

## DECISION

### **concerning rules on the secondment of national experts to Cedefop**

THE DIRECTOR,

Whereas:

- (1) The secondment of national experts should enable Cedefop to benefit from the high level of professional knowledge and experience of those experts, in particular in areas where such expertise is not readily available.
- (2) It is highly desirable to foster the exchange of professional experience in, and knowledge of, European policies by temporarily assigning to Cedefop experts from the Member States.
- (3) Seconded national experts (SNEs) should be drawn from government or state administration in Member States but should also be available from the private or voluntary sector, the European Economic Area (EEA), candidate countries, international organisations or third countries.
- (4) The rights and obligations of SNEs set out in this Decision should ensure that they carry out their duties solely in the interests of Cedefop.
- (5) In view of the temporary nature of their work and their particular status, it should be provided that SNEs should not take responsibility on behalf of Cedefop for the exercise of its public law prerogatives.
- (6) It is necessary to set out all the relevant conditions of employment of SNEs, which should be applicable regardless of the origin of the budgetary appropriations used to cover the expenditure.
- (7) In view of the importance of training experts of the Member States – and, where appropriate, those of EEA countries, candidate countries and third countries – in Cedefop and Community VET policies, there is a need to set up a uniform and coherent legal and administrative framework for the information courses organised for such staff,

Considering the rules applicable in the Commission as last amended on 27 February 2004;

HAS DECIDED AS FOLLOWS:

## **CHAPTER I: GENERAL PROVISIONS**

### **Article 1 – Scope**

1. The present rules are applicable to national experts on secondment (hereinafter ‘SNEs’) to Cedefop and to national and international civil servants and private sector employees temporarily serving with Cedefop. Experts called for brief consultations (‘meeting experts’) are excluded from these rules given that these persons are covered by the rules on the reimbursement of travel, subsistence and miscellaneous expenses for persons outside Cedefop called upon to act as experts.
2. The SNEs covered by these Rules shall remain in paid employment in an international, national, regional or local administration or in a salaried position in a private sector firm throughout the period of secondment.
3. Except where the Director grants a derogation, SNEs shall be nationals of a Member State, an EEA country, a future Member State of the Community or a candidate country. Cedefop will take account of geographical and gender balance and the principle of equal opportunities when accepting SNEs into its departments.

### **Article 2 – Secondment Period**

1. National experts may not be seconded for less than six months or more than four years. They may be seconded on a part-time basis, with a minimum of 10 working days per month.
2. The probable period of secondment shall be fixed at the outset in an exchange of letters between Cedefop and the employer. A copy of the rules applicable to national experts on secondment shall be attached to the exchange of letters.
3. Cedefop shall inform SNEs whether or not their contract will be renewed at least three months before it expires.

### **Article 3 – Duties**

1. The SNEs shall assist Cedefop’s staff and carry out the duties assigned to them in the context of a predetermined work programme or job description.
2. SNEs shall not enter into a commitment on behalf of Cedefop.
3. SNEs may work in any field where their services are deemed necessary provided there is no conflict with the interests of Cedefop.

### **Article 4 – Level, professional experience and knowledge of languages**

1. To qualify for secondment to Cedefop a national expert must have at least three years’ experience of administrative, scientific, technical, advisory or supervisory functions which can be regarded as equivalent to those of categories A and B as defined in the Staff Regulations of the European Communities.

2. An SNE must have a thorough knowledge of one Community language and a satisfactory knowledge of a second language where this is necessary for the performance of his/her duties.

#### **Article 5 – Social security**

1. *National experts on secondment from an international or national public administration.*

Before the period of secondment begins, the service from which the national expert is to be seconded shall certify to Cedefop that the expert will remain subject to, throughout the period of secondment, the social security legislation applicable to that service and they will assume responsibility for the related expenses incurred abroad.

2. *National experts on secondment from the private sector*

Before the period of secondment begins, the national expert's employer shall provide Cedefop with the certificate referred to in Article 11(1) of Council Regulation (EEC) No 574/72 of 21 March 1972 fixing the procedure for implementing Regulation (EEC) No 1408/71 on the application of social security schemes to employed persons and their families moving within the Community (OJ L 74 of 27 March 1972).

3. *Accident insurance*

From the day on which their secondment begins, SNEs shall be covered by Cedefop against the risk of accidents. Cedefop shall provide them with a copy of the terms of this cover on the day on which they report to the Administration to complete the administrative formalities related to the secondment.

4. *Experts on secondment from non-member countries*

An SNE who cannot be covered by a public sickness insurance scheme can apply to have this risk covered by Cedefop. The SNE shall pay half the relevant insurance premium and this contribution shall be deducted monthly from the allowances referred to in Article 13.

#### **Article 6 – Breaks in or termination of periods of secondment**

1. Cedefop may authorise breaks in periods of secondment and specify the terms applicable. The allowances referred to in Articles 13 shall not be payable during such breaks. The allowances referred to in Articles 15 and 16 shall be paid only if the break is at Cedefop's request. Any reimbursement of remuneration to the national expert's employer shall be automatically suspended during the break.
2. Subject to paragraph 3, the secondment may be terminated at the request of Cedefop or of the SNE's employer, on the party concerned giving three month's notice to the other party. It may also be terminated on giving the same notice at the SNE's request, subject to the agreement of Cedefop.
3. The secondment may be terminated without notice in exceptional circumstances:
  - a) by the SNE's employer, if the employer's essential interests so require;

- b) by agreement between Cedefop and the employer, on request by SNE to both parties, if the SNE's essential personal or professional interests so require;
  - c) by Cedefop in the event of a failure by the SNE to respect his or her obligations under these rules.
4. In the event of termination under paragraph 3c), Cedefop shall immediately inform the employer.

## **CHAPTER II: RIGHTS AND OBLIGATIONS OF A NATIONAL EXPERT ON SECONDMENT**

### **Article 7**

1. A seconded national expert shall carry out his/her duties and conduct him-/herself solely with the interests of Cedefop in mind.
2. A seconded national expert shall abstain from any action and in particular any public expression of opinion, which may reflect on his/her position.
3. A seconded national expert who, in the performance of his/her duties, is called upon to pronounce on a matter in the handling or outcome of which he/she has a personal interest such as to impair his/her independence shall inform the Director.
4. A seconded national expert shall exercise the greatest discretion with regard to all facts and information coming to his/her knowledge in the course of or in connection with the performance of his/her duties; he/she shall not in any form disclose to any unauthorised person any document or information not already made public. He/she shall continue to be bound by this obligation after his/her secondment period has terminated.
5. A seconded national expert shall not, whether alone or together with others, publish or cause to be published any matter dealing with the work of the Communities and/or Cedefop without obtaining permission in accordance with the conditions and rules in force at Cedefop. Permission shall be refused only where the proposed publication is liable to prejudice the interests of the Communities and/or Cedefop.
6. All rights in any work done by an SNE in the performance of his/her duties shall be the property of Cedefop.
7. An SNE shall reside at his/her place of secondment or at no greater distance therefrom as is compatible with the proper performance of his/her duties.
8. An SNE shall assist and tender advice to the superiors to whom he/she is assigned; he/she shall be responsible to them for performance of the task entrusted to him/her.

## **CHAPTER III: WORKING CONDITIONS**

### **Article 8 - Hours of work**

1. A SNE shall be bound by the rules on hours of work in force at Cedefop.

2. SNEs shall work full days throughout the period of secondment. If part-time work has been agreed to (see Article 2(1)), it shall be defined in terms of a percentage of days per month, with a minimum of 50 %.

#### **Article 9 - Leave and holidays**

A SNE shall be subject to the same rules on annual leave, sick leave, special leave and holidays as officials and temporary staff of Cedefop.

#### **Article 10 – Maternity leave**

1. A SNE, who is pregnant shall be granted maternity leave of sixteen weeks, during which she shall receive the allowances fixed on the basis of Article 13.
2. Where the national legislation of the employer grants additional rights a break in the secondment in conformity with Article 6 shall apply. A period equivalent to the break shall be added to the end of the secondment if the interest of Cedefop warrant it.

#### **Article 11 - Management and control**

Management and control of leave and working time shall be subject to the same rules as apply to other staff at Cedefop.

### **CHAPTER IV: EMOLUMENTS**

#### **A. Remuneration**

##### **Article 12**

1. Irrespective of whether salary is reimbursed or not, the employer shall notify Cedefop of the gross annual salary paid to each seconded national expert. This information shall appear in the exchange of letters between Cedefop and the employer concerned.
2. If its interests so require, Cedefop may reimburse all or part of the remuneration of an SNE with a maximum of the equivalent of the lowest grade and step in Cedefop's remuneration system for temporary agents per month during the period of secondment to his/her employer under an agreement to be concluded in advance between Cedefop and the administration concerned. Expenses resulting from reimbursement will be charged against the relevant item in Cedefop's budget in Title 1 or, where appropriate, the operational budget lines in Title 3.

#### **B. Allowances**

##### **Article 13 - Subsistence allowances**

1. An SNE shall be entitled, throughout the period of secondment, to a daily subsistence allowance corresponding to the daily allowance paid to SNEs at the Commission, subject to application of the weighting for Greece. This allowance shall be paid monthly.

2. The allowance shall also be payable for periods of mission, annual leave, special leave and holidays granted by Cedefop.
3. An SNE whose place of recruitment is less than 50 km from the place of secondment shall receive a daily allowance reduced by 50 %. If his/her place of recruitment is at a distance between 51 and 100 km from the place of secondment, he shall receive a daily allowance reduced by 25 %.
4. An advance payment shall be made to a national expert on secondment, when he/she takes up his/her duties equal to the allowance he/she would be entitled to under paragraphs 1 and 3 from the day he/she takes up duties to:
  - the last day of the second month following that in which he/she takes up his/her duties if he/she does so on the first day of the month,
  - the last day of the third month following that in which he takes up his/her duties if he/she does so on the 16th day of the month.

Where such payment is made, there shall be no further entitlement to allowances for the corresponding period.

If a national expert on secondment ends his/her secondment with Cedefop before expiry of the period taken into account for the calculation of the advance payment, that portion of the advance payment made to the expert which corresponds to the period not spent in Cedefop's secondment shall be recoverable.

5. Daily and monthly allowances shall be adapted each year, without retroactive effect, in accordance with the adaptation of the basic salaries of officials of the European Community in Brussels and Luxembourg.
6. For the purpose of these rules, the place of recruitment shall be the place where the seconded national expert performed his/her duties prior to the start of the secondment; circumstances arising from work performed in a country other than that where his/her employer, be it public-sector or private or an international organisation, is based shall not be taken into account. The place of secondment shall be the place in which the Cedefop department to which he is assigned is located. The exchange of letters between Cedefop and the employer shall specify these places.
7. Cedefop shall pay the school fees of school-age children in Thessaloniki in conformity with the rules applicable for other staff.

#### **Article 14 – Additional flat-rate allowance**

Except where the place of recruitment of the SNE is less than 150 km from the place of secondment, he/she shall receive an additional flat-rate allowance equal to the difference between the gross annual salary (less family allowances) paid by his/her employer plus the subsistence allowance paid by Cedefop and the basic salary payable to an official in

step 1 of Grade A8 or Grade B5, depending on the category to which he/she is assimilated\*.

### C. Reimbursement of expenses

#### Article 15 – Travel allowances and expenses

1. If the seconded national expert has not received removal expenses from any source, an additional monthly allowance shall be paid in accordance with the corresponding allowance paid by the Commission, which is currently:

Distance between place of recruitment and place of secondment (km)	Amount in EUR
0 – 150	0
> 150	68.85
> 300	122.4
> 500	198.9
> 800	321.3
> 1300	504.9
> 2000	604.35

2. If an SNE has removed his/her personal effects from his/her place of recruitment to his/her place of secondment, he/she shall be entitled each year for himself, his/her spouse and his/her dependant children to a flat-rate payment equal to the cost of a return journey from his/her place of secondment to his/her place of recruitment in accordance with the rules and conditions in force at Cedefop.
3. An SNE shall be entitled to reimbursement of travel expenses:
  - (a) for him/herself:
    - from his/her place of recruitment to his/her place of secondment at the beginning of the period of secondment;
    - from his/her place of secondment to his/her place of recruitment at the end of the period of secondment.
  - (b) for his/her spouse and dependent children:
    - from the place of recruitment to the place of secondment when removal takes place;

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\* or equivalent in the new grades structure after 1<sup>st</sup> May 2004.

- from the place of secondment to the place of recruitment at the end of the period of secondment, in case where a removal has taken place.

#### **Article 16 – Removal Expenses**

1. An SNE may move his/her residence to his/her place of secondment no later than six months after taking up duty provided that the probable period of secondment is at least two years and that the place of recruitment is more than 100 km from the place of secondment.

Removal back to the place of recruitment must take place within three months of the end of the period of secondment.

2. An SNE shall be entitled to reimbursement of the costs of removing his/her personal effects in accordance with the rules and conditions in force for Cedefop Staff.

#### **Article 17 - Missions and mission expenses**

1. An SNE may be sent on mission, alone if necessary, subject to Article 3 of these rules.
2. Mission expenses shall be reimbursed in accordance with the rules and conditions relating to the payment of mission expenses in force at Cedefop.

#### **Article 18 – Training**

SNE's shall be entitled to attend training courses of Cedefop, if the interest of Cedefop warrant it.

### **CHAPTER V: ADMINISTRATIVE AND BUDGETARY PROVISIONS**

#### **Article 19 - Budgetary allocations and contracts**

1. The decision on the advisability of reimbursing salary under Article 12 shall be taken by the Director.
2. Secondment shall be implemented by a contract between Cedefop and the employer. The contract shall indicate the names of the individuals authorised to lay down detailed arrangements for secondment under these rules. Any letter extending, breaking or terminating the period of secondment shall be sent by the Administration. An SNE shall present him-/herself to the Administration on the first day of his/her secondment to complete the relevant administrative formalities. He/she shall take up duty either the first or the sixteenth day of the month.

#### **Article 20 - Authorisation and settlement of expenditure**

1. Within the limits of the budgetary allocations, the Administration shall act as authorising unit for appropriations for subsistence allowances, travel, mission and removal expenses and, where appropriate, reimbursement of remuneration and other expenses incurred under these rules.
2. Expenses incurred under these rules shall be paid monthly in arrears by the Administration.

3. Payments shall be made in euro.

**Article 21 - Expenditure on infrastructure**

SNEs shall have access to the same necessary infrastructure and facilities as Cedefop staff.

**CHAPTER VI: FINAL PROVISIONS**

**Article 22**

These rules shall enter into force on 1<sup>st</sup> May 2004 and replace any earlier decisions.

**Article 23**

In the case of conflict on the interpretation of these rules the rules applicable to national experts on secondment to the Commission shall serve as framework for interpretation.

Done at Thessaloniki, on 6.4.2004

(signed)

Johan van Rens

Director