

GENERAL IMPLEMENTING PROVISIONS CONCERNING PARENTAL LEAVE

THE SECRETARY-GENERAL OF THE EUROPEAN PARLIAMENT,

having regard to the Staff Regulations of Officials of the European Union (hereinafter referred to as ‘the Staff Regulations’) and the Conditions of Employment of Other Servants of the European Union (hereinafter referred to as ‘the CEOS’), and in particular Article 42a of the Staff Regulations and Articles 16, 91 and 131(5) of the CEOS,

having regard to the Bureau Decision of 9 December 2013 delegating to the Secretary-General the powers necessary for the adoption of internal rules, rules of application and implementing measures necessitated by the revision of the Staff Regulations and the CEOS,

having regard to the opinion of the Staff Regulations Committee of 8 July 2014,

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

HAS ADOPTED THESE GENERAL IMPLEMENTING PROVISIONS

Article 1 Scope

These general implementing provisions shall apply to officials in accordance with the provisions of Article 42a of the Staff Regulations and to temporary staff, contract staff and accredited parliamentary assistants for the duration of their contracts in accordance with the provisions of Articles 16, 91 and 131(5) respectively of the CEOS (all these persons shall hereinafter be referred to as ‘agents’).

Article 2 Procedure

1. Requests for authorisation to take parental leave shall be submitted through an agent’s immediate superior at least two months prior to the proposed starting date. That time limit shall be reduced to one month if the period of leave being requested is no longer than two months or if it is to be taken immediately after a period of maternity, adoption or paternity leave.
2. Requests shall specify the name and date of birth or adoption of the child and the period of leave being requested. They shall state whether parental leave is being requested on a full-time or half-time basis. If the child has not yet been born, the name and date of birth shall be submitted to the appointing authority or the authority authorised to conclude contracts (hereinafter referred to jointly as ‘the appointing authority’) within two weeks of the birth of the child.

3. An agent who has cited as the grounds for requesting authorisation to take parental leave the need to care for a child who has a disability or a serious illness shall be required to forward to the medical service for his or her place of employment within one week of submitting the request, and under sealed cover, a medical certificate specifying the nature of the child's disability or serious illness.
4. Where authorisation to take parental leave is requested for a period immediately following a period of maternity, adoption or paternity leave, the appointing authority may not defer the starting date. In all other cases, the starting date may exceptionally be deferred for a maximum of one month, provided that this is justified by the interests of the service.
5. Parental leave may be renewed or extended within the limits and in accordance with the arrangements laid down in Article 42a of the Staff Regulations.

Article 3
**Amending the authorisation to take parental
leave**

1. Should the circumstances that originally justified the granting of parental leave change, the agent may ask the appointing authority to terminate the parental leave authorisation or revise its terms before the period of leave granted has ended, provided that notice of no less than one month is given.
2. The agent may ask the appointing authority to terminate the parental leave authorisation in the event of illness or accident. The appointing authority may approve such requests in exceptional cases, taking due account of the likely duration of the period of sick leave, the duration of the period of parental leave and the issue of whether the illness or accident is such as to prevent the agent from caring for his or her child.

Save in exceptional circumstances, agents shall submit their requests to the appointing authority within 10 working days of the start of the illness or of the date of the accident, accompanied by a medical certificate, the original of which must be forwarded under sealed cover to the Medical Leave Service as soon as possible.

The appointing authority shall take a decision with effect from the date of receipt of the aforementioned request by the competent service of the directorate-general responsible for personnel matters.

Article 4
**Parental leave on a half-
time basis**

1. Subject to the provisions of Article 2(4), where parental leave is taken on a half-time basis Article 55a of the Staff Regulations and the provisions of Annex IVa to the Staff Regulations, together with the internal rules on part-time working, shall apply.

2. The arrangements for half-time working shall be drawn up by the agent's immediate superior in the light of the agent's needs, but without jeopardising the proper functioning of the service.
3. Agents on part-time parental leave may not be given duties that are incompatible with the terms of their part-time parental leave arrangements without their prior agreement, save where this is justified for overriding service reasons.

Article 5
Special case of agents employed on a part-time basis

1. Agents employed on a part-time contract shall be eligible for full-time parental leave and shall be paid a parental leave allowance reduced on a pro-rata basis in keeping with their working time.
2. Agents employed on a half-time contract shall not be eligible for half-time parental leave.
3. Agents employed on a contract covering more than 50 % of the normal working time shall be eligible for half-time parental leave and shall be paid a reduced parental leave allowance corresponding to the hours they normally work in excess of half time.
4. The provisions of the previous paragraphs shall not apply to agents employed on a full-time basis who have subsequently been authorised to work part time. In such cases, part-time working shall be suspended for the duration of the period of parental leave granted.

Article 6
Single parent

1. A single parent within the meaning of Article 42a(1) of the Staff Regulations shall be taken to mean an agent with one or more dependent children who:
 - is not married, or is married but legally separated,
 - or
 - is not registered as a stable non-marital partner within the meaning of Article 1(2)(c) of Annex VII to the Staff Regulations,
 - and
 - has sole primary parental responsibility for the child or children.
2. An agent who submits a request for parental leave as a single parent shall be required to produce supporting documents confirming that he or she meets the criteria set out in paragraph 1.

3. If an agent becomes a single parent, he or she shall be entitled – in respect of each child – to the residual difference between the maximum period of parental leave granted to single parents (i.e. 24 months = 12 months + possible extension for a further 12 months) and the period of leave already taken as a non-single parent.
4. If an agent ceases to be a single parent, he or she shall be entitled – in respect of each child – to the maximum period of parental leave granted to non-single parents (i.e. 12 months = six months + possible extension for a further 12 months).

Article 7
Leave entitlements during parental leave

The annual leave entitlement of an agent who is on parental leave shall be reduced in proportion to his or her absence on those grounds. The entitlement to additional leave on the grounds of age and grade shall not be reduced.

Article 8
Final provisions

1. These rules shall enter into force on the first day of the month following that in which they are signed.
2. They replace the general implementing provisions of 18 May 2004.

Done at Luxembourg, on 4 September 2014

Klaus WELLE