

Il Presidente

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Ms Emily O'Reilly
European Ombudsman
1, avenue du Président Robert Schuman
CS 30403
F-67001 Strasbourg Cedex
FRANCE



Médiateur européen

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Date d'arrivée

Dear Ms O'Reilly,

I refer to your letter of 8 May 2019 on the leave rights of certain staff members and the best interests of the child (SI/1/2019/AMF) which is addressed to Parliament outside any inquiry into alleged maladministration. I am pleased to provide you with the below courtesy elements in response. I note that you chose to give a TV interview related to the present subject before receiving this contribution.

At the outset, let me emphasise that Parliament fully respects the principle of non-discrimination laid down in Article 21 of the Charter of Fundamental Rights and in Article 1d of the Staff Regulations. Therefore, the sexual orientation of officials and other servants is not a relevant for granting or refusing leave.

Parliament is also bound by Article 8 of the Charter concerning protection of personal data and Regulation (EU) 2018/1725 of the European Parliament and the Council on the protection of natural persons with regard to the processing of personal data and on the free movement of such data. Therefore Parliament does not process personal data on the sexual orientation of its staff members.

The leave rights of the Parliament's staff do not depend upon the sexual orientation of the parents or the medical procedure that has enabled a pregnancy, but are guided by the legal relationship of the official with the child. Arguably, the Member States have not conferred any competences upon the European Union, within the meaning of Article 5 of the Treaty on European Union, in these matters. The legal relationship between an official and a child results necessarily from the application of national rules, most of the time national law of the Member States, sometimes even of third States. To sum up, Parliament is committed to the non-discriminatory application of the consequences of the Staff Regulations to individual legal situations that are recognized at the empowered national level.

Concerning your first question: 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)?

Provided that a link of filiation is recognised by the applicable national legislation, the non-biological mother will be granted ten days of special leave in application of Article 6 of Annex V to the Staff Regulations and Article 29(1) of the internal rules. By analogy to what is foreseen in Article 30(6), a similar ten days of special leave will be granted in case of adoption of the child by the non-biological mother.

Since these rules are applicable on the basis of the relation between an adult and a child, the sexual orientation of the parents is not relevant and the rules are thus applied in the same way to any couple.

Concerning your second question: 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.

In the case of surrogacy pregnancy there is usually a biological link between the child and at least one of the parents (via the donation of sperm and/or egg cells).

When this biological link is recognised by the applicable national legislation, the parent in question will benefit from a special leave of ten days for the birth of a child, as specified in Article 6 of Annex V to the Staff Regulations and Article 29(1) of the internal rules.

If the other member of the couple is legally recognised as parent of the child, or has adopted it, he or she will also benefit from a special leave of ten days for the birth of a child, as specified in Article 6 of Annex V to the Staff Regulations and Article 29(1) of the internal rules, or, in case of adoption, Article 30(6) of the internal rules.

None of the parents involved would be entitled to maternity leave, as the pregnancy was carried to term by a third person with whom the Institution has no statutory link. Moreover, Article 58 of the Staff Regulations specifies that maternity leave will only be granted on production of a medical certificate of pregnancy, which is inexistent in the case of parents who revert to surrogacy pregnancy. This approach is also confirmed by the current case law of the Court¹.

Evidently, these rules apply to all parents reverting to surrogacy pregnancy, and there is no different treatment between same-sex couples and heterosexual couples.

The leave is approved on the basis of a motivated request, and upon production of the necessary legal documents that prove the required link of filiation. The relevant information is contained in the internal rules, a copy of which is provided in annex. These rules are accessible to all staff members on the intranet of the institution.

Parliament is willing to engage in a dialogue on the inter-institutional level in order to find a common approach. Until such agreement has been found among the institutions, Parliament will make a case-by-case assessment of each request in order to ensure that Article 24 of the Charter is respected.

Yours sincerely,



Annex: EP internal rules governing leave

¹ Judgments of 18 March 2014, C.D. v S.T. (C-167/12, EU:C:2014:169), and Z. v A Government Department and the Board of Management of a Community School (C-363/12, EU:C:2014:159).

INTERNAL RULES GOVERNING LEAVE

(Articles 57 to 60 of and Annex V to the Staff Regulations and Articles 16, 17, last paragraph, 91 and 131 of the CEOS)

THE SECRETARY-GENERAL OF THE EUROPEAN PARLIAMENT,

having regard to the Staff Regulations of Officials of the European Union (hereinafter 'Staff Regulations') and to the Conditions of Employment of Other Servants of the European Union (hereinafter 'CEOS'), and in particular to Articles 57 to 60 of and Annex V to the Staff Regulations and Articles 16, 17, last paragraph, 91 and 131 of the CEOS,

having regard to Article 2 of the Bureau decision of 13 January 2014 on delegation of the powers of the appointing authority and of the authority empowered to conclude employment contracts (AECE),

having consulted the Legal Service, the Staff Committee, the Committee on Equal Opportunities and Diversity and the Data Protection Officer,

HAS ADOPTED THESE INTERNAL RULES:

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TITLE I – ANNUAL LEAVE

Chapter 1 - General provisions

Article 1 - Scope

1. Unless otherwise provided, these internal rules governing leave shall apply to all of Parliament's staff, with the exception of trainees and grant-holders. The term 'staff member' shall be used hereinafter to mean staff in the categories covered by these rules (officials, temporary staff, contract staff and accredited parliamentary assistants).
2. By way of an exception, certain types of leave for staff posted outside the European Union shall be governed by the special provisions laid down in Annex X to the Staff Regulations.

Article 2 – Dealing with leave applications

1. Applications for annual leave shall be dealt with on a decentralised basis by each staff member's line manager, as designated by the relevant directorate-general.
2. Applications from accredited parliamentary assistants (hereinafter 'APAs') shall be handled directly by the Members for whom they work. APAs must submit their leave applications in writing to the relevant Member or Member responsible, who shall approve the leave by signing the application. The application shall then be scanned and forwarded immediately by the APA to the relevant department in the Directorate-General for Personnel (hereinafter 'the Leave Office').
3. Without prejudice to paragraphs 2 and 4 of this article, staff members may not go on annual or special leave before their line managers have approved their leave applications in the management system.
4. Should staff members be unable to apply for such prior approval (owing to sickness, an accident, etc.), they must notify – either directly or through a third party – their line managers as soon as possible.

All periods of absence without prior authorisation shall be recorded in the management system within hours of the initial absence by the staff member's line manager or his or her appointee. The staff member must then have the period of absence regularised in the system when he or she returns to work.

All APA absences must be recorded in the management system. In each case, a copy of the record of absence must be submitted to the APA's Member for signing.

Article 3 – Checks by the Directorate-General for Personnel

1. With a view to ensuring that the rules on annual leave are applied in a consistent manner, the Directorate-General for Personnel (hereinafter 'DG PERS') shall carry out regular checks in order to establish, among other things, whether the provisions on unauthorised absence should be applied in connection with any of the absences recorded by the various directorates-general (hereinafter 'DGs').

2. DG PERS shall carry out regular checks on compliance with:
 - the rule on no more than 12 days' absence without a medical certificate in any 12-month period;
 - the rule on no more than three consecutive days' absence without a medical certificate;
 - the rule that a period of absence covered by a medical certificate cannot be followed immediately by a period of absence without a medical certificate.
3. In the event of failure to comply with the above rules, as detailed in the decision laying down internal rules on medical examinations in connection with absence from work on medical grounds and periodic medical examinations of persons claiming the invalidity allowance, the period of absence shall be deducted from the staff member's annual leave. If that leave has been used up, the staff member's pay shall be stopped for an equivalent period.

Chapter 2 – Annual leave

Article 4 - General principles

1. A day's leave means a non-worked working day (in principle, Mondays to Fridays, excluding public holidays).
2. Staff members must endeavour to use up their leave entitlement during the year in which that entitlement is earned and, where possible, with the agreement of their line managers (or their Members, in the case of APAs), before they leave the service.
3. All line managers must therefore organise their departments in such a way as to enable the staff members for which they are responsible to take the leave to which they are entitled during the year.
4. Annual leave may be taken all at once or in several periods, as desired by the staff member and with due regard for the requirements of the service and for Article 2 of Annex V to the Staff Regulations. It must therefore include at least one period of two consecutive weeks.
5. Departments which have a light workload between part-sessions may plan their staff's leave in such a way as to ensure that as much as possible of their annual leave entitlement is used up during such periods. Each DG shall make its own arrangements in this connection, with due regard for the interests of the service.
6. APAs must take as much of their annual leave as possible during the summer recess running from the end of the last part-session in July to the start of the first part-session in September, with the agreement of their Members or groupings of Members.

When APAs' contracts are terminated early and their Members do not require them to work during their period of notice, any annual leave not taken shall be deducted from that period in accordance with the contractual provisions governing such matters.

Article 5 – Annual leave entitlement

1. Staff members shall be entitled, per calendar year, to annual leave of not less than 24 working days (192 hours)¹ to which additional days' leave may be added according to age and/or grade, in accordance with Articles 8 and 9 of these rules. Taken together, these periods make up a staff member's annual leave entitlement, which may not exceed 30 working days (240 hours).
2. Where a staff member is entitled to an expatriation or foreign residence allowance, the annual leave entitlement may be increased beyond the 30-day limit by the addition of a further two and a half days per year for the purpose of visiting his or her home country. This leave shall be granted in proportion to the staff member's period of active service during the calendar year.

Where staff members' entitlement to an expatriation or foreign residence allowance changes during a calendar year, they shall enjoy the more favourable of the two arrangements regarding additional leave for visiting their home countries during that year.

3. During periods of leave on personal grounds (hereinafter 'CCP'), unpaid leave (hereinafter 'CSR') or leave for military services taken in accordance with Article 42(2) of the Staff Regulations, staff members shall not accrue any entitlement to annual leave and shall forfeit their entitlement to additional leave according to age and grade.
4. The accrual of annual leave entitlements during periods of part-time working, parental leave and family leave taken pursuant to Articles 55a, 42a and 42b of the Staff Regulations shall be governed by the internal rules on part-time working, the general implementing provisions governing parental leave and the internal rules on family leave.
5. Other than in exceptional and duly substantiated cases, annual leave may not be granted to staff members who have less than three months' service in the institutions.

Article 6 - Rules applying when entering and leaving the service

1. Staff members shall be entitled to a number of hours' leave (annual leave and additional leave to visit their home countries) proportional to their time of active service during the calendar year running from 1 January to 31 December.
2. In the year when a staff member enters or leaves the service, he or she shall be entitled to:
 - two working days' leave (16 hours) per full month of service;
 - two working days' leave (16 hours) for an incomplete month consisting of more than 15 days;
 - one working day's leave (8 hours) for an incomplete month of 15 days or less.

Article 7 - Applying for and cancelling annual leave

1. Leave may be applied for in multiples of half a day.
2. Other than in an emergency, leave applications must be submitted through Parliament's management system at least five days before the period of absence is due to start. Where this is impossible for technical reasons, staff members should ask the person duly appointed for this

¹ The working week for staff members working full-time shall be 40 hours long. Each day of leave granted under the Staff Regulations shall be 8 hours (40 ÷ 5) long.

purpose in their DG to submit their applications for them. All staff members shall have access to their leave records in Parliament's management system.

3. Line managers shall decide on applications for annual leave as quickly as possible and in line with sound personnel management practice.
4. Annual leave may be cancelled either in part or in full at the request of the staff member concerned or, if there are imperative service-related reasons for doing so, at that of his or her line manager. In the latter case, the line manager must, at the earliest opportunity, inform the staff member that his or her leave has been cancelled and must provide details of the precise period concerned and the imperative service-related reasons for the cancellation.
5. Where a period of leave is cancelled at the request of the staff member's line manager for service-related reasons, any expenses incurred by the staff member as a result of the cancellation may be reimbursed as provided for in Article 5 of Annex V to the Staff Regulations.
6. Any requests to cancel annual leave retroactively shall, once the agreement of the staff member's line manager has been obtained, be forwarded to the Leave Office via the management system for final approval.

Article 8 - Additional annual leave according to age

1. Staff members shall be entitled to additional annual leave according to age as follows:
 - one working day if they are under 35 years of age;
 - two working days if they are over 35 and under 40;
 - three working days if they are over 40 and under 45;
 - four working days if they are over 45 and under 50;
 - five working days if they are over 50 and under 55;
 - six working days if they are over 55.
2. The leave shall be granted from 1 January in the year in which the staff member reaches the relevant age.
3. This entitlement shall be conditional on the staff member completing 12 months' service during the calendar year, and shall be adjusted in accordance with the number of months actually worked during the year.

Article 9 - Additional annual leave according to grade

1. Staff members shall be entitled to additional annual leave according to grade during the current calendar year as follows:
 - one working day if in grades AST 10, AST 11 and AD 9 to AD 12;
 - two working days if in grades AD 13 and AD 14;
 - three working days if in grades AD 15 and AD 16.
2. Contract staff members in grade 12 of function group III and grades 16 to 18 in function group IV shall be entitled to an additional day's leave during the current calendar year.

3. These provisions shall not apply to APAs.
4. This entitlement shall be conditional upon the staff member completing 12 months' service during the calendar year, and shall be adjusted in accordance with the number of months actually worked during the year.

Article 10 - Ceiling for age- and grade-related leave combined

When combined, age- and grade-related additional leave may not amount to more than six days. Such leave shall be added automatically to the minimum annual leave for the current year and may therefore be carried over in accordance with Article 16 of these rules.

Article 11 - Additional annual leave according to seniority

1. Staff members who have completed 25, 30, 35, 40 or 45 years of service in the European institutions shall be given five days' additional leave on 1 January of the calendar year in which they complete the relevant number of years' service, provided that they do not leave the service more than three months before the date of completion of the relevant period of service.
2. The number of years' service a staff member has completed shall be calculated by taking the number of years during which he or she has been in active employment in an institution or agency and subtracting any periods of CCP, CSR and leave for military service.
3. These days' leave shall be added to the annual leave entitlement and may be carried over, as provided for in Article 16 of these rules, or paid out when the staff member leaves the service.

Article 12 - Processing of applications

1. Leave is recorded in hours so that account may be taken of the range of working arrangements applying inside Parliament (standard working day, special work schedules applying in some departments and part-time working arrangements chosen by some staff members).
2. Applications for annual leave, which are drawn up in multiples of half a day, are automatically converted into hours by the management system in line with each staff member's working arrangements.
3. An application for half a day's leave (morning or afternoon) made by a staff member working part-time will be deducted from his or her annual leave balance as follows:
 - If he or she would normally work six or more hours on the relevant day, half of those hours will be deducted from the balance;
 - If he or she would normally work fewer than six hours on the relevant day, all of those hours will be deducted from the balance.
4. Applications for annual leave that would result in a negative leave balance shall be granted under the sole responsibility of the staff member's line manager. Other than in exceptional circumstances duly substantiated by the staff member, the staff member's pay shall be forfeited in respect of any hours' leave taken in excess of a negative balance of three days (24 hours).

Article 13 - Transferring leave entitlements

1. Leave entitlements acquired in Parliament's Secretariat under one employment status (official, other servant) shall be retained when moving to another employment status, subject to the annual leave carry-over limits laid down in Title I, Chapter 3 of these rules.
2. Officials seconded to political groups shall retain their leave entitlements, which shall be transferred in full when they go on secondment and when they return from secondment.

Similarly, temporary staff members in political groups shall retain their leave entitlements when they enter Parliament's Secretariat after having passed an internal competition restricted to political group staff.

3. Conversely, if a political group recruits an APA or a temporary or contract staff member employed in Parliament's Secretariat, that staff member's remaining leave entitlement for the current calendar year shall not be transferred but shall be paid out in accordance with Article 17 of these rules.

The same procedure shall apply to staff members leaving a political group and taking up a post as an APA or a temporary or contract staff member in Parliament's Secretariat.

4. Staff members transferring from or to another EU institution shall retain their annual leave entitlements earned for the current year in the institution they are leaving. In such cases, their annual and sick leave records for the past three years shall be transferred to the new institution.
5. Leave entitlements may not be transferred where, either at the end of or before the end of their contracts, APAs are recruited to assist another Member or grouping of Members or as officials or temporary or contract staff members in Parliament's Secretariat.

In such cases, any leave not taken shall be paid out as provided for in Article 17 of these rules.

Article 14 - Sick leave during a period of annual leave

The arrangements applying when a staff member is declared unfit to work by a doctor during a period of annual leave are set out in the decision laying down internal rules on medical examinations in connection with absence from work on medical grounds and periodic medical examinations of persons claiming the invalidity allowance.

Article 15 - Unauthorised absences

1. Without prejudice to any disciplinary measures that may apply, the appointing authority shall notify staff members of any absence that has not been duly substantiated. The relevant period shall be deducted from annual leave. If that leave has been used up, the staff member's pay shall be stopped for an equivalent period.
2. A staff member's line manager may ask the Leave Office to record an absence as unauthorised within the meaning of Article 60, first paragraph of the Staff Regulations. That request shall be duly substantiated and shall be notified to the staff member who was absent. If the absence is not duly substantiated, the Leave Office shall record it in the system as unauthorised leave.

Chapter 3 - Carry-over of leave and leave not taken or taken in excess

Article 16 - Carrying over leave

1. Staff members who have not used up all of their annual leave at the end of the current calendar year may, as a rule, carry no more than 12 days (96 hours) over to the next calendar year.

Any days of unused annual leave over and above those 12 days may, however, be used up by 31 January of the following year.

2. Annual leave in excess of the 12-day limit may be carried over in cases where the staff member was prevented from taking leave for one of the following reasons:
 - (a) service-related requirements, at line management's request;
 - (b) long-term sickness, at the staff member's request;
 - (c) long-term absence following an accident, at the staff member's request;

In the latter two cases, for an application to carry over more than 12 days to be admissible, the staff member must have been absent on account of sickness or an accident for a sufficiently long period to prevent him or her from using up all of the annual leave entitlement during the current calendar year or in January of the following year.

3. The following must be submitted in support of a leave carry-over application as referred to in paragraph 2(a) above:
 - the leave applications rejected for service-related reasons during the year;
 - a written note from the staff member's line manager setting out the service requirements justifying the rejection of the applications and the reasons why the staff member was unable to take the leave later in the year. That note must be forwarded to the Leave Office between 1 December in the year in question and the end of February in the following year.
4. No annual leave in excess of the 12-day limit may be carried over if that leave was not taken for reasons other than the requirements of the service or long-term absence on account of sickness or following an accident.

Not having been able to take normal annual leave as a result of an accident or an illness that occurred during a period of annual leave or as a result of maternity leave, adoption leave, parental leave, family leave, CCP, CSR, leave for military service, etc. shall not be regarded as proper justification for carrying over leave in excess of the 12-day limit.

5. Leave carried over for service-related reasons may not exceed the leave entitlement for the year, i.e. 24 days plus additional leave according to age and grade, up to a total of no more than 30 days.

Article 17 - Leave not taken or taken in excess

1. Staff members who, at the time of leaving the service, have not used up all their annual leave, shall be paid a sum equal to one-thirtieth of their monthly remuneration at the time of leaving the service for each day's leave due to them.

2. Where a staff member has taken annual leave in excess of his or her entitlement at the time of leaving the service, a sum calculated on the basis of the number of days taken in excess shall be deducted from his or her last remuneration.
3. The sum payable or deductible in respect of leave not taken or taken in excess at the time of leaving the service shall be calculated at the rate of eight hours per day and shall be rounded either up or down to the nearest decimal point, whichever is more favourable to the staff member concerned.
4. Payments or deductions in respect of leave not taken or taken in excess at the time of leaving the service shall be made on the basis of the leave balance calculated by Parliament's management system.

In respect of APAs, without prejudice to the second subparagraph of Article 4(6) of these rules, this shall be done on the basis of written confirmation of the APA's actual leave balance provided by the Member at the Leave Office's request.

TITLE II – SPECIAL LEAVE

Chapter 1 - General provisions

Article 18 - Basic principles

1. Alongside the arrangements for annual leave, staff members may, on an exceptional basis and at their own request, be granted special leave in accordance with the provisions of Annex V to the Staff Regulations. Special leave may be applied for and granted at any time, including during a staff member's first three months of service.
2. Special leave must be taken at the time of the event in respect of which it is granted. Should a staff member fail to take all or part of a period of special leave that has been granted, the unused leave shall not be added to his or her annual leave balance.
3. Without prejudice to the special cases provided for in these rules, special leave may be taken all at once or in several periods.

Special leave may be split up in this way if the periods of leave are taken as close as possible to the event in respect of which the leave was granted, in accordance with paragraph 2 of this article, and provided that this arrangement is not incompatible with the interests of the staff member's department.

Other than in the special cases referred to above, unlike annual leave, special leave shall be calculated and recorded in full days, including when taken on a short Friday.

4. The number of hours of special leave authorised will vary in accordance with the working-time arrangements of the staff member applying for it, and shall be subject to the time limits and substantiation requirements laid down in these rules.

5. In addition to the special-leave arrangements provided for in these rules, the appointing authority may, at its discretion, grant other forms of special leave on a duly substantiated request from a staff member, taking into account the reasons behind the request and the interests of the service.

Article 19 - DG PERS responsibilities

1. The Leave Office shall have central responsibility for the management of special leave.
2. Staff members shall apply for special leave through Parliament's management system. Applications must be approved by the staff members' line managers (except in the case of APAs), in order to ensure that the latter are aware of the impending absence. Line managers may not reject a special-leave application; only the Leave Office may do so.

The Leave Office shall consider the application for special leave, where appropriate after seeking the opinion of the Legal Service, and may approve the application if it is justified. Applications may be rejected if they fail to meet the conditions governing the granting of special leave; in such cases, any leave already taken shall be deducted from the staff member's annual leave balance.

If a special-leave application submitted by a staff member is clearly dishonest, the appointing authority may take disciplinary proceedings under Article 86 of the Staff Regulations and the related general implementing provisions.

3. Special-leave applications submitted in connection with a medical event shall be considered by the institution's medical officer, who shall deliver a medical opinion on that event. The appointing authority shall take that opinion into account when deciding whether to approve or reject the application for special leave. The opinion is not, however, binding on the appointing authority, which may take a reasoned decision to disregard it.

Article 20 - Supporting documents

1. Appropriate supporting documents shall be submitted either with applications for special leave or within one month of the date of the event giving rise to an entitlement to special leave. If the supporting documents are submitted late, the application for special leave shall be rejected and the period of absence shall be deducted from the staff member's annual leave balance.

All confidential medical documents shall be sent directly to the relevant medical service.

2. Travelling time commensurate with the actual duration of the journey between the place of employment and the place at which the special leave is taken may be granted by special decision of the appointing authority on submission of appropriate supporting documents. The conditions governing the granting of travelling time are set out in Article 21 of these rules.
3. Until such time as applications for special leave are approved by the appointing authority, the period requested shall be recorded as annual leave.
4. If the supporting documents are rejected by the appointing authority or if the Staff Regulations or these rules are not complied with, the appointing authority shall notify the staff member of the decision to reject his or her application for special leave through the leave management system.

5. Special leave may be cancelled by staff members at any time prior to the date on which it is scheduled to begin. In order for special leave to be cancelled retroactively, a written request must be submitted to the Leave Office with the agreement of the staff member's line manager.
6. Special leave may be granted in respect of unforeseen events occurring during a period of annual leave. However, in the specific case of a serious illness being contracted by a child, the spouse or a relative in the ascending line of the staff member while the latter is on annual leave, special leave may not be granted in place of annual leave unless the child is hospitalised or very seriously ill within the meaning of Article 6, indent 12 of Annex V to the Staff Regulations.

Article 21 - Travelling time

1. In connection with special leave as provided for in Article 6 of Annex V to the Staff Regulations or in Titles II, III and IV of these rules, any travelling time shall be fixed by special decision of the appointing authority, taking account of the time actually needed to make the journey. It shall be granted only on submission to the Leave Office of relevant supporting documents proving that the staff member made the journey from his or her place of employment to the place at which the special leave is taken and/or the journey in the opposite direction.
2. Similarly, travelling time shall be granted only if the journey(s) took place during the institution's working hours on a working day, as evidenced by the travel-related supporting documents attached to the application for special leave.
3. Travelling time shall be calculated in calendar days as follows:

• 0 to 200 km:	nil
• 201 to 600 km:	one day
• 601 to 1200 km:	two days
• 1201 to 1800 km:	three days
• over 1800 km:	four days
4. These are the maximum travelling times allowed for a return journey made other than by plane. If the journey is made by plane, the maximum travelling time shall be one day for the outward journey and one day for the return; the actual duration of the journey shall be taken into consideration.
5. Half of the travelling time shall be added to the beginning of the period of absence (outward journey), the other half to the end (return journey).

If the special leave is preceded and/or followed by a period of annual leave of fewer than the number of days shown in the table given below for the relevant type of leave, the travelling time shall be added to the beginning (outward journey) and end (return journey) of the combined period of absence.

If the special leave is preceded or followed by a period of annual leave that is equal to or exceeds the period specified in the table, only half the travelling time set for the special leave shall be granted.

Type of special leave	Overall number of days' leave required to qualify for round-trip travelling time
Marriage of staff member	Fewer than 10 days
Change of residence	Fewer than 5 days
Serious illness of spouse, child, relative in ascending line, parent-in-law	Fewer than 5 days
Very serious illness of a child	Fewer than 5 days
Death of spouse, child, relative in ascending line, parent-in-law, brother or sister	Fewer than 10 days
Marriage, or birth, of a child	Fewer than 5 days
Legal summons, military obligations, outside activities, attending a competition or examination, seeking employment on expiry of contract, consultation of doctor outside place of employment	Fewer than 5 days

Chapter 2 - Special leave expressly provided for in Article 6 of Annex V to the Staff Regulations

Article 22 - Marriage of staff member

1. Staff members may take up to four working days of special leave in order to get married. The appointing authority may grant travelling time on top of the special leave under the conditions laid down in Article 21 of these rules.
2. The registration of a partnership shall be regarded as equivalent to a marriage where the conditions referred to in Article 6, penultimate paragraph of Annex V to the Staff Regulations are met.
3. The special leave shall be taken in accordance with the desires of the staff member:
 - either at the time of the civil marriage ceremony or the registration of the partnership;
 - or at the time of the religious marriage ceremony.
4. The leave may be split into two periods of one or more full days, taken in the three days before or after the marriage, but travelling time may be granted only once, in respect of the entire period of special leave.
5. In support of the application for special leave, the staff member must submit the marriage certificate or a certified copy thereof. In respect of religious marriage ceremonies, the above documents may be replaced by an official certificate issued by the relevant religious authorities or by any other appropriate documentary evidence. In respect of the registration of a partnership, the staff member must submit an administrative document certifying that the partnership has been registered by the relevant administrative authority.

Article 23 - Change of residence of staff member

1. Staff members may take the following special leave in order to change their place of residence:

- either one day if the move is being made at the staff member's own choice;
 - or two days if the move is being made as a result of the obligation to change one's place of residence laid down in Article 20 of the Staff Regulations or of a transfer within the institution or between institutions, where this involves a change in the place of employment.
2. Where a move to another country is involved, the leave may be taken in two full-day periods. In such cases, one day shall be taken at the place of loading and the other at the place of unloading. The two days shall be taken on the days on which the staff member's possessions are actually loaded and unloaded.
 3. In support of the application for special leave, the staff member must submit an invoice from a removal firm or certified copies of the rental agreements for or deeds to the former and new places of residence or a copy of a certificate of registration with the local authorities. If the leave is taken in two separate periods, a copy of the removal firm's invoice shall be required; the removal firm must specify the actual dates of loading and unloading.
 4. Special leave may not be granted in respect of a change of residence if the staff member:
 - is leaving for a period of CCP, CSR or leave for military service, retiring or being retired on grounds of invalidity;
 - has been transferred to or given a contract in another institution;
 - is returning from CCP, CSR or leave for military service or resuming work after a period of invalidity.
 5. The appointing authority may grant travelling time on top of the special leave under the conditions laid down in Article 21 of these rules only where a staff member is moving as a result of the obligation to change one's place of residence laid down in Article 20 of the Staff Regulations or a change in his or her place of employment. If the leave is taken in separate periods, travelling time shall be granted only once.

Article 24 - Serious illness of spouse or relative in the ascending line

1. Should a staff member's spouse or registered partner, as provided for in Article 6, penultimate paragraph of Annex V to the Staff Regulations, fall seriously ill, the staff member shall be entitled to up to three days of special leave, which may be split up.
2. Should a relative in the ascending line (biological or adoptive father, mother, grandfather or grandmother) of a staff member fall seriously ill, the staff member shall be entitled to up to two days of special leave, which may be split up.
3. In support of an application for this type of special leave, the staff member must submit to the relevant medical service the original of a medical certificate attesting to the seriousness of the illness and the need for the staff member's presence, together with a copy of the special-leave application. In an emergency, a copy or fax of the above medical certificate may be forwarded to the medical service in the first instance. The original must be submitted at a later date.
4. In cases where the serious illness is chronic, and in special circumstances, the appointing authority may grant one or two extensions up to a maximum of nine days per calendar year for a spouse and six days for a relative in the ascending line. In such cases, the staff member must submit the

original of a medical certificate, together with a diagnosis or a medical report, to the relevant medical service. The medical service shall deliver an opinion on the seriousness of the illness or its chronic nature. In particularly serious cases, the appointing authority may, after seeking the medical service's opinion, take a special decision to make an exception to the nine- and six-day limits, stating its reasons for doing so.

5. The appointing authority may grant travelling time on top of the special leave under the conditions laid down in Article 21 of these rules.

Article 25 - Serious or very serious illness of a child

1. Should a child of a staff member fall seriously ill, the staff member shall be entitled, per illness, to up to two days of special leave, which may be split up. There must be at least seven calendar days between each period of special leave taken to attend to a seriously ill child, unless the illnesses are not the same.

This type of leave shall not be granted in respect of children who are not dependants, within the meaning of Article 2 of Annex VII to the Staff Regulations, of the staff member. In truly exceptional circumstances, the appointing authority may, after seeking the medical service's opinion, take a special decision to make an exception to this rule, stating its reasons for doing so.

2. In the event of very seriously illness of a child or the hospitalisation of a child aged 12 or under, staff members shall be entitled to up to five days of special leave, which may be split into periods of one or more full days.
3. There must be at least seven calendar days between each period of special leave taken to attend to a seriously ill or very seriously ill child, unless the illnesses are not the same.
4. In support of an application for special leave in respect of a seriously ill or very seriously ill child, staff members must submit to the relevant medical service the original of a medical certificate, together with a diagnosis or a medical report if the illness is very serious, and a copy of the special-leave application. The medical service shall deliver an opinion on the seriousness of the illness and, where appropriate, on its chronic nature. In an emergency, a copy or fax of the above medical certificate and, where appropriate, the medical report may be forwarded to the medical service in the first instance. The original must be submitted at a later date.
5. The appointing authority may grant travelling time on top of the special leave under the conditions laid down in Article 21 of these rules.

Article 26 - Death of spouse, child or relative in the ascending line

1. In the event of the death of a staff member's spouse, the staff member shall be entitled to up to four days of special leave, which may be split up. This special leave shall also be granted to staff members in a registered partnership as provided for in Article 6, penultimate paragraph of Annex V to the Staff Regulations.
2. In the event of the death of a child, the staff member shall be entitled to up to four days of special leave, which may be split up. This special leave shall also be granted in the event of the death of a child of a staff member's spouse or registered partner, as provided for in Article 6, penultimate

paragraph of Annex V to the Staff Regulations, provided that the child is a member of the staff member's household.

3. In the event of the death of a relative in the ascending line (biological or adoptive father, mother, grandfather or grandmother), the staff member shall be entitled to up to two days of special leave, which may be split up.
4. The leave may be taken at the time of the funeral or, depending on the deceased's background, of customary religious or civil ceremonies. Should the death give rise to additional formalities (police investigation, autopsy, repatriation of body, etc.) ordered by the competent national authorities, the special leave may be taken at a time very soon after the completion of those formalities.
5. In support of an application for this special leave, the staff member must submit a death certificate to the Leave Office. If a religious or civil ceremony is held, or if there are additional formalities, the staff member must also submit appropriate supporting documents attesting to this.
6. The appointing authority may grant travelling time on top of the special leave under the conditions laid down in Article 21 of these rules.

Article 27 - Death of spouse during maternity leave

1. In the event of the death of a staff member's spouse during maternity leave, if the spouse also worked for one of the institutions, the staff member shall be entitled to take the remaining number of days' maternity leave as special leave.

If the spouse did not work for one of the institutions, the number of days' maternity leave remaining shall be determined by analogy with the provisions of Article 58 of the Staff Regulations.

This special leave shall also be granted to staff members in a registered partnership as provided for in Article 6, penultimate paragraph of Annex V to the Staff Regulations.

2. This type of leave may not be split up and may not be combined with special leave for the death of a spouse. No travelling time shall be added to this leave.
3. In support of an application for this special leave, the staff member must submit a death certificate in respect of the spouse and a birth certificate in respect of the child.

Article 28 - Marriage of a child

1. Staff members may take up to two working days of special leave in the event of the marriage of a child of theirs. The registration of a partnership shall be regarded as equivalent to a marriage where the conditions referred to in Article 6, penultimate paragraph of Annex V to the Staff Regulations are met.
2. This special leave shall also be granted to staff members in respect of children of their spouse or registered partner, as provided for in Article 6, penultimate paragraph of Annex V to the Staff Regulations, provided that the children are members of the staff member's household.

3. The special leave shall be taken in accordance with the desires of the staff member:
 - either at the time of the civil marriage ceremony or the registration of the partnership;
 - or at the time of the religious marriage ceremony.
4. The leave may be split into two periods of one or more full days, taken in the three days before or after the marriage, but travelling time may be granted only once, in respect of the entire period of special leave.
5. In support of the application for special leave, the staff member must submit the marriage certificate or a certified copy thereof. In respect of religious marriage ceremonies, the above documents may be replaced by an official certificate issued by the relevant religious authorities or any other appropriate documentary evidence. In respect of the registration of a partnership, the staff member must submit an administrative document certifying that the partnership has been registered by the relevant administrative authority.

The appointing authority may grant travelling time on top of the special leave under the conditions laid down in Article 21 of these rules.

Article 29 - Birth of a child

1. Staff members may take up to 10 working days of special leave in respect of the birth of a child. In the case of a multiple birth, they may take up to 20 days. If the child has a disability or a serious illness, they may take up to 20 days. In the case of a multiple birth where at least one of the children has a disability or a serious illness, they may take up to 24 days.
2. This leave shall be taken within 14 weeks of the birth of the child or children. It may be split into periods of one full day or more; short Fridays shall count as full days for the purpose of calculating the number of days' leave to be taken. It may not be combined with maternity leave.
3. In support of an application for such leave, staff members must submit a birth certificate for each child. Where a child has a disability or serious illness, a medical certificate to that effect must be submitted to the medical service.
4. The appointing authority may grant travelling time on top of the special leave under the conditions laid down in Article 21 of these rules. If the leave is split up, travelling time shall be granted only once.

Article 30 - Adoption of a child

1. Staff members may take up to 20 weeks of special leave if they adopt a child. If the child has a disability, they may take up to 24 weeks. The leave shall be granted only if the staff member's spouse engages in a gainful activity at least half-time. If the spouse works outside the European institutions and benefits from comparable leave, a corresponding number of days shall be deducted from the staff member's adoption-leave entitlement.
2. This special leave shall not be granted to staff members who adopt one or more children of their spouse or of their registered partner as provided for in Article 6, penultimate paragraph of Annex V to the Staff Regulations.

3. The special leave for adoption shall be granted no more than once per child and may not be split up. It may, however, be shared between the two parents if both are staff members.
4. In support of an application for this special leave, staff members must submit the child's birth certificate, the adoption certificate, a certificate to the effect that the spouse works at least half-time, where appropriate a certificate specifying the comparable leave to which the spouse is entitled, and all other necessary supporting documents issued by the competent national authorities.
5. The appointing authority may grant additional leave where the country in which the adoption procedure takes place requires a stay of one or both adoptive parents in order to complete the formalities. To qualify for this additional leave, the staff member must supply supporting documents showing this to be the case. Additional leave shall not be granted if the adoption procedure takes place in the staff member's country of employment.
6. Special leave of 10 days shall be granted if the staff member is not entitled to the special adoption leave of 20 or 24 weeks under this article. If more than one child is being adopted, this leave shall be increased to up to 20 days. If the adopted child has a disability or a serious illness, the leave shall be increased to 20 days. If more than one child, at least one of which has a disability or a serious illness, is being adopted, the leave shall be increased to 24 days.

Article 31 - Special leave for exceptional work

1. Special leave may be granted to staff members on an exceptional basis in the case of exceptional work which goes beyond a staff member's normal obligations.
2. Such special leave shall be granted at the latest three months after the appointing authority has taken a decision on the exceptional character of the staff member's work.
3. No travelling time shall be added to this special leave.

Chapter 3 - Special leave granted by analogy with that provided for in Article 6 of Annex V to the Staff Regulations

Article 32 - Serious illness of parents-in-law

1. Should a parent-in-law (spouse's biological or adoptive mother or father) of a staff member fall seriously ill, the staff member shall be entitled to up to two days of special leave, which may be split up. This special leave shall also be granted to staff members in a registered partnership as provided for in Article 6, penultimate paragraph of Annex V to the Staff Regulations.
2. In cases where the serious illness is chronic, and in special family circumstances, the appointing authority may grant one or two extensions up to a maximum of six days per calendar year.
3. In support of an application for this type of special leave, the staff member must submit to the relevant medical service the original of a medical certificate attesting to the seriousness of the illness and the need for the staff member's presence, together with a copy of the special leave application. The medical service shall deliver an opinion on the seriousness of the illness and, where appropriate, on its chronic nature. In an emergency, a copy or fax of the above documents

may be forwarded to the medical service in the first instance. The original must be submitted at a later date.

4. The appointing authority may grant travelling time on top of the special leave under the conditions laid down in Article 21 of these rules.

Article 33 - Death of brother, sister or parent-in-law

1. In the event of the death of a biological or adoptive brother or sister or a parent-in-law (spouse's biological or adoptive mother or father) of a staff member, the staff member shall be entitled to up to two days of special leave, which may be split up. This special leave shall also be granted to staff members in a registered partnership as provided for in Article 6, penultimate paragraph of Annex V to the Staff Regulations.
2. The leave may be taken at the time of the funeral or, depending on the deceased's background, of customary religious or civil ceremonies.
3. In support of an application for this special leave, the staff member must submit a death certificate. If a religious or civil ceremony is held, the staff member must also submit appropriate supporting documents attesting to this.
4. The appointing authority may grant travelling time on top of the special leave under the conditions laid down in Article 21 of these rules.

TITLE III - SPECIAL LEAVE NOT PROVIDED FOR IN THE STAFF REGULATIONS

Article 34 - General provisions

This type of leave shall be governed by the same general rules as the special leave referred to in Title II of these rules.

Article 35 - Special leave for legal summonses

1. Special leave may be granted where staff members are summoned to appear as witnesses in cases in which they are not involved - in other words in which they themselves have not been charged and are not involved as a private party or an opposing party.
2. Staff members called to sit on a jury shall be granted special leave for the entire period during which their presence is required.
3. In support of an application for this special leave, the staff member must submit a copy of the summons and a certificate of attendance to the Leave Office.
4. The appointing authority may grant travelling time on top of the special leave under the conditions laid down in Article 21 of these rules.

Article 36 - Special leave for military obligations

1. Staff members required to meet military obligations other than those provided for in Article 42 of the Staff Regulations (recruiting board, selection centre, etc.) may be granted official leave whose duration shall be set in accordance with the relevant legal obligations.
2. In support of an application for this special leave, the staff member must submit a copy of the notice to attend and a certificate of attendance.
3. The appointing authority may grant travelling time on top of the special leave under the conditions laid down in Article 21 of these rules.

Article 37 - Special leave for elections outside the place of employment

1. Special leave and/or travelling time may be granted to staff members to take part in the following outside their place of employment:
 - presidential elections;
 - parliamentary elections;
 - European Parliament elections;
 - referendums;
 - regional elections (German Länder, Spanish autonomous communities, Italian regions, etc.);
 - local government elections.
2. The special leave and/or travelling time shall be granted on condition that the staff member submits to the relevant department an official document certifying that he or she did indeed vote outside his or her place of employment. If no such document is issued, the staff member may submit to the relevant department any other form of proof of having voted.
3. This leave shall be granted as follows:

		Day of the elections	
		Non-working day (weekends and public holidays)	EP working day
Special leave ¹		NO	YES = ½ day
Flat-rate travelling time per journey, based on the distance in km between the place of employment and the place of voting ²	0-200	0	
	201-600	0	½ day
	601-1200	½ day	
	>1201	1 day	

¹ Special leave - One half-day's special leave shall be granted if the vote must be cast on a European Parliament working day.

² Travelling time - Flat-rate travelling time as shown in the table above shall be granted for each outward and return journey as follows:

- If the vote must be cast on a working day, the journey will be regarded as having been made immediately before and after the half-day's special leave; thus one of the two journeys will be made in part or in whole on the day of the vote.
 - If the vote is cast on a non-working day, the journey will be regarded as having been made on the day preceding and the day following the vote.
4. However, if the election is held on a day preceding or following a non-working day, travelling time shall not be granted for the outward or return journey corresponding to the non-working day.

If the election is held on a public holiday that is preceded and followed by a working day, a half day's travelling time shall, by way of an exception from the arrangements shown in the table, be granted for each outward and return journey where the distance is between 201 and 600 km.

5. Where an election comprises two rounds of voting, these shall be regarded as two separate elections for the purpose of applying these provisions, provided that the staff member furnishes proof of having returned to his or her place of employment between the two rounds.
6. Special leave shall not be granted in the case of a postal vote.

Special leave shall not be granted for elections in which staff members take part at their place of employment or at a distance therefrom that is compatible with the obligations laid down in Article 20 of the Staff Regulations (polling station in home country or in embassy or consulate).

In such cases, staff members may be given leave to absent themselves from work, with the agreement of their line managers, for the time strictly necessary in order to vote.

7. Where staff members are appointed teller or returning officer at a polling station, special leave shall be granted for the time required in order for them to discharge their duties in this respect, subject to the submission of appropriate supporting documents.
8. Special leave for elections outside the place of employment and/or flat-rate travelling time may be combined with a period of annual or special leave. In such cases, the travelling time shall be regarded as having been taken before and after either the special leave or the day of the elections. No travelling time shall be granted if the journey was not made immediately before or after the special leave or the day of the elections.

Where special leave for elections outside the place of employment and/or flat-rate travelling time is combined with a period of annual leave, the staff member must submit supporting documents in respect of the journey between the place of employment and the place of voting to the Leave Office.

Article 38 - Health cures

1. In respect of health cures other than post-operative or convalescence cures which are deemed necessary for strictly medical reasons and are duly authorised by the medical officer representing

the Joint Sickness Insurance Scheme, the appointing authority may grant special leave in respect of half the required duration of the cure, up to a maximum of seven-and-a-half working days, provided that the cure is taken in an establishment approved by the appropriate national authorities.

2. On return from the cure, the staff member shall forward to the Leave Office a certificate from the cure establishment giving the exact dates of the cure, together with a photocopy of the prior authorisation granted by the Joint Sickness Insurance Scheme's Settlements Office. The staff member must state the exact location of the cure (full address).
3. On a proposal from the institution's medical officer, based on the end-of-cure report, the appointing authority may grant up to seven-and-a-half days' extra leave on the staff member's return from the cure. Such additional leave may be granted only in respect of serious illness subject to 100% reimbursement by the Joint Sickness Insurance Scheme, where the cure forms part of the treatment.
4. Special leave in respect of a health cure may be granted only once in any 12-month period, and there shall be no entitlement to travelling time.
5. Should the medical officer consider that the authorised cure has not been fully completed and accordingly decide to reduce the amount to be reimbursed in respect of it, the amount of special leave shall be reduced by the same proportion.

Article 39 - Outside activities

1. Staff members authorised to engage in an outside activity under Article 12b of the Staff Regulations may be granted up to 12 days' special leave per year.
2. The appointing authority may grant travelling time on top of the special leave under the conditions laid down in Article 21 of these rules.

Article 40 - Attendance at competitions or examinations organised by EPSO or an EU institution or agency

1. Staff members taking part in a competition or examination organised by EPSO or an EU institution or agency may be granted special leave for the duration of the tests to be sat. No more than half a day's leave may be granted for pre-selection tests.
2. Staff members shall not be granted leave to attend an interview held with a view to filling a post, or to prepare for an examination.
3. To qualify for this leave, staff members must submit to the Leave Office a copy of their notification and proof of actual participation in the tests, or any other document certifying their attendance at the tests and the duration of the tests.
4. The appointing authority may grant travelling time on top of the special leave under the conditions laid down in Article 21 of these rules.

Article 41 - Time off for breastfeeding

1. A staff member returning from maternity leave may, on application to her line manager at a level no lower than head of unit, be given two hours' time off a day in order to breastfeed her child.
2. Time off for this purpose may be granted until the end of the sixth month following the date on which the staff member gave birth, on submission of a medical certificate confirming that she is breastfeeding. That certificate shall be submitted to the medical service, which shall notify the staff member's line manager.
3. Following that period, time off shall be granted, on an exceptional basis, if the staff member submits a medical certificate certifying that the child needs to be breastfed for medical reasons. Time off for breastfeeding may not be granted after the twelfth month following the date on which the staff member gave birth.
4. The specific arrangements for this time off, which, as a general rule, should be granted at around the time of the midday break, shall be determined by common accord between the staff member and her line manager, without the involvement of the Leave Office.
5. These arrangements are not compatible with part-time working.

Article 42 - Seeking employment at the end of a contract

1. Special leave of one day per week, which may be split into two half-days per week, may be granted to temporary or contract staff members to allow them to seek new employment, up to a total of four days, during the six weeks before their contract finally comes to an end, on the following conditions:
 - the contract must not be in the process of being extended;
 - the contract must not be ending as a result of a voluntary decision by the staff member or termination without notice;
 - the special leave may not be added to annual entitlements, be carried over or be paid out when the staff member leaves the service;
 - the staff member must forward, within 24 hours of returning from such leave, a document proving that he or she approached an organisation, company or private individual with a view to securing new employment (certificate of attendance at an interview, etc.).
2. The appointing authority may grant travelling time on top of the special leave under the conditions laid down in Article 21 of these rules.

Article 43 - Consulting a doctor away from the place of employment

1. Members of staff who need to consult a doctor less than 65 km from their place of employment must inform their line manager of their intended absence from work for that purpose. They may be absent for the time strictly necessary for the consultation and for any travel involved. No more than half a day shall be allowed for this. No other formalities are required.

The number of such consultations in any given calendar year must be kept within reasonable limits. Should the system appear to be being abused, the staff member's line manager may ask the medical service to draw up a medical report in order to establish whether there is a genuine medical reason for the consultations and whether any alternatives are available, with a view to avoiding unnecessary disruption of the work of the staff member's department. If the medical service delivers an unfavourable opinion, any further absences during working hours for the same complaints shall be covered by annual leave.

2. Members of staff who need to consult a doctor more than 65 km from their place of employment must apply to Parliament's medical officer for prior authorisation. They must then submit a special-leave application and, within one month of the consultation, send the relevant medical service a copy of the prior authorisation and a certificate issued by the doctor consulted that confirms the date and time of the consultation. If the doctor's certificate is submitted late, the special leave shall not be granted.

The medical service shall enter the details of the doctor's certificate into Parliament's management system. It shall then forward an opinion to the Leave Office so that the special-leave application may be regularised. The medical officer's opinion shall not be binding on the appointing authority, which may take a reasoned decision to disregard it.

No more than 12 consultations shall be authorised per calendar year, and no more than two per period of seven calendar days.

If no doctor's certificate proving that the consultation took place is submitted, the days' absence shall be deducted from the staff member's annual leave.

Travelling time may be granted at the medical officer's discretion if the doctor consulted is based at least 200 km from the place of employment, if the consultation takes place at a teaching hospital and/or if a serious illness, as recognised by the Joint Sickness Insurance Scheme, is involved.

Travelling time shall be granted only on submission of supporting documents proving that the staff member travelled to the consultation, with due regard for the circumstances and provided that the travel immediately preceded or followed the consultation. Those travel-related supporting documents shall be submitted to the Leave Office. Similarly, travelling time shall be granted only if the journey(s) took place during the institution's working hours on a working day.

3. No special leave may be granted in respect of consultations which take place during a period of annual or compensatory leave or maternity or parental leave. In cases involving a series of short consultations, tests or treatment sessions requiring the staff member to be absent for several days (e.g. every morning for a week), the absence shall be treated as:
 - special leave for the first consultation, test or treatment session;
 - annual leave after that.
4. Where long-term treatment is required, the staff member must apply to Parliament's medical examiner, who shall decide, on a case-by-case basis, whether the staff member is in fact unfit for work and sick leave would be more appropriate than special leave.

TITLE IV - OTHER TYPES OF LEAVE PROVIDED FOR IN THE STAFF REGULATIONS

Article 44 - Maternity leave

1. Staff members who are pregnant shall be entitled to 20 weeks' maternity leave. During maternity leave their salary shall be paid in full.
2. Maternity leave shall begin no earlier than six weeks before the date on which the staff member is due to give birth. That date must be specified in a medical certificate that must be sent to the Leave Office in Luxembourg. Maternity leave shall end no earlier than 14 weeks after the staff member has given birth.
3. The duration of maternity leave may not be shortened on any grounds whatsoever.

Furthermore, no applications may be made for special leave or professional training courses during a period of maternity leave.
4. Pregnant women may choose to continue working until they give birth and take all their maternity leave afterwards.
5. Public holidays and office closing days falling during maternity leave may not be reclaimed.
6. In the event of a multiple or premature birth, or the birth of a child with a disability, the maternity leave entitlement shall be extended to 24 weeks. A birth shall be regarded as premature if it occurs before the end of the thirty-fourth week of pregnancy.
7. In order to qualify for the four extra weeks of maternity leave, the staff member must apply to the Leave Office and send the necessary medical documents to the relevant medical service, which shall deliver an opinion to the appointing authority.
8. Pregnant women are asked to send the Leave Office a medical certificate specifying the date on which they are scheduled to give birth when they enter their third month of pregnancy. Before going on maternity leave, they must apply for maternity leave through Parliament's management system and have the application approved by their line manager.
9. Maternity leave shall begin no later than the date on which the staff member gives birth. Should a staff member give birth before the date she specified as the start of her maternity leave, the Leave Office shall make the adjustments to the leave period required in order for it to start on the date on which she gave birth, and shall inform the staff member that it has done so.
10. Should the child die during childbirth or shortly afterwards, or should the staff member lose the baby between the thirtieth week of pregnancy and the scheduled delivery date, the staff member may choose whether to take the whole of the maternity leave or not.

Article 45 - Other leave provided for in the Staff Regulations

1. Entitlement to the following types of leave, which are covered by separate rules, is based on the staff member's administrative status, in accordance with Article 35 of the Staff Regulations:
 - Parental leave (Article 42a of the Staff Regulations and Articles 16 and 91 of the CEOS)
 - Family leave (Article 42b of the Staff Regulations and Articles 16 and 91 of the CEOS)
 - Leave on personal grounds (Article 40 of the Staff Regulations and Articles 17 and 91 of the CEOS)
 - Leave for military service (Article 42 of the Staff Regulations and Articles 18, 75 and 91 of the CEOS)
 - Further-training leave (Article 24a, first paragraph of the Staff Regulations)
2. The arrangements for implementing Article 60(2) of the Staff Regulations are laid down in a separate set of rules.

TITLE V - FINAL PROVISIONS

Article 46 - Carrying over leave from 2013 to 2014

1. The number of hours' outstanding leave from 2013 that may be carried over to 2014 shall be multiplied by 1.0666667. The number of hours that may be carried over shall be calculated in accordance with the principles laid down in Article 16 of these rules.
2. Starting on 1 January 2014, days of leave, including days taken in January 2014 which will be deducted from the leave balance for 2013, shall be recorded in accordance with the working-time arrangements (standard, special schedule, part-time) applicable from that date.

Article 47 - Entry into force

These internal rules shall apply from 1 January 2014. They shall replace the Guide to Leave and Absence of 10 November 2008.

Luxembourg,

Klaus WELLE
Secretary-General

ANNEX - OVERVIEW OF SPECIAL LEAVE

Article	Type of special leave	Number of days	Officials	Other staff	Travelling time
A. Special leave provided for in the Staff Regulations:					
Art. 22	Marriage of staff member	Up to 4 days	X	X	X
Art. 23	Change of residence	Up to 2 days	X	X	X
Art. 24	Serious illness of spouse/registered partner	Up to 3 days	X	X	X
Art. 24	Serious illness of relative in the ascending line	Up to 2 days	X	X	X
Art. 25	Serious illness of a child	Up to 2 days	X	X	X
Art. 25	Very serious illness of a child	Up to 5 days	X	X	X
Art. 26	Death of spouse/partner	Up to 4 days	X	X	X
Art. 26	Death of a child	Up to 4 days	X	X	X
Art. 26	Death of relative in the ascending line	Up to 2 days	X	X	X
Art. 27	Death of spouse/partner during maternity leave	Up to 24 weeks	X	X	N/A
Art. 28	Marriage of a child of a staff member	Up to 2 days	X	X	X
Art. 29	Birth of a child	Up to 10 days	X	X	X
	Birth of two children or more	Up to 20 days	X	X	X
	Birth of a child with a disability or serious illness	Up to 20 days	X	X	X
	Birth or two children or more, at least one of whom has a disability or serious illness	Up to 24 days	X	X	X
Art. 30	Adoption of a child	Up to 20 weeks	X	X	N/A
	Adoption of a child with a disability	Up to 24 weeks	X	X	N/A
Art. 31	Exceptional work	Varies	X	X	N/A
B. Special leave granted by analogy with the Staff Regulations:					
Art. 32	Serious illness of parents-in-law	Up to 2 days	X	X	X
Art. 33	Death of brothers, sisters, parents-in-law	Up to 2 days	X	X	X
C. Special leave not provided for in the Staff Regulations:					
Art. 35	Legal summonses	Time required	X	X	X
Art. 36	Military obligations	Time required	X	X	X
Art. 37	Elections	½ day Time required if teller	X	X	Subject to conditions
Art. 38	Health cures	Up to 7.5 days per 12-month period	X	X	N/A
Art. 39	Outside activities	Up to 12 days/year	X	X	X
Art. 40	Attendance at competitions or examinations organised by EPSO or an EU institution or agency	Duration of tests	X	X	X
Art. 42	Seeking employment at the end of a contract	Up to 4 days	X	X	X
Art. 43	Consulting a doctor away from place of employment	½ day/consultation	X	X	X
D. Other types of leave provided for in the Staff Regulations:					
Art. 44	Maternity leave	20 weeks	X	X	N/A
	Maternity leave for a multiple or premature birth or birth of a child with a disability	24 weeks	X	X	N/A

