;
- Special leave is granted on request, as one wishes, either for the civil marriage ceremony or for the religious marriage ceremony;
- Special leave must be taken in the days around the marriage ceremony (for example, if the ceremony is on a Saturday, the special leave must be taken on the preceding Friday and the following Monday);
- The special leave may be split into days or half-days.

Conditions:

- The person concerned enters a "special leave to be justified" absence in Flexitime;
- For the civil marriage ceremony, the person concerned must provide the LFD with a copy of the marriage certificate or a certificate issued by the relevant national administrative authority, indicating the days of absence concerned;
- For the religious marriage ceremony the above documents may be replaced by:
 1. an official certificate issued by the relevant religious authority or
 2. any other supporting document.
- The LFD regularises the "special leave to be justified" on the basis of the documents provided.

II. a. 3 Birth of a child of an official/SNE (Article 6 of Annex V to the Staff Regulations)

Basic principle:

Official/SNE:

- special leave of ten working days per child
- 20 working days for a disabled or seriously ill child

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.

Conditions:

- The person concerned enters a "special leave to be justified" absence in Flexitime;
- The person concerned must provide the LFD with a copy of the official birth certificate issued by the relevant national administrative authority, indicating the days of absence concerned;
- In the specific case of the birth of a disabled or seriously ill child, the person concerned must submit the original of a detailed medical certificate to the Medical Service, which will give the Appointing Authority its opinion on the disability or the severity of the illness.
- The person concerned must communicate to the LFD the dates/period during which he or she wishes to take the special leave;
- The LFD regularises the "special leave to be justified" on the basis of the documents provided and, where appropriate, on the basis of the medical opinion.

II. a. 4 Serious illness of spouse (Article 6 of Annex V to the Staff Regulations) (see also "family leave")

Basic principle:

Official: special leave of up to three working days per calendar year (one or two renewals possible, but the special leave must not exceed nine days per calendar year).

SNE: special leave of up to three working days per year.

Travelling time: may be authorised for officials once a year, if the spouse is not in the place of employment.

Implementation:

- In specific cases of long-term or chronic serious illness, or very special family situations, the Appointing Authority may grant officials one or two renewals per calendar year, but the special leave must not exceed nine days per calendar year;
- Renewals will be authorised only if the official resumes professional activity between two periods of special leave;
- The special leave may be split into days or half-days;
- If the special leave is preceded or followed by annual leave or ten working days or more, only half the travelling time for the special leave is granted.

Conditions:

- The person concerned enters a "special leave to be justified" absence in Flexitime;
- The person concerned must provide the original of a detailed medical certificate to the Medical Service, which will give the Appointing Authority its opinion on the severity of the illness and, if necessary, on its chronic or long-term nature. For any renewals, the person concerned sends the LFD his or her special leave requests stating his or her name, the reason and the dates on which the requested absence would begin and end;
- In the event of an emergency, a copy or fax of the aforementioned documents may be forwarded for prior approval; the original copy should subsequently be forwarded as soon as possible;
- The official informs the LFD of days of absence in connection with the serious illness of the spouse and the LFD regularises the "special leave to be justified" on the basis of the documents provided;
- If the Medical Service gives a negative opinion, the LFD will record the days taken as annual leave.

II. a. 5 Very serious illness of a child (Article 6 of Annex V to the Staff Regulations)

Basic principle:

Official: special leave of up to five working days per calendar year (one or two renewals possible, but the special leave must not exceed 15 days per calendar year).

SNE: no provision for special leave.

Travelling time: may be authorised once a year for the official/staff member if the child is not in the official's place of employment.

Implementation:

- At his or her request, for each child, the person concerned may take special leave of up to five working days in the case of very serious illness of a child, and/or in the case of the hospitalisation of a child aged 12 years or under;
- Renewals may be granted in the case of a chronic or long-term illness, but the number of days of special leave granted must not exceed 15 days per child per year; renewals will only be authorised if the official resumes professional activity between two periods of special leave;
- The special leave may be split into days and half days, but confers only a single possible travelling time entitlement for all the special leave;
- If the special leave is preceded or followed by annual leave or ten working days or more, only half the travelling time for the special leave is granted.

Conditions:

- The person concerned must provide the Medical Service with a detailed medical certificate stating his or her name and staff number, the surname, first name and date of birth of the sick child, and the likely duration of the illness;
- On the basis of the documents provided, the Medical Service will give the Appointing Authority its opinion on the severity of the illness and, if necessary, on its chronic or long-term nature. For any renewals, the person concerned sends the LFD his or her special leave requests stating his or her name, the reason and the dates on which the requested absence would begin and end;
- In the case of hospitalisation, the person concerned must also provide the Medical Service with a hospitalisation certificate indicating the dates on which hospitalisation is expected to start and finish;

- In parallel, the person concerned enters a "special leave to be justified" absence in Flexitime and informs the LFD, which will regularise the absence on receipt of the Medical Service's opinion;
- If the Medical Service gives a negative opinion, the LFD will record the days taken as annual leave.

II. a. 6 Serious illness of a child (Article 6 of Annex V to the Staff Regulations)

Basic principle:

Official: special leave of up to two working days per dependent child per calendar year.

SNE: special leave of up to two working days per year per dependent child.

Travelling time: not permitted.

Implementation:

- At his or her request, for each dependent child, the person concerned may take special leave of up to two working days in the case of the serious illness of a dependent child;
- Renewals may be granted to officials, but the number of days granted must not exceed 12 days per dependent child per calendar year;
- Authorisation may be granted only for a maximum of two days. If the person concerned wishes to have one or more renewals after the first period of special leave for the serious illness of a child, a new application must be made for each renewal; renewals will be granted only if the official resumes professional activity between two periods of special leave.

Conditions:

- The person concerned enters a "special leave to be justified" absence in Flexitime, on his or her return to work;
- The person concerned must submit to the LFD the original of a medical certificate **drawn up in the name of the dependent child**, stating that he or she is ill. As well as the name of the sick child, the certificate will have to state that the presence of the parent official is necessary between the dates indicated. The name of the parent official will have to be indicated on the document in order to be able to regularise his or her request for special leave;

- A specimen medical certificate containing the aforementioned details is available to officials on Domus: [Support & Services > Forms > Administrative forms > Leave & absences > Special leave - Illness of a child](#), and may be submitted to the medical practitioner who examines the child. If this model is not used, the official must ensure that the supporting document provided by the medical practitioner is compliant and contains the information referred to in the previous paragraph;
- The LFD regularises the "special leave to be justified" on the basis of the documents provided;
- At the request of the person concerned, the Appointing Authority may grant special leave for a child who is not a dependent child. In this context, the Appointing Authority may request the opinion of the Medical Service on the basis of a detailed medical certificate.

II. a. 7 Serious illness of a relative in the ascending line/parent-in-law (Article 6 of Annex V to the Staff Regulations)

(see also "family leave")

Basic principle:

Official: special leave of up to two working days per relative in the ascending line/parent-in-law per calendar year. Renewals may be granted subject to the following restrictions:

- maximum of two days per renewal;
- total number of days of renewals granted per calendar year: four days for all relatives in the ascending line/parents-in-law.

SNE: special leave of up to two working days per year.

Travelling time: may be authorised for officials once a year for all relatives in the ascending line/parent-in-law if the relative in the ascending line/parent-in-law is not in the place of employment.

Implementation:

- At his or her request the official/SNE may take special leave of up to two working days in the case of serious illness of a relative in the ascending line;
- Relative in the ascending line is understood to mean the father, mother and grandparents of the official/SNE;
- Parent-in-law is understood to mean the father or mother of the spouse, cohabitant or registered partner, but not the spouse's grandparents;
- In specific cases of long-term or chronic serious illness, or very special family situations, the Appointing Authority may grant officials renewals up to a limit of four days per calendar year for all relatives in the ascending line/parents-in-law. Renewals will only be authorised if the official resumes professional activity between two periods of special leave;

- The special leave may be split into days and half days, but confers only a single possible travelling time entitlement for all the special leave;
- If the special leave is preceded or followed by annual leave of ten working days or more, only half the travelling time for the special leave is granted.

Conditions:

- The person concerned must send the application to the LFD and submit the original of a detailed medical certificate to the Medical Service, which will give the Appointing Authority its opinion on the severity of the illness and, if necessary, on its chronic or long-term nature. For renewals, the official/staff member sends his or her applications to the LFD;
- In parallel, the person concerned enters a "special leave to be justified" absence in Flexitime and informs the LFD, which will regularise the absence on receipt of the Medical Service's opinion;
- In the event of an emergency, a copy or fax of the aforementioned documents may be forwarded to the Medical Service for prior approval; the original copy should subsequently be forwarded as soon as possible.
- If the Medical Service gives a negative opinion, the LFD will record the days taken as annual leave.

II. a. 8 Death of spouse (Article 6 of Annex V to the Staff Regulations)

Basic principle:

Official/SNE: four working days' special leave.

Travelling time: may be added for an official if the death or funeral takes place outside the place of employment (see under "Travelling time for special leave").

Implementation:

- Special leave is also granted to an official who is cohabiting or in a registered partnership;
- The four days of special leave must be taken in the days following the death or at the time of the funeral;
- If the death entails additional obligations (inquest, post mortem etc.) ordered by the relevant national authority, the special leave may be taken during a period following the official completion of those obligations;

- The special leave may be split into days and half days, but confers only a single possible travelling time entitlement for all the special leave (see general principles, point II 9);
- If the special leave is preceded or followed by annual leave of ten days or more, only half the travelling time for the special leave will be granted.
- This special leave cannot be combined with the special leave for the death of wife during maternity leave.

Conditions:

- The official/SNE must provide the LFD with a copy of the death certificate or any other supporting document indicating the date of death or of the funeral, from which the relationship with the deceased can be clearly established.
- In parallel, the official enters a "special leave to be justified" absence in Flexitime, and the LFD regularises the absence on the basis of the documents provided.

II. a. 9 Death of the wife during maternity leave (Article 6 of Annex V to the Staff Regulations)

Basic principle:

Official: maximum possible special leave of 20 or 24 weeks.

SNE: no provision for special leave.

Travelling time: not permitted.

Implementation:

- The special leave must be taken continuously for a specified period in accordance with the following rules:

(a) Where maternity leave has started:

Granting of special leave equal to the number of days corresponding to the remaining maternity leave if the spouse is an official (see Section III).

Granting of special leave equal to the number of days corresponding to the remaining maternity leave, according to the rules in force in the European institutions if the spouse is not an official (see Section III).

(b) Where maternity leave has not yet started:

Granting of special leave of 20 weeks (24 weeks for a multiple or premature birth or the birth of a disabled child), whether or not the spouse is an official.

- This special leave cannot be combined with the special leave for the death of a spouse.

Conditions:

- The person concerned must provide the LFD with a copy of the death certificate and, if applicable, with 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 disabled.
- In parallel, the person concerned enters a "special leave to be justified" absence in Flexitime and informs the LFD of the dates of absence. The LFD will regularise the absence in Flexitime on the basis of the documents provided.

II. a. 10 Death of a child (Article 6 of Annex V to the Staff Regulations)

Basic principle:

Official/SNE: four working days' special leave.

Travelling time: may be added for an official if the death or funeral takes place outside the place of employment (see under "Travelling time for special leave").

Implementation:

- The special leave is granted for one's own child but also for the child of the spouse, cohabitant or registered partner;
- The four days must be taken during the days following the death or at the time of the funeral;
- If the death entails additional obligations (inquest, post mortem etc.) ordered by the relevant national authority, the special leave may be taken during a period following the official completion of those obligations;
- The special leave may be split into days and half days, but confers only a single possible travelling time entitlement for all the special leave (see general principles, point II.9);
- If the special leave is preceded or followed by annual leave of ten days or more, only half the travelling time for the special leave will be granted.

Conditions:

- The person concerned must provide the LFD with a copy of the death certificate or any other supporting document indicating the date of death or of the funeral, from which the relationship with the deceased can be clearly established;
- In parallel, the person concerned enters a "special leave to be justified" absence in Flexitime, and the LFD regularises the absence on the basis of the documents provided.

II. a. 11 Death of a relative in the ascending line/parent-in-law (Article 6 of Annex V to the Staff Regulations)

Basic principle:

Official/SNE: two working days' special leave per relative in the ascending line/parent--in-law.

Travelling time: may be added for an official if the death or funeral takes place outside the place of employment (see under "Travelling time for special leave" in the general principles in point 10).

Implementation:

- In the case of the death of a parent-in-law, the special leave may also be granted to an official who is cohabiting or in a registered partnership;
- Relative in the ascending line is understood to mean the father, mother and grandparents of the official/SNE;
- Parent-in-law is understood to mean the father or mother of the spouse, cohabitant or registered partner, but not the spouse's grandparents;
- The two days must be taken during the days following the death or at the time of the funeral;
- If the death entails additional obligations (inquest, post mortem etc.) ordered by the relevant national authority, the special leave may be taken during a period following the official completion of those obligations;
- The special leave may be split into days and half days, but confers only a single possible travelling time entitlement for all the special leave (see general principles, point II.9);
- If the special leave is preceded or followed by annual leave of ten days or more, only half the travelling time for the special leave will be granted.

Conditions:

- The person concerned must provide the LFD with a copy of the death certificate or any other supporting document indicating the date of death or of the funeral, from which the relationship with the deceased can be clearly established;
- In parallel, the person concerned enters a "special leave to be justified" absence in Flexitime, and the LFD regularises the absence on the basis of the documents provided.

II. a. 12 Death of a brother or sister

Basic principle:

Official: two working days' special leave per brother or sister.

SNE: no provision for special leave.

Travelling time: may be added for an official if the death or funeral takes place outside the place of employment (see under "Travelling time for special leave" in the general principles in point 10).

Implementation:

- The two days must be taken during the days following the death or at the time of the funeral;
- The leave is also granted for the death of a half-brother or half-sister;
- 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 and half days, but confers only a single possible travelling time entitlement for all the special leave (see general principles, point II.9);
- If the special leave is preceded or followed by annual leave of ten days or more, only half the travelling time for the special leave will be granted.

Conditions:

- The person concerned must provide the LFD with a copy of the death certificate or any other supporting document indicating the date of death or of the funeral, from which the relationship with the deceased can be clearly established;
- In parallel, the person concerned enters a "special leave to be justified" absence in Flexitime, and the LFD regularises the absence on the basis of the documents provided.

II. a. 13 Adoption (Article 6 of Annex V to the Staff Regulations)

Basic principle:

Official: 20 weeks (24 weeks if the child is disabled or seriously ill)

SNE: no provision for special leave.

Travelling time: not permitted.

Implementation:

- At the request of the official, the Appointing Authority may, in case of necessity, grant up to five extra days of special leave where the country in which the original adoption procedure is taking place requires particular steps to be taken;
- Each child adopted confers entitlement to a single period of special leave. The period starts when the child arrives in the household and cannot be added on 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 of an EU institution, the special leave may be shared between them as they wish;
- If one of the adopting parents is not an official of an EU institution and is eligible for comparable leave, the number of days of such leave is deducted from the special leave granted to the official;
- If the spouse, irrespective of whether or not they are an official, is not in at least half-time paid employment, the period of special leave may be reduced to ten days by analogy to the special leave for birth of a child and in accordance with the rules for that leave;
- The rules applicable to sick leave during maternity leave are applied during special leave for adoption (see Section III, Maternity).

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;
- In the case of the adoption of a disabled or seriously ill child, a detailed medical certificate must be submitted to the Medical Service. On the basis of the documents provided, the Medical Service will give an opinion on the disability or the severity of the illness to the Appointing Authority, which will subsequently decide whether to authorise the 24 weeks of special leave;

- In parallel, the person concerned enters a "special leave to be justified" absence in Flexitime and informs the LFD of the dates of absence. The LFD will regularise the absence on the basis of the documents provided;
- Applicants for additional special leave should submit all the requisite supporting documents issued by the relevant national authorities;
- If the other adoptive parent is an official of an EU institution, that official must provide the LFD with an attestation by that institution regarding the duration of the special leave granted;
- If both adoptive parents are eligible for leave for adoption, the official must provide the LFD with an official attestation concerning the duration of the leave granted to the other parent. If this leave has not been used by the spouse, the person concerned must make a reasoned statement to the Appointing Authority;
- Any document required for the granting of leave and/or additional special leave must be submitted in a Community language. Where applicable, any original documents in a non-Community language must be supplied by the person concerned together with a translation.

II. a. 14 Breastfeeding

Basic principle:

Official: An official returning from maternity leave may, upon application to the Appointing Authority and upon presentation of a medical certificate confirming that she is breastfeeding, be allowed a period of free time each day up to the end of the sixth month following the date of childbirth if she wishes to breastfeed her child, provided that she has actually been recorded as being present at work. The amount of free time granted will be a maximum of two hours per full working day.

After the initial period of free time for breastfeeding, it may be extended on an exceptional basis if, owing to medical reasons, breastfeeding is necessary for the child. Free time may not be granted beyond the twelfth month following the date of childbirth.

SNE: no provision for free time.

Travelling time: not applicable.

Implementation:

- The length of the free time granted depends on the number of hours planned for the day concerned, irrespective of part-time working arrangements, as follows:
 - Two hours a day if the number of hours planned for the day concerned is equal to or more than eight hours,
 - One hour 30 minutes a day if the number of hours planned for the day concerned is more than six hours 30 minutes but fewer than eight hours,

- One hour a day if the number of hours planned for the day concerned is equal to or more than five hours but fewer than six hours 30 minutes,
 - No free time will be granted if the number of hours planned for the day is fewer than five hours;
- For officials not entitled to work flexitime, the scale is applied by analogy based on the timetable agreed in proportion to the working arrangement;
 - Forms to apply for or extend free time for breastfeeding are available on Domus at DGA 1 Admin/HR/Application Forms/Horaire de travail;
 - Application forms should be sent to the LFD;
 - Applications to extend free time for breastfeeding should be sent to the Appointing Authority. It is necessary to submit the original of a detailed medical certificate to the Medical Service, which will give the Appointing Authority a medical opinion on which to base its decision;
 - The person concerned will inform the LFD of the times of absence agreed with her immediate superior and the LFD will regularise the absence in Flexitime.

II. b OTHER REASONS

II. b. 1 Engaging in an unpaid outside activity (Article 12b of the Staff Regulations)

Basic principle:

Official: special leave for half of the working days concerned may be authorised by the Appointing Authority in the cases referred to under point VII.1 of Staff Note 124/00. The remaining half of the working days concerned by the outside activity will be deducted from the official's annual leave. Special leave for this reason may not exceed ten working days a year. Where the authorised activity is of no relevance to the GSC, the entire period will be deducted from annual leave.

SNE: no provision for special leave.

Travelling time: not permitted.

Implementation:

- The special leave can be granted only to an official who has been authorised by the Appointing Authority to engage in an outside activity in the cases referred to under point VII.1 of Staff Note 124/00;
- 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 person concerned must send the LFD a copy of the Appointing Authority's decision, which must specify the number of days to be taken into account, and provide the LFD with information on the dates of absence.
- In parallel, the person concerned enters a "special leave to be justified" absence in Flexitime, and the LFD regularises the absence on the basis of the documents provided.

II. b. 2 Summons

Basic principle:

Official: special leave of one working day per summons.

SNE: no provision for special leave.

Travelling time: not permitted.

Implementation:

- Where an official 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 or her directly or personally, one day's special leave may be granted on submission of the summons;
- Special leave is to be granted only if the official is summoned to testify in a case in which he or she is not involved, in other words if he or she is not under investigation, the party bringing a civil action or the opposing party;
- For an official called for jury service, special leave will be granted for the whole period during which he or she is required to sit.

Conditions:

- The supporting document to be submitted to the LFD is the summons (issued by the court or official judicial authority).
- In parallel, the person concerned enters a "special leave to be justified" absence in Flexitime, and the LFD regularises the absence on the basis of the documents provided.

II. b. 3 Medical consultation abroad

Basic principle:

Official: special leave up to a total of three working days maximum per calendar year.

SNE: no provision for special leave.

Travelling time: not permitted.

Implementation:

- The authorisation for special leave is submitted to the GSC's medical officer for a decision as to whether the consultation is appropriate. Special leave is restricted to a maximum of three days.

Conditions:

A detailed medical report will be submitted to the medical officer for an opinion, which will then be forwarded to the LFD. The official enters a "special leave to be justified" absence and the regularisation will be performed by the LFD upon receipt of the GSC medical officer's opinion.

II. b. 4 Spa cure

Basic principle:

Official: special leave for half the time needed for the cure, but not exceeding seven and a half working days per 12-month period.

SNE: no provision for special leave.

Travelling time: not permitted.

Implementation:

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

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

- Spa cures must be authorised in advance in accordance with the provisions governing the JSIS;

- Once authorisation has been obtained from the JSIS, the person concerned should apply through Flexitime for annual leave covering the entire duration of the cure;
- On his or her return, the person concerned forwards a certificate from the spa establishment stating the exact dates of the cure and the authorisation obtained from the JSIS/LFD; the latter will then convert the days of annual leave into special leave in accordance with the limits established.
- Officials may request that the entire duration of the cure be taken into account, up to a maximum of 15 days a year. They must do this by forwarding to the GSC's medical officer a copy of the medical report at the end of the cure. Based on that, the GSC's medical officer drafts an opinion and sends it to the LFD which may enter the additional days of special leave.

II. b. 5 Change of residence (Article 6 of Annex V to the Staff Regulations)

Basic principle:

Official: special leave up to a total of two working days maximum per calendar year

SNE: special leave of up to two days for taking up duties under secondments where removal costs are paid by the GSC or the Member State.

Travelling time: only for officials for a removal to take up duty or change place of employment in the interests of the service (see under "Travelling time for special leave" in the general principles in point 10).

Implementation:

- Special leave is granted on taking up duty or changing place of employment in the interests of the service;
- Special leave is also granted to officials once a year for removal at the place of employment where the persons concerned prove that they have officially changed their principal address at the place of employment;
- Special leave is not granted for removals upon termination of service;
- 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 ten days or more, only half the travelling time for the special leave will be granted;

Conditions:

- The person concerned enters a "special leave to be justified" absence in Flexitime;
- For taking up duties and changes in place of employment, the person concerned should inform the LFD of the dates of the special leave for a removal and the LFD will validate the "special leave to be justified";
- For removals at the place of employment, the person concerned should send the LFD a copy of the e-mail he or she receives confirming his or her official request for a change of address via the Ariane application, indicating his or her old and new addresses. The date chosen for the special leave must be indicated so that the LFD can regularise the "special leave to be justified".

II. b. 6 Elections outside the place of employment

Basic principle:

Official: special leave of half a day is granted if voting must take place on a Council working day (see table below).

SNE: no provision for special leave.

Travelling time:

- A set period of travelling time is granted for the outward and for the return journey, as shown in the table below:

| | | Day of election | |
|--|------------|---|--|
| | | Non-working day (weekend or public holiday) | Weekday which is not a Council holiday |
| Special leave | | NO | YES = ½ day |
| The set period of travelling time for each journey taking account of the distance in km between the place of employment and the place of the election | 0 – 200 | 0 | |
| | 201 – 600 | 0 | ½ day |
| | 601 – 1200 | ½ day | |
| | 1201 – | 1 day | |

- If voting must take place on a working day, the journey is deemed to take place immediately before and after the half day of special leave; one of the two journeys is thus deemed to take place partly or wholly on the day of the election.
- If the election takes place on a non-working day, the journey is deemed to take place the day before and the day after the day of the election.

- However, if the election takes place the day before or the day after a non-working day, travelling time will not be granted for the outward or return journey on the non-working day. If the election takes place on a public holiday which is preceded and followed by a working day, and if the distance is between 201 and 600 km, by way of an exception from the time specified in the table, half a day's travelling time will be granted for the outward and for the return journey.
- If the election takes place in two rounds of voting, these will be considered as two separate elections for the purpose of these provisions, as long as the person concerned provides supporting documents showing that he or she returned to the place of employment between the two rounds.
- Special leave/the set period of travelling time may be combined with annual leave but this will have no impact on the set period of travelling time granted, which is deemed to be taken before and after the special leave or the day of the election.

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.

Conditions:

- The person concerned enters a "special leave to be justified" absence in Flexitime, and the LFD regularises the absence on the basis of the documents provided.
- The person concerned must provide the LFD with an official document certifying that he or she has actually voted outside the place of employment. If no such document is issued, the official or other servant may submit to the LFD any other supporting documents proving participation in the vote.

II. b. 7 Examination/competition/selection process/interview organised by EPSO, by an EU institution or agency, by another body created by the Treaty on European Union or by a body dedicated to furthering the Union's interests

Basic principle:

Official: special leave (0.5 to one day) corresponding to the duration of the tests, normally 0.5 days for an oral test and one day for a written test.

SNE: no provision for special leave.

Travelling time: may be permitted for examinations/competitions/selection process/interview organised by EPSO or another institution if it is not possible to sit the tests for the same competition at the place of employment.

No travelling time to take part in a selection process/interview organised by an EU agency or a body dedicated to furthering the Union's interests

Implementation:

- An official who is invited to sit tests on a working day for a competition/examination/selection board/interview organised by EPSO or by an EU institution or agency or by a body dedicated to furthering the Union's interests may be eligible for special leave;
- Leave cannot be granted for a preliminary job interview outside the EU institutions/agencies or bodies dedicated to furthering the Union's interests.

Conditions:

- The person concerned enters a "special leave to be justified" absence in Flexitime, and the LFD regularises the absence on the basis of the documents provided.
- The person concerned must provide the LFD with a copy of the invitation and proof of actual participation, or any other document certifying presence at the tests and their duration.

II. b. 8 Jobseeking at end of contract

Basic principle:

Temporary/contract agent: one day a week, up to a maximum of four days.

Travelling time: not permitted.

Implementation:

- A temporary/contract member of staff may be granted special leave of one day a week, which may be split into two half-days a week, up to a total of four days maximum, to look for a new job during the six weeks preceding the end of his or her contract, provided that the contract has not been terminated at the staff member's volition or without notice;

Conditions:

- The person concerned enters a "special leave to be justified" absence in Flexitime. In parallel, he or she should inform the LFD of the reason for the special leave and the LFD will regularise his or her Flexitime counter.

II. b. 9 Training (Annex V to the Staff Regulations)
(Staff Training - Vademecum 2000, Staff Note 34/2000)

Officials may be granted leave for training within the limit provided for in the programme established by the Council pursuant to Article 24a of the Staff Regulations. (See the Vademecum for the conditions and procedures.)

III. MATERNITY (Article 58 of the Staff Regulations)

Basic principle:

Official/SNE:

- 20 weeks;
- 24 weeks for a multiple or premature birth or for a disabled or seriously ill child

Implementation:

- The absence can be divided into six weeks (maximum) 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 disabled or seriously ill child, the absence may remain at six weeks maximum before childbirth but is increased to 18 mandatory weeks afterwards (in total 168 calendar days);
- In the event of the birth of a disabled or seriously ill child, a detailed medical certificate must be sent to the Medical Service, which will give the Appointing Authority an opinion concerning the disability/severity of the illness before the latter authorises the period of 18 weeks following childbirth, where appropriate;
- A premature birth is defined as a birth which takes place before the end of the 34th week of pregnancy;
- However, if she wishes and provided that her state of health permits, the mother may continue working beyond the sixth week preceding the expected childbirth and defer her maternity leave;
- The rules applicable to sick leave during annual leave are applied during maternity leave. Sick leave during maternity leave for which a medical certificate is submitted in accordance with the current rules and accepted by the Sick Leave Department therefore gives rise to an extension of the maternity leave. Where parental leave is planned immediately after maternity leave, sick leave during maternity leave will be re-credited to the official in the form of maternity leave immediately after her parental leave;

- The length of maternity leave is calculated in calendar days. Public and GSC 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 Administration of the contact address and telephone number;
- The maternity leave is maintained in full if the child dies at birth or soon after.

Conditions:

- An expectant mother must provide the LFD, before her maternity leave, with a document drawn up by her doctor giving the expected date of childbirth;
- Once the child is born, the mother must forward to the LFD a copy of the birth certificate as soon as possible.
- Where the national legislation of the employer of the SNE grants longer maternity leave, the secondment is suspended for the period exceeding that granted by the GSC. In that case a period equivalent to the suspension shall be added at the end of the secondment if the interests of the GSC warrant it.

IV. MISCELLANEOUS

IV. a Part-time work (Article 55a of the Staff Regulations and Annex IVa to the Staff Regulations)

(Decision 14/2014 of the Secretary-General of 1 January 2014)

Basic principle:

- The basic annual leave entitlement of an official authorised to work part-time is reduced proportionally for the period of part-time working under Article 59a of the Staff Regulations;
- Officials not working Flexitime must send the LFD a detailed timetable of presence/absences;
- Neither sick leave nor maternity leave cancels or interrupts a decision authorising part-time working. Unless that decision is annulled by the Appointing Authority, its provisions remain in force;

- If part-time sick leave is granted during a period of part-time working, the decision authorising part-time working may, at the request of the official, be annulled by the Appointing Authority during the period of part-time sick leave with effect from the beginning of the month following the date of the request for suspension submitted by the person concerned;
- An official may, in view of a maternity leave, request that a decision authorising her to work part-time be annulled by the Appointing Authority. The request must be submitted at least two months before the date on which it is to take effect (first day of a month).

Implementation:

- The rate of activity chosen determines the actual presence required based on the number of working days in the month;
- The arrangements given on the part-time application form are indicative and are designed to facilitate management. Under no circumstance do they allow the official to exceed the hours of free time calculated on the basis of the part-time decision;
- Events occurring during periods of free time owing to a reduction in working time as reflected in the individual timetable may not give rise to any special leave entitlement.

IV. b Administrative status other than active employment

IV. b. 1 Transfer and secondment (Articles 37, 38 and 39 of the Staff Regulations)

IV. b. 1. a To an EU institution or agency , or to a body dedicated to furthering the Union's interests

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

IV. b. 1. b To a body not dedicated to furthering the Union's interests

- The leave balance is frozen and fully preserved by the GSC, and is available as soon as the official returns.

Any leave entitlements acquired as compensation (overtime, time off for health reasons) must be regularised by the GSC before the date of secondment. Any outstanding balance will not be taken over by the GSC when the official returns from secondment.

- Annual leave entitlements are calculated taking into account the time worked at the GSC during the current year, in accordance with the principles laid down in Section I, "Annual leave".
- For the period of secondment, the leave system applicable will be that of the department to which the official has been assigned. No outstanding balance from a body not dedicated to furthering the Union's interests will be taken over by the GSC when the official returns.
- The provisions applicable to leave are in any case set out in the note from the Appointing Authority to the official specifying the administrative arrangements for the secondment.

IV. b. 2 Leave on personal grounds (Article 40 of the Staff Regulations)

(See IV.b.1.b above) (Decision No 9/2014 of the Secretary-General)

The principles referred to above in respect of secondment to a body not dedicated to furthering the Union's interests also apply, except for the fact that leave on personal grounds may not justify more than 12 days of annual leave being carried over to the following year.

IV. b. 3 Parental leave (Article 42a of the Staff Regulations)

(See IV.b.1.b above) (Decision No 11/2014 of the Secretary-General)

The principles referred to above in respect of secondment to a body not dedicated to furthering the Union's interests also apply, except for the fact that parental leave may not justify more than 12 days of annual leave being carried over to the following year.

IV. b. 4 Family leave (Article 42b of the Staff Regulations)

(Staff Note 67/04)

An official on family leave is considered to be in active employment as regards his or her annual leave entitlements and consequently there is no reduction in his or her entitlements for the duration of the family leave. Family leave may not justify more than 12 days of annual leave being carried over to the following year.

IV. b. 5 Leave for military service (Article 42 of the Staff Regulations)

The principles referred to in IV.b.1.b above in respect of secondment to a body not dedicated to furthering the Union's interests also apply where the official is following military training and is on leave for military service within the meaning of the second paragraph of Article 42 of the Staff Regulations, except for the fact that leave for military service may not justify more than 12 days of annual leave being carried over to the following year.

IV. b. 6 Leave in the interests of the service (Article 42c of the Staff Regulations)

(See IV.c below)

IV. b. 7 Other activities (fellowships etc.)

(See IV.b.1.b above)

The principles referred to above in respect of secondment to a body not dedicated to furthering the Union's interests also apply, except for the fact that the activity may not justify more than 12 days of annual leave being carried over to the following year.

IV. b. 8 Work elsewhere

(See IV.b.1.b above)

The principles referred to above in respect of secondment to a body not dedicated to furthering the Union's interests also apply, except for the fact that such work elsewhere may not justify more than 12 days of annual leave being carried over to the following year.

IV. b. 9 Suspension (Annex IX – Disciplinary proceedings)

(See IV.b.1.b above)

The principles referred to above in respect of secondment to a body not dedicated to furthering the Union's interests also apply, except for the fact that the suspension may not justify more than 12 days of annual leave being carried over to the following year.

IV. c Termination of service

Basic principle:

Officials – but not SNEs – 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,
- the end of a contract of a temporary or contract member of staff,
- retirement in the interests of the service,
- dismissal,
- removal from post,
- retirement or invalidity,
- temporary lay-off in the interests of the service,
- death,
- change in employment status with the GSC, without interruption, other than that of temporary or contract staff to permanent official.

Implementation:

- The number of hours/days of annual leave to which the official is entitled (basic entitlement, additional age-related entitlement and leave for the purpose of visiting one's home country) is recalculated on termination of service as a pro rata of the number of months or days actually worked (see Section I. Annual Leave, points I a, I b and I c).
- For temporary or contract staff of the GSC who become officials of the Council without interruption, leave entitlements will continue as if there had been no change in their statutory situation.

Procedure:

- The LFD draws up a balance of annual leave not taken and sends it to the Salaries Department. 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 $-1 \text{ day} = 1/30$ – is based on the last remuneration received (e.g. in the event of resignation after leave on personal grounds, on the basis of the last remuneration received immediately prior to departure on leave on personal grounds).

IV. d Transfer between EU institutions

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

IV. e Cancellation of annual or special leave

IV. e. 1 At the staff member's request

Basic principle:

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

Implementation:

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

IV. e. 2 Following sick leave

- A medical certificate must be submitted within the prescribed deadline (see point 1.2 of Staff Note 93/12) in order to cancel annual leave in whole or in part.

IV. e. 3 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 notify the staff member as soon as possible in writing that his or 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 notify the staff member in writing that his or 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 person concerned must update his or her flexitime data in accordance with the immediate superior's decision.
- The person concerned must submit, to the Appointing Authority (Missions Department) via his or her immediate superior, a request for reimbursement of the amount, to be duly substantiated, of the expenses which he or she has incurred through the cancellation or interruption of the annual leave.

IV. f Carrying over days of annual leave (Article 4 of Annex V)

Basic principle:

An official/SNE who has not used up all his or her annual leave by 15 January of the following year may have the balance carried over:

- automatically for 12 days maximum,
- by decision of the Appointing Authority for more than 12 days.

Implementation:

- leave taken during a calendar year "X", i.e. between 1 January of year "X" and 15 January of year "X + 1", is deducted from the leave entitlements for that year "X".
- Carry-over of 12 days maximum is performed automatically and added in January of the following calendar year to the entitlements for that year.
- As a general rule and in accordance with Article 4(1) of Annex V to the Staff Regulations, the Appointing Authority may allow exceptions to the 12 days' (maximum of 96 hours') limit at an official's request and after examining the case, but only where the official concerned has been prevented from taking the required amount of leave by the requirements of the service. All applications to carry over annual leave of over 12 days (maximum 96 hours) must be detailed and substantiated and endorsed by the Director-General, specifying the events which have led to the additional workload and providing evidence of the link between that additional workload and the failure to take or refusal to grant annual leave. It is worth noting that barring unexpected events imposing new constraints on the service, the exercise of planning annual leave referred to under I (General principles) should make it possible to reconcile leave with the peaks and troughs of activity and therefore avoid more than 12 days' (maximum 96 hours') leave being carried over. Following a decision by the Appointing Authority, the LFD will add the authorised carry-over to the leave entitlement for the following calendar year.
- In principle, no carry-over in excess of 12 days is authorised if the leave days have not been taken for reasons other than the requirements of the service (e.g. 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.).
- However, where a long-term illness or an accident requiring a long recovery period has prevented an official from taking his or her annual leave entitlement, he or she may apply for an exceptional carry-over. With due consideration for the specific circumstances which have prevented the official from taking his or her annual leave entitlement, the Appointing Authority will take a decision on whether to authorise a carry-over in excess of 12 days, and, where appropriate, on the number of days to be authorised and the period during which the days authorised must be taken. Days carried over which are not used within that time limit will be forfeited.

Exceptionally, in response to a request submitted by the person concerned before the expiry of that time limit, the Appointing Authority may authorise an extension of the initial time limit if the official was prevented from using the days carried over by the requirements of the service, endorsed by his or her superiors, or by a long-term illness.

- If the application is refused, the carry-over remains limited to 12 days.

Conditions:

The application form will be admitted only if

- the official has been prevented from taking annual leave in the interests of the service. The official must attach detailed supporting evidence, specifying the events which have led to the additional workload and providing evidence of the link between that additional workload and the failure to take or refusal to grant annual leave. The form must be duly completed and signed by the immediate superior and by the Director-General.
- the official has been prevented from taking annual leave on account of a long-term illness or an accident requiring a long recovery period. Maternity leave cannot be regarded as equivalent to long-term illness.
- The application form available on Domus must be sent to the LFD (Leave/Flexitime Department): Justus Lipsius 02 70 FK 39, or e-mailed to Helpline Flexiline) not later than 15 February. After checking the data, the LFD will forward the request to the Head of the Individual Entitlements Unit (DG A 1).

IV. g Public holidays

Basic principle:

Lists of public holidays are drawn up by agreement between the appointing authorities of the institutions of the Union after consulting the Staff Regulations Committee ⁷. Those lists are published in a Staff Note during the year preceding the year in question.

⁷ See Article 61 of the Staff Regulations. The lists of public holidays are adopted by the Board of Heads of Administration.