



EUROPEAN COMMISSION
DIRECTORATE-GENERAL
HUMAN RESOURCES AND SECURITY
The Director-General

Brussels
HR/GI/D7/MD

**NOTE FOR THE ATTENTION OF MR ATHANASIOS KATSOGIANNIS,
PRESIDENT OF THE CENTRAL STAFF COMMITTEE**

Subject: [Re] Closure of Loi-56 Building 25 July-19 August

Ref.: Your note of 22 July 2022, Ares(2022)5321057

Thank you for the note under reference, by which you raise the matter of the closure of the L-56 building during the summer.

As you point out in your note, such closures are in line with the action plan on greening the Commission. As well as L-56, 3 other buildings will be closed during this summer's exercise: COV2 (Executives Agencies), G-12 (DGT), and SPA2 (EACEA and DG FISMA). I would like to highlight upfront that this summer's closures should be considered as a pilot-project. Building on this, further closures are to be expected in the future, for which we will take into account, among other things, the aspects you raise.

It is indeed correct that neither the Central Staff Committee nor the CPPT, nor the new joint committee on hybrid working have been informed and/or consulted. This is because it can be considered that the decision to temporarily lift the obligation of 40% office presence per week is based on Article 9(9) of the Commission Decision on working time and hybrid working¹, under which no consultation of the Central Staff Committee is necessary.

In that regard, it may be appropriate to recall that Article 9(9) provides that staff members may be authorised to telework more than 60% of the week, when the line manager considers it necessary in the interests of the service. Furthermore, pursuant to Article 2(3) of the Decision, Directors-General and Heads of Service may give instructions to line managers on how to exercise the discretion offered to them by Article 9(9). Accordingly, a combined reading of Articles 2(3) and 9(9) could suggest that Directors-General and Heads of Service could, by issuing instructions to line managers, temporarily lift the requirement of a minimum of 40% of office presence per week.

In addition, authorising staff members to telework full time in the circumstances referred to in your note is consistent with the requirement that this authorisation be necessary in the interests of the service. Indeed, teleworking for 100% is necessary due to the closure of the building and the short time available to organise the possibility for all staff concerned to work from other buildings. Moreover, the closure itself is necessary in the

¹ Commission Decision C(2022) 1788 final of 24.4.2022 on working time and hybrid working.

interests of the service because of the need to reduce overall energy consumption, both to respect our commitments set out in the “Greening the Commission” communication² and to respond to the current energy crisis. Against this background, the services that joined the pilot project, such as DG COMM, could reasonably take the view that Articles 2(3) and 9(9) of Commission Decision C(2022) 1788 could provide a sufficient legal basis for lifting the mandatory minimum presence at the office during the summer period.

That said, as you might recall from the social dialogue that took place prior to the adoption of Decision C(2022) 1788, Article 9(9) thereof was only meant to address individual situations where, for a limited period of time, it is necessary that a staff member be allowed to telework full time. This may notably be the case where a staff member needs to finalise an important project within a short time limit and must therefore telework full time to be able to concentrate on the said project.

A decision to lift the mandatory minimum presence of 40% for an entire service or parts thereof should instead be adopted pursuant to Article 12(1) of Decision C(2022) 1788, as was recently done for DGT. This aspect will be clearly specified in the Guidelines that DG HR will adopt in the coming months in accordance with Article 2(1) of the Decision. Nonetheless, in the absence of the Guidelines, and as I mentioned above, the services that joined the pilot project could reasonably take the view that Articles 2(3) and 9(9) could provide a sufficient legal basis. Accordingly, DG HR will exceptionally accept the decision of these services.

The clarifications contained in the forthcoming Guidelines will avoid that such a situation will occur again in the future. Moreover, even before the adoption of the Guidelines, my services will inform the Directorates-General and Services that the authorisation to telework 100% for all or part of a service can only be authorised by DG HR in accordance with Article 12(1) of Decision C(2022) 1788, and that the Central Staff Committee must be consulted. This will be taken into account in the coordination of future building closure actions.

Finally, for staff who need to be in the office during this summer’s closure of the L-56 building, OIB will treat any technical assistance request submitted in MITS or to the 55555. Please note, however, that given the opportunities in B-28, MO15, BRE2 and BERL, and the usual office presence in that period, one should not expect many problems. For the future closing actions, we will ensure that there is always the possibility of working in another building and that the procedures for doing so are well communicated. In the specific case of a need for desks of adjustable height, please note that the adjustable desks are indicated on where2desk.

Electronically signed

Gertrud Ingestad, absent
p.p. Luminita Nicolaie

c.c.: Ms P. AHRENKILDE HANSEN (Director-General, COMM)
Mr M. BECQUET (Director, OIB)
Mr C. ROQUES (Acting Director, HR.D)
Mr B. SAINT AUBAIN (Head of Unit, HR.D.1)
Ms L. LEDOUX (Head of Unit, HR.D.7)

² Communication to the Commission C(2022) 2230 final of 5.4.2022 on Greening the Commission.