



Brussels, 16.3.2020  
C(2020) 1559 final

**COMMISSION DECISION**

**of 16.3.2020**

**amending Decision C(2013) 9051 of 16 December 2013 on leave**

## COMMISSION DECISION

of 16.3.2020

amending Decision C(2013) 9051 of 16 December 2013 on leave

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to the Staff Regulations of Officials of the European Union and the Conditions of Employment of Other Servants of the European Union (CEOS), originally laid down by Council Regulation (EEC, Euratom, ECSC) No 259/68,<sup>1</sup> and in particular Articles 57 and 58 of the Staff Regulations and Annex V thereto, and Articles 16 and 91 of the CEOS,

Having regard to the opinion of the Central Staff Committee, issued on 23 September 2019,

Whereas:

- (1) Under the Staff Regulations, the arrival of a newborn child in a household following a birth or adoption entitles an official to maternity leave or special leave for adoption so that at least one of the parents can fully care for the child.
- (2) Experience has shown that, in the light of developments in reproductive medicine, laws on procreation and parenthood and the societal context, in some cases of parenthood the conditions for maternity or adoption leave to be granted were not met when a newborn child arrived in a household.
- (3) The Staff Regulations allow the Appointing Authority to grant special ad-hoc leave in order to take certain specific circumstances into account. On this basis, special leave to take into account the circumstances described in recital (2) has already been granted by the Appointing Authority in the past with the aim of safeguarding the child's overriding interest and ensuring inclusive interpretation of the statutory provisions.
- (4) This special leave also applies to single parents.
- (5) The duration of this special leave should be the same as that of maternity or adoption leave.

HAS DECIDED AS FOLLOWS:

### *Article 1*

In the Annex to Decision C(2013) 9051, the following point II.a.13a is added:

‘II.a.13s Arrival in the household of a new-born child

#### **Conditions for the granting of leave**

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<sup>1</sup> OJ L 56, 4.3.1968, p. 1. .

When a child is born and is then received by a staff member into his/her household, special leave equivalent to special leave for adoption shall be granted to the staff member where neither he/she nor his/her partner meets the conditions to benefit from maternity leave.

The term 'child' in the above paragraph means a dependent child within the meaning of the first and second paragraphs of Article 2(2) of Annex VII to the Staff Regulations, as well as a child for whom an official procedure for the recognition of paternity or maternity or equivalent procedure has been initiated.

This leave shall start at the earliest one week before the expected date of the birth and at the latest one week after the day on which the child is born.

Notwithstanding the above criteria, the arrangements applying to special leave for adoption shall apply *mutatis mutandis*.

Where such special leave has been granted and the child is later adopted by either or both spouses, no special leave shall be granted for the adoption of that child.

### **Supporting documents**

When applying for special leave, the staff member shall submit a sworn statement to the administration, describing the steps taken that demonstrate the intention to become a parent.

Following the birth, the staff member shall supply all the documents relating to the official steps taken to establish the paternity or maternity relationship with the child, without delay and within six months at the latest'.

#### *Article 2*

The implementation of the provisions relating to special leave for the arrival in the household of a newborn child will be assessed within two years following his or her adoption; where applicable, corrective measures may be envisaged. The staff representatives will be able to provide any information they consider useful for carrying out that assessment.

#### *Article 3*

The decision shall take effect on the day after its adoption.

Done at Brussels, 16.3.2020

*For the Commission  
Johannes HAHN  
Member of the Commission*