

Decision No MB/2020/07

of the Management Board of the Agency for Support for BEREC laying down the guidelines for assistance with home care or care for a sick child

The Management Board,

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

Having regard to Regulation (EU) 2018/1971 of the European Parliament and of the Council of 11 December 2018 establishing the Body of European Regulators for Electronic Communications (BEREC) and the Agency for Support for BEREC ('BEREC Office'), amending Regulation (EU) 2015/2120 and repealing Regulation (EC) No 1211/2009¹,

Having regard to the Staff Regulations of Officials ('Staff Regulations') and the Conditions of Employment of Other Servants of the European Union ('CEOS'), laid down by Council Regulation (ECC, Euratom, ECSC) No 259/68², and in particular Articles 1e and 76 of the Staff Regulations and Articles 30 and 98 of the CEOS,

Having regard to the Commission Decision³ giving its agreement pursuant to Article 110 (2) of the Staff Regulations,

After consulting the Staff Committee,

Whereas:

- (1) The BEREC Office wishes to provide its staff with assistance with the cost of help in the home and care for sick children within the limits of the funds available for the purpose.
- (2) This financial assistance is an important social measure designed to alleviate the situation of recipients and their families who are facing serious domestic problems in their daily life as a result of loss of independence or other circumstances of an exceptional nature.

Has decided as follows:

¹ OJ L 321, 17.12.2018, p. 1–35.

² OJ L 56, 4.3. 1968, p.1.

³ C(2020)1677 of 12.03.2020.

Article 1

The BEREK Office shall provide its staff with assistance with the cost of home care and care for sick children (hereinafter 'the assistance') within the limits of the funds available for the purpose. This scheme shall be governed by the guidelines set out below.

Article 2

1. The assistance shall take the form of a financial contribution, granted for a limited period, towards the cost of help with essential day-to-day domestic tasks or of care for a sick child at home, provided that:
 - a) the home care or the care for a sick child does not consist of home medical or nursing care which is reimbursed by the Joint Sickness Insurance Scheme;
 - b) the assistance does not include heavy domestic work such as repairs, decorating or extensions to the family home;
 - c) the home care or the care for a sick child is provided directly to the recipient or to a member of his or her family as defined in Article 3;
 - d) proof of the need for home care or for care for a sick child has been provided in the form of a detailed medical certificate or a detailed opinion from a social worker, as the case may be, confirming that the help requested is appropriate to the illness or difficult social circumstances.
2. 'Essential domestic tasks' shall be taken to mean any task necessary to the running of the family home where the recipient lives (including cleaning, laundry and ironing) or to the continuation of a normal life for family members (including the preparation of meals and light shopping).

Article 3

1. Assistance with home care or care for a sick child shall be provided only to:
 - a) BEREK Office temporary staff for the duration of their contract, and also after expiry of the contract in cases where the provisions of Article 30 of the CEOS apply in respect of staff who are unable to work;
 - b) BEREK Office contract staff for the duration of their contract, and also after expiry of the contract in cases where the provisions of Article 98 of the CEOS apply in respect of contract staff who are unable to work;
 - c) persons entitled to a retirement pension, an invalidity pension or an invalidity allowance.
2. Assistance with home care or with care for a sick child shall be granted to the recipient for himself or herself and for members of his or her family. The recipient's family shall be taken to be his/her spouse or stable non-marital partner recognised as such by the BEREK Office within the meaning of Article 1 of Annex VII to the Staff Regulations, his/her dependent children, or any other person treated as a dependent child, provided that such persons live in the same household as the recipient.

Article 4

1. For such assistance to be granted the following conditions must be met:
 - a) recipients must be in a position where they are unable to carry out essential domestic tasks or care for a sick child themselves or to have such tasks performed by a member of their family as defined in Article 3(2), as substantiated by a detailed medical certificate or a detailed opinion issued by a social worker (see Article 9);
 - b) the person providing help in the home or caring for the sick child may not be a member of the recipient's family or be related to a member of the recipient's family; the recipient must make a declaration to this effect in the application for assistance;
 - c) the recipient must comply with employment legislation in the country where the service is provided;
 - d) where the assistance is requested for care for a sick child, it must not be possible for a member of the family as defined in Article 3(2) of these guidelines to look after the child;
 - e) the recipient must not be receiving any other official assistance of any kind for the same purpose.
2. Financial assistance may be granted only once in a given period and for a given recipient for each of the two types of assistance (home care and care for a sick child).

Article 5

Assistance may be granted in the following circumstances:

- a) death of the staff member or his or her spouse or partner, with one or more dependent children;
- b) physical or mental illness of the recipient or his or her spouse or partner;
- c) convalescence following an accident suffered by the recipient or his or her spouse or partner;
- d) loss of independence by the recipient or a member of his or her family as defined in Article 3(2), provided that he or she is not staying in a medical or paramedical establishment;
- e) illness of a dependent child or person treated as a dependent child of the recipient, provided that he or she lives in the same household as the recipient;
- f) particularly difficult situation affecting the recipient as a result of serious circumstances, substantiated by a social worker in a detailed opinion.

Article 6

1. Assistance with home care will be granted only in cases in which the net monthly family income is lower than the basic salary of an official in grade AST 1/1. A derogation from this

ceiling is possible for applicants whose net monthly family income exceeds the basic salary of an official in grade AST 1/1 by no more than 10% and who are in a particularly difficult medical and/or social situation.

2. Assistance with care for a sick child will be granted only in cases in which the net monthly family income is lower than the basic salary of an official in grade AST 1/1 plus 50%.
3. Net family income is the sum of the net income of all the members of the family as defined in Article 3(2). 'Net family income' is defined as all income, whatever the source, received by the family members, after deduction of tax and compulsory social security contributions.

Article 7

1. The maximum period for which assistance may be granted under a single decision shall be six months. This period may be renewed if the difficult situation affecting the recipient persists.
2. In the case of a condition or loss of independence which seems likely to be of a permanent nature, as substantiated by a detailed medical certificate or a detailed opinion from a social worker, a decision may be taken, as of the second request for renewal, to grant assistance for a period of 12 months.
3. Assistance shall be granted in the form of a flat-rate payment. The need for the number of hours requested must be substantiated by a detailed medical certificate or a detailed opinion of the social worker. The following limits shall be applied:
 - a) if the period for which assistance is granted does not exceed ten days, the flat-rate payment shall be made for a maximum of 100 hours over ten consecutive days;
 - b) if the period for which assistance is granted is 11 days or more, the flat-rate payment shall be made for a maximum of 12 hours a week for the entire period. In that case the request must be assessed by a JSIS medical officer and/or by a social worker chosen by the BEREK Office, depending on the nature of the circumstances.
4. In exceptional circumstances, and subject to the submission by the recipient of a detailed medical certificate or a detailed opinion from a social worker, as appropriate, and to a favourable opinion of a JSIS medical officer, the authority authorized to conclude the contracts may decide to allow an exception to the limits set out in this Article.

Article 8

1. The assistance shall be granted on the basis of the following flat-rate amounts (per hour of services provided):
 - a) in the case of home care, the assistance provided shall be a flat-rate amount of 7.61 EUR per hour;
 - b) in the case of care for a sick child, the assistance provided shall be a flat-rate amount of 9.76 EUR per hour.
2. The flat-rate amount to be taken into account in calculating the assistance is the one applicable at the time of the request.

The amount to be paid to the recipient shall be calculated by multiplying the flat-rate amount by the number of hours of home care or care for a sick child for which assistance has been granted for the period in question. It will take the form of a single payment for the entire period.

3. The flat-rate amounts shall be increased each year by two percent (2%) with effect from 1 January.
4. The authority authorized to conclude the contracts reserves the right to request an invoice or receipt, issued in accordance with the legislation of the country in which the service was provided, to check the amount actually spent by the recipient during the period for which assistance was granted. If the flat-rate amount paid to the recipient for a certain period exceeds the expenses actually incurred by the recipient during the same period, the recipient shall undertake to inform the BEREK Office and to reimburse the amount unduly received.

Article 9

1. The application for assistance, duly completed by the recipient, must be accompanied by the recipient's salary (or pension) statement and official documents providing proof of the net income of the other family members.
2. The recipient must attach to the application the medical certificates or any other relevant document providing proof of the inability of the other family members living in the same household to carry out the services for which the assistance has been requested.
3. The detailed medical certificate or the detailed opinion of a social worker, as the case may be, must also be attached.

In particular, this certificate or opinion must set out the medical or social reasons for the assistance, a practical description of what is requested, the number of hours per day or per week, and the period for which the assistance is considered to be essential.

4. The recipient must attach a detailed medical certificate in the following cases:
 - a) illness, disability, loss of independence or convalescence of the recipient or his or her spouse or partner;
 - b) illness of a dependent child or person treated as a dependent child of the recipient, provided that he or she lives in the same household as the recipient.
5. The recipient must attach the detailed opinion of a social worker in the following cases:
 - a) death of a staff member and/or his or her spouse or partner, with one or more dependent children;
 - b) any other difficult family circumstances necessitating home care.
6. The application for assistance, accompanied by the documents providing proof of the net family income and by the medical certificate or opinion of the social worker, must be submitted to the BEREK Office entity in charge of HR no later than the last day of the month following the date on which the home care or care for a sick child began. Late requests will automatically be rejected. By way of an exception they may be accepted if the applicant

provides appropriate proof of the serious circumstances (e.g. a lengthy stay in hospital) which prevented him/her from submitting the request within the time limit laid down in this paragraph.

Article 10

The ceilings established in Articles 6(1) and 6(2) and the flat-rate amounts laid down in Article 8(1) may be reviewed when the Director-General of DG HR of the Commission has decided such a review by means of a decision published in the Administrative Notices. The revised ceilings and/or revised flat-rate amounts shall apply to BEREC Office after its implementation in the Agency by means of a decision of the Director of BEREC Office.

Article 11

This Decision shall take effect on the date of its adoption.

Done at Stockholm, 06 April 2020

For the Management Board

Dan Sjöblom
Chairperson