

## Amendment to the implementing provisions for Article 42a of the Staff Regulations and General Conditions of Employment concerning parental leave

Attachment: Amended implementing provisions for Article 42a of the Staff Regulations and General Conditions of Employment.

### 1. INTRODUCTION

It has been deemed necessary to clarify the definition of 'single parent' in Article 4 of the implementing provisions for Article 42a of the Staff Regulations and General Conditions of Employment set out in Office Notice No. 09/09 dated 19.02.09 relating to parental leave. The intention is to define the specific conditions applicable to the granting of parental leave to the 'single parent'.

The present Office Notice also modifies Articles 1 and 2 of the aforementioned implementing provisions in order to include specific provisions for the operational staff of the Maastricht Centre and of the FCO function group.

The amendments to the aforementioned implementing provisions are contained in the **Attachment**.

### 2. SCOPE

The present Office Notice applies to officials and servants, and to contract staff under the conditions set out in Article 11 of the Conditions of Employment of Contract Staff at EUROCONTROL.

For O function group servants at the Maastricht Centre, the provisions of Rule of Application No 21b remain applicable.

For FCO function group officials, the provisions of Rule of Application No 29 are also applicable.

3. ENTRY INTO FORCE

The provisions of the present Rule will enter into force as from 1 January 2018.

Consequently, any requests for parental leave after 1 January 2018 **already submitted** or submitted between the date of publication and the date of entry into force of the present Office Notice will be examined in accordance with the present Office Notice. Requests for parental leave before 1 January 2018 will continue to be governed by Office Notice No. 29/08 dated 27.06.08 and No. 09/09 dated 19.02.09.

This Office Notice supersedes Office Notice No. 29/08 dated 27.06.08 and No. 09/09 dated 19.02.09 on the date of its entry into force.





Frank BRENNER  
Director General

**IMPLEMENTING PROVISIONS FOR ARTICLE 42A OF THE STAFF REGULATIONS**  
**RELATING TO PARENTAL LEAVE**

Article 1 - General

Parental leave is an individual right, it may not be refused. Where parental leave is requested for a period immediately after maternity, adoption or paternity leave, it may not be postponed by the Director General. In all other cases it may exceptionally be postponed for a maximum of one month if duly justified by the interest of the service. **For operational staff in the FCO function group or at the Maastricht Centre working in shifts and on stand-by, such postponement shall be for a maximum of two months.**

Article 2 - Procedure

The request for parental leave shall be submitted by the official through his immediate superior at least three months before the requested starting date; the period of three months is reduced to two months before the requested starting date if the duration of the requested leave is not more than two months; it is reduced to one month in the case of a request for parental leave to be taken directly after maternity or adoption leave; if taken directly after paternity leave the period is reduced to two weeks. The aforementioned periods may be exceptionally reduced at the request of the official, subject to the agreement of the Director concerned.

For the operational staff working in shifts and stand-by in the NM Operational Staff Service the request for parental leave shall be submitted by the person through his immediate superior at least ~~four~~ **six** months before the requested starting date **and nine months in the case of operational staff at the Maastricht Centre. For the two aforementioned categories**, it is reduced to ~~two~~ **three** months in the case of a request for parental leave to be taken directly after maternity or adoption leave; if taken directly after paternity leave ~~and not exceeding one month~~, it is reduced to ~~one month~~ **two weeks**. However, any staff member may send the Director General, via line management, a request for dispensation from the periods of notice referred to above, accompanied by information in support of the request.

The specific provisions applicable to the servants function group O shall be governed by Rule of Application No 21b, Article 6a.

The request shall clearly indicate the name and the date of birth or adoption of the dependent child on behalf of whom parental leave will be taken, the exact duration, and whether parental leave is being requested full-time or half-time. In the case of an unborn child, the name and date of birth of the child will be supplied within a month of the date of birth.

The request for parental leave may be renewed under the same terms, within the limits of the maximum duration specified in Article 42a of the Staff Regulations.

The Director General may, at the request of the official concerned, withdraw the decision granting parental leave before the expiry of the period for which it was granted. The official shall give at least one month's notice thereof, unless otherwise agreed between him and the service.

Article 3 - Parental leave taken on a half-time basis

In case of parental leave taken on a half-time basis, the working time arrangements have to be agreed by the immediate superior, taking into account the interest of the service.

During parental leave on a half-time basis the official shall not work overtime.

Article 4 - Single parent

~~A single parent for the purposes of Article 42a, first paragraph, of the Staff Regulations is an official with a dependent child who is~~

- ~~— not married,~~
- ~~— not in a non-marital partnership under the terms of Article 1, paragraph 2, point (c), (i), of Rule of Application No. 7 of the Staff Regulations,~~
- ~~— not in a partnership recognised by the Agency.~~

~~An official who is legally separated may be regarded as a single parent if he can provide sufficient evidence showing that he is de facto bringing up the child alone.~~

~~The official requesting parental leave as a single parent shall make a written declaration confirming that he fulfils the conditions mentioned in the three indents of the previous paragraph.~~

**For the purposes of Article 42a of the Staff Regulations and of the General Conditions of Employment, a single parent is deemed to be an official with a dependent child who raises the child alone full-time and provides for its needs with no financial support.**

**However, single-parent status may be granted where the divorced parent is raising the child alone full-time and has financial support which is less than the difference between the allowance received for standard parental leave and that received for parental leave for a single parent.**

**Similarly, irrespective of whether his orphaned child is in receipt of financial assistance, a widowed official raising the child alone shall be deemed to be a single parent.**

**An official applying for parental leave as a single parent shall fill in the appropriate form, declaring on his honour that he fulfils the above conditions, and shall attach any supporting documents which may serve as proof of the situation.**

Article 5 - Leave entitlements during parental leave

Annual leave entitlements for an official who is on parental leave for part of the year shall be reduced proportionally.