

**Decision of the Steering Committee of the European Research Council Executive Agency  
laying down the rules applicable to seconded national experts and national experts  
in professional training at the European Research Council Executive Agency**

THE STEERING COMMITTEE OF THE EUROPEAN RESEARCH COUNCIL  
EXECUTIVE AGENCY,

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

Having regard to Council Regulation (EC) No 58/2003 of 19 December 2002 laying down the statute for executive agencies to be entrusted with certain tasks in the management of Community programmes<sup>1</sup>,

Having regard to Commission Decision 2008/37/EC of 14 December 2007 setting up the 'European Research Council Executive Agency' for the management of the specific Community programme 'Ideas' in the field of frontier research in application of Council Regulation (EC) No 58/2003<sup>2</sup>,

Having regard to Commission Decision C(2008)5694 of 8 October 2008 delegating powers to the European Research Council Executive Agency with a view to performance of tasks linked to implementation of the specific programme Ideas in the field of research comprising in particular implementation of appropriations entered in the Community budget,

Whereas:

1. Seconded national experts (SNEs) should enable the Agency to benefit from the high level of their professional knowledge and experience, in particular in areas where such expertise is not readily available.
2. It is highly desirable to foster the exchange of professional experience and knowledge in the field of research by temporarily assigning experts from the administrations of the Member States to the Agency, even for short periods. For the same reason, steps should also be taken to facilitate the use of experts drawn from the administrations of Member States of the European Free Trade Association (EFTA), candidate countries that have reached an agreement with the European Commission on personnel matters, and public intergovernmental organisations (IGOs).
3. In order to ensure that the Agency's independence is not compromised by private interests, it should be stipulated that SNEs must come from a national, regional or local public administration or an IGO. The secondment of an SNE by an employer other than a national, regional or local public administration or an IGO should be authorised only on a case-by-case basis, once it has been ascertained that the SNE's employer is part of the public sector or is an independent university or research organisation that does not seek to make profits for redistribution.

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<sup>1</sup> OJ L 11, 16.1.2003, p. 1.

<sup>2</sup> OJ L 9, 12.1.2008, p. 15.

4. In order to avoid any conflict of interests, the rights and obligations of SNEs, as set out in this Decision, should ensure that they carry out their duties solely in the interests of the Agency.
5. In view of their special status, it should be stipulated that SNEs acting alone will not exercise any of the responsibilities that belong to the Agency by virtue of the powers conferred upon it, unless specially empowered to do so in writing by the Director of the Agency.
6. It is desirable to give the Agency rules applicable to SNEs, preserving their specific features and, in the case of working conditions and the granting of subsistence allowances, bringing them as much as possible into line with the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Union, but without actually assimilating SNEs to these categories.
7. Steps should be taken to make it easier to review subsistence allowances, taking account of adjustments to the basic salaries of European Union officials in Brussels and Luxembourg.
8. In view of the importance of training officials of the Member States – and, where appropriate, of EFTA countries, candidate countries and IGOs – in European policies and the Agency’s working methods, a specific legal and administrative framework for the induction and professional training of these officials, to be known as ‘national experts in professional training’ (NEPTs), should be set up.
9. The Permanent Representations of the Member States play a crucial role in implementing these Rules and should therefore enjoy a particularly close working relationship with the Agency,

HAS ADOPTED THIS DECISION:

## **Title I**

### **Seconded national experts**

#### **Chapter I**

##### General provisions

##### *Article 1* *Scope and definitions*

1. These Rules shall apply to national experts seconded to the Agency (hereinafter referred to as ‘SNEs’ or ‘seconded national experts’).

Seconded national experts are staff employed by a national, regional or local public administration or an IGO who are seconded to the Agency so that it can use their expertise in a particular field.

For the purposes of this Decision, the public administration means all State administrative services at central, federal and regional level, comprising ministries, government and parliament services, the courts, central banks and the administrative services of local authorities, as well as the decentralised administrative services of the State and of such authorities.

The persons covered by these Rules must have worked for their employer on a permanent or contract basis for at least 12 months before their secondment and shall remain in the service of that employer throughout the period of secondment.

The SNE's employer shall thus undertake to continue to pay his salary, to maintain his administrative status (permanent official or contract staff member) throughout the period of secondment and to inform the Agency's Human Resources Unit of any change in the SNE's situation in this regard. The SNE's employer shall also continue to be responsible for all his social rights, particularly social security and pension. The termination of or change in the SNE's administrative status (permanent official or contract staff member) may lead to the termination of his secondment by the Agency, without notice, in accordance with Article 10(2)(c).

2. Notwithstanding the second subparagraph of paragraph 1, the Director of the Agency may, on a case-by-case basis, authorise the secondment of an SNE from an employer other than a State public administration or an IGO if the interests of the Agency warrant bringing in specific expertise as a temporary measure, provided that the SNE's employer:

- is an independent university or research organisation which does not set out to make profits for redistribution; or
- is in fact part of the public sector.

For the purposes of this Decision, to qualify as being part of the public sector the SNE's employer must meet all the following conditions:

- it must be attached to a public administration, as defined in paragraph 1, and specifically it must have been created by legislation or regulation;
- its resources must come primarily from public funding;
- any activities in which it competes against other private or public entities on the market must represent less than half of its activities.

Exceptionally, and where justified by the interest of the service, the Director of the Agency may authorise the secondment of an SNE by an employer that does not meet one or more of the above criteria. Each time this procedure is used, the Director shall request the prior consent of the Agency's Steering Committee.

To this end, the Permanent Representation concerned and, where appropriate, the EFTA Secretariat, the IGOs and the diplomatic missions of the non-member countries concerned shall supply the Agency's Human Resources Unit with all the necessary facts to enable the Director of the Agency to assess whether the various criteria are satisfied and to take an informed decision.

The Agency's Human Resources Unit shall, if necessary, clarify the arrangements for implementing the different criteria and communicate them to the Permanent Representations of the EU Member States, the EFTA Secretariat and the IGOs concerned, or a country associated with a Community programme by a Council decision.

Except where the Director of the Agency grants a derogation, an SNE must be a national of an EU or EFTA Member State or a country with which the Council has decided to open accession negotiations and which has concluded a specific agreement with the European Commission on staff secondments. The Director shall seek prior approval from the Steering Committee to open up the SNE selection procedure to nationals of other countries.

3. When a secondment is being planned, the Agency shall ensure the geographical and gender balance and compliance with the principle of equal opportunities, in accordance with the principles set out in Article 1d and Article 27 of the Staff Regulations of Officials of the European Communities (hereinafter referred to as 'the Staff Regulations') and the Conditions of Employment of Other Servants of the European Communities<sup>3</sup>.

The Agency's Human Resources Unit shall monitor compliance and, in the event of a serious imbalance at Agency or departmental level, shall take the necessary corrective measures to ensure balanced representation of SNEs.

4. Any reference in these Rules to a person of the male sex shall be deemed also to constitute a reference to a person of the female sex, and vice versa, unless the context clearly indicates otherwise.

## *Article 2*

### *Cost-free seconded national experts*

1. For the purposes of this Decision, 'cost-free SNEs' means SNEs for whom the Agency does not pay any of the allowances provided for in Chapters III and VI or cover any of the expenses provided for in this Decision, other than those related to the performance of their duties during their secondment.
2. Cost-free SNEs may be seconded from the public administration, as defined in Article 1(1), of an EU or EFTA Member State or a country with which the Council has decided to open accession negotiations and which has concluded a specific agreement with the Commission on staff secondments, or from an IGO, as part of an agreement and/or exchange programme with the Commission.
3. In addition, the Director of the Agency may authorise the secondment of cost-free SNEs on a case-by-case basis, with the assent of the Steering Committee, taking into consideration their place of origin, the geographical balance and the work to be carried out.

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<sup>3</sup> OJ L 56, 4.3.1968, p. 1.

*Article 3*  
*Selection procedure*

1. SNEs shall be selected according to an open and transparent procedure, the practical details of which shall be decided by the Director of the Agency.
2. Before the secondment, the Agency shall ensure that it complies with the limits set in the Agency's final administrative budget as adopted by the Steering Committee at the beginning of each budgetary year.
3. Applications shall be forwarded by the Permanent Representations and, where provided for in the vacancy notice, by the EFTA Secretariat, the diplomatic missions of the non-member countries whose nationals are eligible for the secondment and the administrations of the IGOs.
4. The secondment shall be authorised by the Director of the Agency, after obtaining the opinion of the Steering Committee where appropriate, and effected by an exchange of letters between the Director of the Agency and the Permanent Representation of the Member State concerned or, as the case may be, the EFTA Secretariat, the diplomatic missions of the non-member countries whose nationals are eligible for the secondment and the IGOs.

*Article 4*  
*Period of secondment*

1. The initial period of secondment may not be less than six months or more than two years. It may be renewed once or more, up to a total period not exceeding four years. Exceptionally, at the request of the department concerned and where the interests of the service warrant it, the Director of the Agency may authorise one or more extensions of the secondment for a maximum of two more years at the end of the four-year period.

In cases where an SNE has been seconded as a national expert in professional training within the meaning of Article 24 during the six years preceding his secondment as an SNE, the period of the traineeship shall be deducted from the maximum period of six years provided for in the previous paragraph.

2. The initial duration of the secondment shall be specified in the exchange of letters referred to in Article 3(4). Any extension of the period of secondment shall be the subject of a new exchange of letters.

*Article 5*  
*Place of secondment*

SNEs shall be seconded to the Agency's headquarters, i.e. Brussels, Belgium.

*Article 6*  
*Tasks*

1. SNEs shall assist temporary staff at the Agency. They may not perform middle or senior management duties, even when deputising for their immediate superior.
2. An SNE shall take part in missions or external meetings only as part of a delegation led by a temporary staff member of the Agency or, if on his own, as an observer or for information purposes.
3. In all other cases, by way of derogation from paragraph 2, the Director of the Agency may give a specific mandate to the SNE to participate on his own in one or more missions or external meetings, after having ensured that there is no potential conflict of interest.

In such cases the Director of the Agency shall give the SNE clear and specific written instructions on the position to be adopted during the missions or meetings in question.

The Director of the Agency may delegate his power to derogate within the Agency.

Under no circumstances may an SNE on his own represent the Agency with a view to entering into commitments, whether financial or otherwise, or negotiating on its behalf.

An SNE may, however, represent the Agency in legal proceedings as co-agent with a temporary staff member.

4. The Agency shall remain solely responsible for approving the results of any tasks performed by an SNE and for signing any official documents arising from them.
5. The Agency departments concerned, the SNE's employer and the SNE must ensure that there is no conflict of interest in relation to the SNE's duties while seconded to the Agency.

For this purpose, the department to which the SNE is to be seconded shall inform the SNE and his employer before the start of the secondment about the intended duties and ask them to confirm in writing that they do not know of any reason why the SNE should not be assigned to those duties.

The employer and the SNE shall also undertake to inform the Director of the Agency of any change of circumstances during the secondment which could give rise to any such conflict. The department to which the SNE is seconded shall keep a copy of all such exchanges of correspondence in its records and shall hand it over to the Head of Unit responsible for human resources at the Agency.

6. Where the department to which an SNE is to be seconded considers that the nature of its activities requires particular security precautions, security clearance shall be obtained from the Commission Security Directorate prior to recruitment. Where

necessary, the department concerned shall consult the Agency's Human Resources Unit, which shall take the necessary steps to obtain the security clearance, including obtaining the prior consent of the Agency's Steering Committee.

7. Failure on the part of the SNE to comply with his obligations arising from paragraphs 2, 3 or 5 shall entitle the Agency, if it sees fit, to terminate the secondment of the SNE pursuant to Article 10(2)(c).

*Article 7*  
*Rights and obligations*

1. During the period of secondment:

- (a) The SNE shall carry out his duties and conduct himself solely with the interests of the European Union in mind. He shall neither seek nor take instructions from any government, authority, organisation or person outside the Agency. He shall carry out the duties assigned to him objectively, impartially and in keeping with his duties of loyalty to the European Union.
- (b) An SNE wishing to engage in an outside activity, whether paid or unpaid, or to carry out any assignment outside the European Union shall be subject to the Agency's rules on prior authorisation for temporary staff<sup>4</sup>. The department concerned shall consult the SNE's employer before issuing an authorisation.
- (c) The SNE shall refrain from any action or behaviour which might reflect adversely upon his position and from any form of psychological or sexual harassment<sup>5</sup>.
- (d) The SNE shall not, in the performance of his duties, deal with a matter in which, directly or indirectly, he has any personal interests such as to impair his independence, in particular family or financial interests. If he has occasion in the performance of his duties to deal with such a matter, he shall immediately inform his Head of Unit, who will take any appropriate measure and may, in particular, relieve the SNE of responsibility in this matter.

The SNE may neither keep nor acquire, either directly or indirectly, in undertakings which are subject to the authority of the Agency or which have dealings with the Agency, any interests of such kind or magnitude as might impair his independence in the performance of his duties.

The SNE shall declare any gainful activity performed in a professional capacity by his spouse, as defined by the Staff Regulations.

- (e) The SNE shall refrain from any unauthorised disclosure of information received in the line of duty, unless that information has already been made public or is accessible to the public.

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<sup>4</sup> Article 12b of the Staff Regulations – which applies by analogy to temporary staff in accordance with Article 11 of the Conditions of Employment of Other Servants of the European Communities – and the provisions implementing this Article shall apply *mutatis mutandis*.

<sup>5</sup> Article 12a of the Staff Regulations – which applies by analogy to temporary staff in accordance with Article 11 of the Conditions of Employment of Other Servants of the European Communities – and the provisions implementing this Article shall apply *mutatis mutandis*.

- (f) The SNE has the right to freedom of expression, with due regard for the principles of loyalty and impartiality.

An SNE who intends to publish or cause to be published, whether alone or with others, any text on a matter relating to the work of the European Union shall inform his Head of Unit in advance. Where the Head of Unit is able to demonstrate that the publication is liable seriously to prejudice the legitimate interests of the European Union, he shall inform the SNE of his decision in writing within 30 working days of receipt of the information. If no such decision is notified within the specified period, the Head of Unit shall be deemed to have had no objections.

- (g) All rights in any work done by the SNE in the performance of his duties shall be the property of the European Union.
- (h) The SNE shall reside at the place of secondment or at no greater distance therefrom than is compatible with the proper performance of his activities.
- (i) Based on his professional knowledge and experience, the SNE shall assist and tender advice to the superiors in the Agency to whom he is assigned and shall be responsible to his superiors for performance of the tasks entrusted to him.

2. Failure to comply with any of the provisions of paragraph 1 during the period of secondment shall entitle the Agency, if it sees fit, to terminate the SNE's secondment pursuant to Article 10(2)(c).

3. At the end of the secondment the SNE shall continue to have a duty of loyalty to the European Union and be bound by the obligation to act with integrity and discretion in the exercise of new duties assigned to him and in accepting certain posts or advantages.

#### *Article 8*

##### *Professional experience and knowledge of languages*

1. To qualify for secondment to the Agency, a national expert must have at least three years' experience of administrative, legal, scientific, technical, advisory or supervisory functions which can be regarded as equivalent to those of function groups AD or AST – this latter function group being taken into consideration only for highly specialised job profiles – as defined in the Staff Regulations and the Conditions of Employment of Other Servants of the European Communities.
2. The SNE must produce evidence of a thorough knowledge of one of the European Union languages and a satisfactory knowledge of another European Union language to the extent necessary for the performance of his duties. An SNE from a non-member country must produce evidence of a thorough knowledge of one European Union language necessary for the performance of his duties.



*Article 9*  
*Suspension of secondment*

1. At the written request of the SNE or his employer, and with the latter's agreement, the Agency may authorise suspensions of periods of secondment and specify the terms applicable. During such suspensions:
  - (a) the subsistence allowances referred to in Article 16 shall not be payable;
  - (b) the travel expenses referred to in Article 18 shall be payable only if the suspension is at the Agency's request.
2. The period of suspension shall not be counted in the period of secondment as defined in Article 4.

*Article 10*  
*Termination of periods of secondment*

1. Subject to paragraph 2, the expert's secondment may be terminated at the request of the Agency or the SNE's employer, subject to three months' notice, or at the SNE's request, subject to the same period of notice and with the agreement of the Agency and the SNE's employer.
2. In exceptional circumstances the secondment may be terminated without notice:
  - (a) by the SNE's employer, if the employer's interests so require;
  - (b) by the Agency and the employer acting jointly, at the request of the SNE addressed to both parties, if the SNE's personal or professional interests so require;
  - (c) by the Agency in the event of failure by the SNE and/or his employer to respect their obligations under this Decision. The Agency shall immediately inform the SNE and his employer accordingly.

## **Chapter II**

### Working conditions

*Article 11*  
*Social security*

1. Before the period of secondment begins, the national public administration or IGO from which the SNE is to be seconded shall certify to the Agency that he will remain, throughout the period of secondment, subject to the social security legislation applicable to the public administration that employs him and is responsible for expenses incurred abroad. To this end, the SNE's employer shall provide the Agency with the certificate referred to in Article 11(1) of Council Regulation (EEC) No 574/72<sup>6</sup>.

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<sup>6</sup> OJ L 74, 27.3.1972, p. 1.

2. From the day on which their secondment begins, SNEs shall be covered against the risk of accident. The Agency shall provide them with a copy of the terms of this cover on the day on which they report to the Agency's Human Resources Unit to complete the administrative formalities related to the secondment.
3. An SNE who cannot be covered by a public sickness insurance scheme may apply to have this risk insured by the Agency. The SNE shall pay half the relevant insurance premium and his contribution shall be deducted monthly from the subsistence allowances referred to in Article 16.

*Article 12*  
*Working hours*

1. The working hours for SNEs shall be the same as those in force at the Agency<sup>7</sup>.
2. An SNE shall serve on a full-time basis throughout the period of secondment. Exceptionally, following a duly justified request originating from the department concerned, the Director of the Agency may allow an SNE to work part time, provided the SNE's employer agrees and the arrangement is compatible with the smooth running of the department.

*Article 13*  
*Sick leave*

1. The rules in force at the Agency on absence due to sickness or accident shall apply to SNEs<sup>8</sup>.
2. Where the period of sick leave exceeds three months or the length of time worked by the SNE, whichever is longer, the subsistence allowances referred to in Article 16 shall be automatically suspended.

Sick leave may not extend beyond the duration of the secondment of the person concerned.

3. SNEs who are the victim of a work-related injury which occurs during the secondment shall continue to receive the subsistence allowances in full throughout the period during which they are unfit for work. These allowances shall not, however, be paid beyond the end of the period of secondment.

*Article 14*  
*Annual and special leave*

1. With the exception of the provisions relating to grade, the rules in force at the Agency on annual and special leave, as applicable to temporary staff, shall apply to SNEs<sup>9</sup>.

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<sup>7</sup> Articles 55, 56 and 56c of the Staff Regulations – which apply by analogy to temporary staff in accordance with Article 16 of the Conditions of Employment of Other Servants of the European Communities – and the provisions implementing these Articles shall apply *mutatis mutandis*.

<sup>8</sup> Articles 59 and 60 of the Staff Regulations – which apply by analogy to temporary staff in accordance with Article 16 of the Conditions of Employment of Other Servants of the European Communities – and the provisions implementing these Articles shall apply *mutatis mutandis*.

2. Leave shall be subject to prior authorisation by the department to which the SNE is seconded. In the event of unauthorised absence within the meaning of Article 60 of the Staff Regulations, subsistence allowances shall not be paid.
3. Upon a duly justified request from the SNE's employer, the SNE may be granted up to two days of special leave by the Agency in a 12-month period to visit his employer.
4. Days of annual leave not taken by the end of the period of secondment shall be forfeited.

*Article 15*  
*Maternity leave*

1. The rules in force at the Agency on maternity leave shall apply to SNEs<sup>10</sup>. While on maternity leave the SNE shall receive the subsistence allowances referred to in Article 16.
2. Where the rules that are binding upon the SNE's employer provide for a period of maternity leave longer than that granted by the Agency, the secondment may, at the SNE's request, be interrupted for the period by which that leave exceeds the leave granted by the Agency.

A period equivalent to the break may be added to the end of the secondment if the interests of the Agency warrant it.

3. An SNE may, as an alternative, apply for a break in the secondment to cover the sum of the periods allowed for maternity leave. In that case, the second subparagraph of paragraph 2 shall apply.

## Chapter III

### Allowances and expenses

*Article 16*  
*Subsistence allowances*

1. An SNE shall be entitled, throughout the period of secondment, to a daily subsistence allowance and a monthly subsistence allowance.

On the date of entry into force of this Decision:

the daily subsistence allowance shall be €125.25;

the monthly subsistence allowance shall be paid in accordance with the following table:

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<sup>9</sup> Articles 57 and 59a of Annex V to the Staff Regulations – which apply by analogy to temporary staff in accordance with Article 16 of the Conditions of Employment of Other Servants of the European Communities – and the provisions implementing these Articles shall apply *mutatis mutandis*.

<sup>10</sup> Article 58 of the Staff Regulations – which applies by analogy to temporary staff in accordance with Article 16 of the Conditions of Employment of Other Servants of the European Communities – and the provisions implementing this Article shall apply *mutatis mutandis*.

Distance between place of origin and place of secondment (km)	Amount in €
0 – 150	0
> 150	80.50
> 300	143.12
> 500	232.59
> 800	375.71
> 1300	590.40
> 2000	706.72

2. These subsistence allowances shall be granted under the same conditions as the expatriation allowance for temporary staff<sup>11</sup>.
3. In the case of cost-free SNEs, the exchange of letters referred to in Article 3(4) shall stipulate that these allowances will not be paid.
4. The adjustments to remuneration adopted by the Council pursuant to Article 65 of the Staff Regulations shall apply automatically to the subsistence allowances in the month following their adoption. The Agency's Human Resources Unit shall be responsible for implementing this provision and shall publish the new rate for subsistence allowances on the Agency's internet site.
5. These allowances are intended to cover SNEs' living expenses in the place of secondment on a flat-rate basis and shall in no circumstances be construed as remuneration paid by the Agency.

Before the secondment, the SNE's employer shall certify to the Agency's Human Resources Unit that during the secondment it will maintain the level of remuneration the SNE was receiving at the time of his secondment.

The SNE shall inform the Agency's Human Resources Unit of any allowance similar to the subsistence allowances paid by the Agency received from other sources. This amount shall be deducted from the subsistence allowances paid by the Agency. Following a duly justified request from the employer, the Agency may decide not to make this deduction.

6. Subsistence allowances shall be payable for every day of the week, including during periods of mission, annual leave, special leave and holidays granted by the Agency.
7. When the SNE starts the secondment, the first 75 days of the subsistence allowances to which he is entitled shall be advanced in the form of a lump sum, and the allowances shall not be paid during the corresponding period. This lump sum shall be paid by the 25<sup>th</sup> day of the month for SNEs starting on the first day of the same month. For SNEs starting on the 16<sup>th</sup> day of the month, this lump sum shall be paid by the 10<sup>th</sup> day of the following month. If the secondment is ended during the first 75 days, the SNE shall return the amount corresponding to the remainder of that period.

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<sup>11</sup> Article 4 of Annex VII to the Staff Regulations and the provisions implementing this Article shall apply *mutatis mutandis*.

8. Subsistence allowances shall be paid no later than the 25<sup>th</sup> day of each month.

*Article 17*  
*Place of origin*

1. For the purposes of this Decision, 'place of origin' means the place where the SNE performed his duties for his employer at the time of his secondment. The place of secondment shall be the place where the Agency to which the SNE is seconded is located. Both places shall be identified in the exchange of letters referred to in Article 3(4).
2. If, six months before his secondment to the Agency as an SNE, a national expert already has his main residence in a place other than that in which the employer's headquarters is located, the place of origin shall be deemed to be whichever of the places is closer to the place of secondment.

*Article 18*  
*Travel expenses*

1. SNEs other than those seconded cost-free, shall be entitled to reimbursement of the cost of their travel between their place of origin and the place of secondment, as defined in Article 17, at the beginning and end of their secondment.
2. Travel expenses shall be reimbursed in accordance with the relevant rules and conditions in force at the Agency<sup>12</sup>.
3. By way of derogation from paragraph 1, an SNE who proves that he will be assigned to a place other than his place of origin at the end of the secondment shall be entitled to reimbursement of the travel expenses to that new place under the conditions laid down in paragraph 2. However, this reimbursement may not be more than the amount that would have been paid had the SNE returned to his place of origin.
4. The Agency shall not reimburse any expenses referred to in the preceding paragraphs if they have been met by the employer or any other body. The Permanent Representation concerned or, as the case may be, the EFTA Secretariat, IGOs or diplomatic missions of the non-member countries concerned shall inform the Agency's Human Resources Unit to this effect.

*Article 19*  
*Missions and mission expenses*

1. SNEs may be sent on mission subject to Article 6.
2. Mission expenses shall be reimbursed in accordance with the relevant rules and conditions in force at the Agency<sup>13</sup>.

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<sup>12</sup> Article 7(1) and (2) of Annex VII to the Staff Regulations and the provisions implementing these paragraphs shall apply *mutatis mutandis*.

<sup>13</sup> Articles 11 and 12 of Annex VII to the Staff Regulations and the provisions implementing these Articles shall apply *mutatis mutandis*.

*Article 20*  
*Training*

SNEs shall be entitled to attend training courses organised by the Agency if the interests of the Agency warrant it. The interests of the SNE, in particular with a view to his reinstatement into his original administration after the secondment, may be considered when a decision is taken on whether to allow him to attend a training course.

*Article 21*  
*Administrative provisions*

SNEs shall report to the Agency's Human Resources Unit on the first day of secondment to complete the requisite administrative formalities. They shall take up duty on either the first or the sixteenth day of the month.

## **Chapter IV**

### **Complaints**

*Article 22*

Without prejudice to the possibilities for instituting proceedings after taking up his position, under the conditions and time limits laid down in Article 263 of the Treaty on the Functioning of the European Union, any SNE may submit a complaint to the Unit responsible for complaints and requests at the Agency about an act adopted by the Agency under this Decision which adversely affects him, with the exception of decisions which are direct consequences of decisions taken by his employer.

The complaint must be lodged within two months. The period shall start to run on the date of notification of the decision to the person concerned, but in no case later than the date on which the latter received such notification. The Director of the Agency shall notify the person concerned of his reasoned decision within four months of the date on which the complaint was lodged. If at the end of that period no reply to the complaint has been received, this shall be deemed to constitute an implied decision rejecting it.

## **Title II**

### **National experts in professional training**

*Article 23*  
*General provisions and definitions*

1. National experts in professional training (hereinafter referred to as 'NEPTs') are staff from the public administrations of EU or EFTA Member States or, depending on the places available, of countries with which the Council has decided to open accession negotiations and which have concluded a specific agreement with the Commission on staff secondments, or from IGOs, who are admitted to Agency departments for professional training purposes.
2. The provisions of Article 1(1), (3), (4) and (5) shall apply by analogy to NEPTs.

*Article 24*  
*Purpose of the professional training*

1. The purpose of the professional training is:
  - to give NEPTs experience of the Agency’s working methods in the field of research;
  - to enable them to gain practical experience and understanding of the day-to-day work of the Agency’s departments and to give them the opportunity to work in a multicultural, multilingual environment;
  - to enable staff of national administrations to put into practice the knowledge they have acquired in their studies, particularly in their respective areas of responsibility.
2. For its part, the Agency:
  - benefits from the input of people who can offer a new point of view and up-to-date knowledge which will enrich its daily work;
  - builds up a network of people with direct experience of its procedures.

*Article 25*  
*Eligibility*

1. The provisions of Article 8 on professional experience and knowledge of languages shall apply by analogy to NEPTs.
2. People who have already been seconded as an SNE or worked under an employment contract in one of the European Union institutions or bodies shall not be eligible for traineeships.

*Article 26*  
*Selection of candidates*

1. Applications shall be forwarded by the Permanent Representations or, as the case may be, the EFTA Secretariat, administrations of non-member countries or IGOs to the Agency’s Human Resources Unit in accordance with the procedure and methods decided by that Unit.
2. After consulting the departments concerned and considering the situation, the Agency’s Human Resources Unit shall decide how many NEPTs are to be admitted to the Agency’s various departments for each period.

*Article 27*  
*Duration of the professional training*

1. The professional traineeships shall last between three and five months. The duration shall be fixed at the outset and may not be changed or extended.

An NEPT may complete only one professional traineeship.

2. The professional traineeships are organised twice a year, usually starting on the 1<sup>st</sup> or 16<sup>th</sup> of the months of March and October.

#### *Article 28*

##### *Organisation of the professional training*

Throughout the professional traineeship NEPTs shall be supervised by a training advisor. The training advisor must inform the Human Resources Unit at the Agency of any significant incidents during the professional traineeship (in particular absences, illness, accidents or interruption) which he knows of or has been informed of by the NEPT.

NEPTs must obey instructions given by their training advisor, their superiors in the department to which they are seconded and the Agency's Human Resources Unit.

NEPTs shall be allowed to attend meetings, unless they are restricted or confidential, to receive documentation and to participate in the activities of the department to which they are seconded.

#### *Article 29*

##### *Suspension of the professional traineeship*

At the written request of the NEPT or his employer, and with the latter's prior agreement, the Agency's Human Resources Unit may authorise a very brief suspension of the professional traineeship or its early termination. The NEPT may return to complete the remaining period of the professional traineeship, but only up until the end of that period. Under no circumstances may the traineeship be extended.

#### *Article 30*

##### *Working conditions and remuneration*

1. The following Articles shall apply by analogy to NEPTs:
  - Article 6 on tasks;
  - Article 7 on rights and obligations;
  - Article 11(1) and (2) on social security;
  - Article 12(1) on working hours;
  - Article 13 on sick leave;
  - Article 14 on annual and special leave;
  - Article 19 on missions and mission expenses.
2. NEPTs shall be regarded as cost-free SNEs within the meaning of Article 2. They shall continue to be paid by their employer without any financial compensation being paid by the Agency.



The Agency will accept no requests for grants or fees or the reimbursement of travel or other expenses other than the reimbursement of mission expenses incurred as part of the professional traineeship.

*Article 31*

*Reports and certificate of attendance*

NEPTs who have completed the stipulated professional training period shall complete the evaluation reports requested by the Agency's Human Resources Unit at the end of their traineeship. Training advisors must also complete the relevant evaluation report.

Subject to the completion of these reports, NEPTs who have completed their professional traineeships shall receive a certificate showing the dates of the professional training and the department in which it took place.

### **Title III**

#### **Final provisions**

*Article 32*

*Delegation*

1. The Director of the Agency may delegate the powers devolved to him pursuant to this Decision to one or more persons of his choice within the Agency.
2. The Permanent Representations, EFTA Secretariat, IGOs and diplomatic missions of the non-member countries concerned shall enjoy a close working relationship with the Agency's Human Resources Unit throughout the SNEs' secondment. All correspondence and contacts between the SNE's employer, particularly those referred to in this Decision, shall be made via the Member State's Permanent Representation, the EFTA Secretariat, the IGOs and the diplomatic missions of the non-member countries concerned.

*Article 33*

*Entry into force*

1. This Decision shall take effect on the date of its adoption.
2. With effect from that date it shall apply to:
  - SNEs and NEPTs taking up duty at the Agency;
  - SNEs previously seconded to the Commission department responsible for implementing the specific programme 'Ideas' and then transferred to the Agency.

Done in Brussels on

For the Steering Committee,

The Chairperson,

José Manuel SILVA RODRÍGUEZ