



Council of the European Union
General Secretariat

Brussels, 8 February 2024
(OR. en)

DE 12/24

LEGAL ACTS

Subject: DECISION No 12/2024 OF THE SECRETARY-GENERAL OF THE
COUNCIL implementing Article 1d(4) of the Staff Regulations as regards
reasonable accommodation arrangements for persons with disabilities

DECISION No 12/2024
OF THE SECRETARY-GENERAL OF THE COUNCIL

**implementing Article 1d(4) of the Staff Regulations as regards reasonable accommodation
arrangements for persons with disabilities**

THE SECRETARY-GENERAL OF THE COUNCIL

Having regard to the Staff Regulations of officials of the European Union, in particular Article 1d(4), as well as the Conditions of Employment of Other Servants of the European Union, in particular Articles 10(1) and 80(4) thereof, laid down in Council Regulation (EEC, Euratom, ECSC) No 259/68¹,

After consulting the Staff Committee,

After consulting the Joint Committee on Diversity and Inclusion,

After consulting the Data Protection Office,

Whereas:

- (1) It is necessary to provide for implementing provisions of Article 1d(4) of the Staff Regulations and set out a framework for all types of reasonable accommodation arrangements, which can be made available for all officials, temporary and contract staff, experts seconded to the General Secretariat of the Council (hereinafter 'the GSC') and trainees of the GSC, in line with the general objectives of the GSC's diversity and inclusion policy,

¹ OJ L 56, 4.3.1968, p. 1.

- (2) A review of the rules and procedure for reasonable accommodation is necessary in view of the increase and diversification of reasonable accommodation requests and the experience from the implementation of Decision No 12/2019 of the Secretary-General²,

HAS DECIDED AS FOLLOWS:

Article 1

Scope and definitions

1. This Decision sets out a framework for the examination of all requests for reasonable accommodation and the implementation of arrangements granted.
2. This Decision shall apply to officials, temporary and contract staff of the GSC, experts seconded to the GSC within the meaning of Council Decision (EU) 2015/1027³ and trainees within the meaning of Decision No 57/22 of the Secretary-General of the Council⁴.
3. Requests for arrangements that are linked to a disability fall under the scope of reasonable accommodation.

² Decision No 12/2019 of the Secretary-General of 11 April 2019 implementing Article 1d(4) of the Staff Regulations as regards reasonable accommodation arrangements for persons with disabilities and establishing the procedures for the handling of requests.

³ Council Decision (EU) 2015/1027 of 23 June 2015 concerning the rules applicable to experts on secondment to the General Secretariat of the Council and repealing Decision 2007/829/EC (OJ L 163, 30.6.2015, p.40).

⁴ Decision n°57/22 ([EN version](#)) of the Secretary-General of the Council on rules relating to traineeships at the General Secretariat of the Council of the European Union.

4. This Decision shall apply to requests made after appointment and during employment. It shall also apply to requests from candidates in internal competitions. It shall not apply to requests from candidates during recruitment⁵, and shall not apply to medical examination of successful candidates before appointment⁶.
5. For the purposes of this Decision, the following definitions shall apply:
- (a) 'Disability' means a long-term physical, mental, intellectual or sensory impairment, which, in interaction with various barriers, may hinder the full and effective participation in society on an equal basis with others.
 - (b) 'Reasonable accommodation' (hereinafter 'RA'), in relation to the essential functions of the job, means appropriate measures, where needed, to enable a person with a disability to have access to, participate in, or advance in employment, or to undergo training, unless such measures would impose a disproportionate burden on the employer.

Support measures applied in the context of return to work after absence for medical reasons⁷ and preventive ergonomic measures which are not linked to a disability do not fall under the scope of RA.

⁵ These are examined under Article 3(1) of Decision n° 31/2021 ([EN version](#)) of the Secretary-General of the Council on recruitment policy and procedures within the General Secretariat of the Council.

⁶ As per Article 33(1) of the Staff Regulations.

⁷ Decision n° 9/2022 ([EN version](#)) of the Secretary-General of the Council laying down rules for applying the provisions of the Staff Regulations in relation to absence owing to illness or accident.

Article 2
Procedure

1. The person concerned submits their request to the Diversity and Inclusion Office. A new request may be submitted when the needs of the person concerned change in comparison to previous circumstances.
2. If a request is submitted to the Medical Service or the ergonomist, they shall forward it without delay to the Diversity and Inclusion Office.
3. The Diversity and Inclusion Office registers the request and sends it to the Medical Service.
4. The Medical Service appoints a medical officer to assess the existence of disability. To this end, the medical officer may ask the person concerned for more information or carry out a medical consultation.

The medical officer will draw up a medical report within 15 working days of receipt of the request and submit it to the Diversity and Inclusion Office.

In exceptional and duly justified cases, the Diversity and Inclusion Office may grant, at own initiative or on request, shorter or longer deadlines.

5. In case disability is not confirmed, the medical officer does not draw up a medical report and informs the Diversity and Inclusion Office accordingly. The Diversity and Inclusion Office ends the procedure and notifies the person concerned. Within 20 days of such notification, the person concerned may request that the case be submitted for the opinion of a medical committee composed of three doctors chosen by the appointing authority from among the institutions' medical officers. The medical officer responsible for the initial assessment shall be heard by the medical committee. The person concerned may refer the opinion of a doctor of their choice to the medical committee. The committee shall issue a medical report on whether the person concerned has a disability. The medical report of the committee is final.
6. Where a disability is confirmed, the Medical Service sends the medical report to the Diversity and Inclusion Office. Upon receiving the report, the Diversity and Inclusion Office shall convene without delay a meeting of the advisory committee (hereinafter 'the committee') comprising the Diversity and Inclusion Officer, the line manager of the person concerned, and the appointed medical officer to assess whether the measures requested are appropriate to enable the person concerned to have access to, participate in, or advance in employment, or to undergo training and whether such measures would impose a disproportionate burden on the GSC.
The assessment is given in an opinion addressed to the Appointing Authority.
7. To prepare its opinion, the committee may seek from other services information about the cost and availability of the requested arrangements and the overall administrative effort to put these in place.
8. The committee shall adopt its opinions by simple majority. Where necessary, an opinion may be adopted via a written procedure. The Committee shall submit its opinion to the Appointing Authority within 15 working days of receipt of the medical report.

9. The committee may propose the Appointing Authority to grant, to not grant, or to grant under conditions the arrangements requested. It may also propose to review the situation at a later stage.

The Appointing Authority, based on the committee's opinion, shall decide whether the arrangements proposed are appropriate to enable the person concerned to have access to, participate in, or advance in employment, or to undergo training and whether such measures would impose a disproportionate burden on the GSC.

10. The Diversity and Inclusion Office shall notify the Appointing Authority's decision to the person concerned.
11. All requests for arrangements during internal competition shall be assigned to the same GSC medical officer and then discussed jointly in one committee meeting to ensure fair treatment of all candidates of that specific internal competition. The committee shall comprise the Diversity and Inclusion Officer, the Head of the Staffing and Mobility Unit or another person appointed by them who is involved in the organisation of the internal competition, and a GSC medical officer.

Article 3

Simplified procedure

1. By derogation from Article 2(4), a simplified procedure shall apply in the following cases:
 - (a) when the person concerned submits a national or EU disability card or a medical certificate confirming their disability;
 - (b) for requests submitted by trainees; or
 - (c) where implementation of the requests would cost less than 150€ for the administration.

2. In the cases falling under paragraph 1, the appointed GSC medical officer shall give their opinion in the committee without preparing a written medical report. The rest of Article 2 applies to the simplified procedure.

Article 4

Role of the Diversity and Inclusion Office

1. The Diversity and Inclusion Officer shall chair the committee.
2. The Diversity and Inclusion Office shall keep a register of all requests, ensure appropriate follow-up and coordinate implementation.
3. Every two years, the Diversity and Inclusion Office shall prepare a report on the implementation of this Decision for the attention of the Appointing Authority and the Joint Committee on Diversity and Inclusion. The first report shall cover the period from the day this Decision enters into force until the end of the following calendar year.

Article 5

Confidentiality and data protection

1. The members of the committee, the staff of the Diversity and Inclusion Office, and any GSC services consulted shall be bound by confidentiality.

2. Processing of personal data shall be carried out in compliance with Regulation (EU) 2018/1725 of the European Parliament and of the Council on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data⁸. Personal data concerning health shall be processed only for handling the requests for reasonable accommodation.

Article 6

Repeal of existing provisions

Decision 12/19 of the Secretary-General of 11 April 2019 is hereby repealed.

Article 7

Entry into force

This Decision shall enter into force on 8 February 2024.

Done at Brussels,

Thérèse BLANCHET

⁸ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision NO 1247/2002/EC, OJ L 295, 21.11.2018, p. 39.