

European GNSS Agency

Written Procedure n° 24

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Decision of the Administrative Board laying down rules on the secondment to the Agency of national experts and national experts in professional training

DECISION OF THE ADMINISTRATIVE BOARD OF THE GSA

laying down rules on the secondment to the Agency of national experts and national experts in professional training

THE ADMINISTRATIVE BOARD OF THE EUROPEAN GNSS AGENCY (hereinafter referred to as the "GSA" or "the Agency"),

Having regard to the Treaty on European Union and the Treaty on the functioning of the European Union,

Having regard to Regulation (EU) No 912/2010 of the European Parliament and of the Council of 22 September 2010 setting up the European GNSS Agency, repealing Council Regulation (EC) No 1321/2004 on the establishment of structures for the management of the European satellite radio navigation programmes and amending Regulation (EC) No 683/2008 of the European Parliament and of the Council (hereinafter referred to as the "GSA Regulation"),

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 in, and knowledge of, European policies by temporarily assigning experts from Member States to the Commission, even for short periods. For the same reason, steps should also be taken to facilitate the use of experts drawn from Member States of the European Free Trade Area (EFTA) 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.
- (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 Executive Director of the Agency.
- (6) It is desirable to consolidate the Rules applicable to SNEs in a single text, preserving their specific features while also simplifying them and, in the case of

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working conditions and the granting of subsistence allowances, by 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) Daily and monthly allowances should be reviewed taking account of changes in the basic salaries of the Agency's Temporary staff.
- (8) In view of the importance of training officials of the Member States – and, where appropriate, of EFTA countries, and IGOs – in Union 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 European Union Member States play a crucial role in implementing these Rules and should therefore enjoy a particularly close working relationship with the Agency,

HEREBY ADOPTS THE FOLLOWING 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.

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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 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 Executive 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:
- a. is an independent university or research organisation which does not set out to make profits for redistribution; or
 - b. 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:

- a. it must be attached to a public administration, as defined in paragraph 1, and specifically it must have been created by legislation or regulation;
- b. its resources must come primarily from public funding;
- c. 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 Executive Director may authorise the secondment of an SNE by an employer that does not meet one or more of the above criteria. The Executive Director shall regularly report to the Administrative Board on the use of this procedure.

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 with all the necessary facts to enable the Executive Director of the Agency to assess whether the various criteria are satisfied and to take an informed decision.

The Executive Director of the Agency 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.

- (3) Except where the Executive 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 Agency on staff secondments.

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- (4) 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.

The Human Resource Department of the Agency shall monitor compliance and, in the event of a serious imbalance within the Agency, shall take the necessary corrective measures to ensure balanced representation of SNEs.

- (5) 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 Chapter III.
- (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 from an IGO, as part of an agreement and/or exchange programme with the Agency, or as an in-kind contribution under the meaning of Regulation (EC) No 683/2008 of the European Parliament and of the Council of 9 July 2008 on the further implementation of the European satellite navigation programmes (EGNOS and Galileo)¹, as amended.
- (3) In addition, the Executive Director of the Agency may authorise the secondment of cost-free SNEs on a case-by-case basis, taking into consideration their place of origin, the Agency Department in question, the geographical balance and the work to be carried out.
- (4) Cost-free SNEs shall be taken into account in the Agency's annual decision on the Staff Policy Plan and administrative expenditure.

Article 3

Selection procedure

- (1) SNEs shall be selected according to an open and transparent procedure, the practical details of which shall be established by the Human Resource Department of the Agency and approved by the Executive Director of the Agency.
- (2) Before the secondment, the Agency must have been authorised to use SNEs on the basis of the Administrative Board's approval of its multi-annual Staff Policy Plan.
- (3) Applications can be forwarded by the Permanent Representations and where provided for in the vacancy notice, by the EFTA Secretariat, the diplomatic missions of the

¹ OJ L196/1, 24.7.2008

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non-member countries whose nationals are eligible for the secondment and the administrations of the IGOs.

- (4) Any secondment shall be authorised by the Executive Director of the Agency and the SNE's employer by an exchange of letters.

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 Executive 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 25 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.
- (3) An SNE who has already been seconded to the Agency may be seconded to it another time subject to the following conditions:
- a. the SNE must continue to meet the conditions for secondment;
 - b. a period of at least six years must have elapsed between the end of the previous period of secondment and the new secondment; if at the end of the previous secondment the SNE received an employment contract with the Agency, the duration of that contract or secondment shall be taken into account when calculating the six-year period referred to above.

The minimum period of six years referred to at b) shall not be required if the previous secondments lasted for less than four years, but in that case the new secondment shall not exceed the unexpired part of the four-year period, without prejudice to the possibility of extending it by up to two more years, as provided for in paragraph 1.

Article 5

Place of secondment

SNEs may be seconded to any place where the Agency has an office, or at any other place as decided by the Executive Director of the Agency.

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Article 6

Tasks

- (1) SNEs shall assist the Agency's staff and carry out the tasks assigned to them based on their professional knowledge and experience in accordance with a predetermined work programme or job description established by 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 if accompanying an Agency staff member, or acting alone as an observer or for information purposes.
- (3) In all other cases, by way of derogation from paragraph 2 above, the Executive Director of the Agency may give a specific mandate to the SNE to participate on his/her own in one or more missions or external meetings, after having ensured that there is no potential conflict of interest.

In such cases the Executive 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 Executive Director of the Agency may delegate his/her power to derogate to Heads of Department.

Under no circumstances may an SNE on his/her 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 an Agency 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's Department(s) 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 being seconded to the Agency.

For this purpose, the Department to which the SNE is to be seconded shall inform the SNE and his/her 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 Agency of any change of circumstances during the secondment which could give rise to any such conflict.

The Human Resource Department of the Agency shall keep a copy of all such exchanges of correspondence in its records and shall hand it over to the Executive Director of the Agency upon request.

- (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

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obtained prior to recruitment. Where necessary, the Department concerned shall consult the Security Department of the Agency.

- (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/her duties and conduct him/herself solely with the interests of the Union in mind. He/she shall neither seek nor take instructions from any government, authority, organisation or person outside the Agency. He/she shall carry out the duties assigned to him/her objectively, impartially and in keeping with his/her duties of loyalty to the Union.
- b. An SNE wishing to engage in an outside activity, whether paid or unpaid, or to carry out any assignment outside the Union shall be subject to the rules on prior authorisation for officials of the Union². 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/her position and from any form of psychological or sexual harassment³.
- d. The SNE shall not, in the performance of his/her duties, deal with a matter in which, directly or indirectly, he/she has any personal interests such as to impair his/her independence, and, in particular, family and financial interests. If he/she has occasion in the performance of his/her duties to deal with such a matter, he/she shall immediately inform his Head of Department, 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/her independence in the performance of his/her duties.

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

² Article 12b of the Staff Regulations and the provisions implementing this Article shall apply mutatis mutandis.

³ Article 12a of the Staff Regulations and the provisions implementing this Article shall apply mutatis mutandis.

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

The 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 Agency and/or the Union shall inform his/her Head of Department in advance. Where the Head of Department is able to demonstrate that the publication is liable seriously to prejudice the legitimate interests of the Agency and/or the Union, he/she shall inform the SNE of his/her 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 Department shall be deemed to have had no objections.

- g. All rights in any work done by the SNE in the performance of his/her duties shall be the property of the Agency.
 - h. Based on his professional knowledge and experience, the SNE shall assist and tender advice to the superiors in the Agency to whom he/she is assigned and shall be responsible to his/her 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 Agency and be bound by the obligation to act with integrity and discretion in the exercise of new duties assigned to him/her 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 of Officials 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 languages of the Union and a satisfactory knowledge of another language of the Union 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 language of the Union necessary for the performance of his duties.

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Article 9

Suspension of secondment

- (1) At the written request of the SNE or his/her 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 19 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 essential 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 or his/her employer to respect their obligations under this Decision; the Agency shall immediately inform the SNE and his/her 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 that he/she will remain,

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throughout the period of secondment, subject to the social security legislation applicable to the public administration that employs him/her 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 574/723⁴.

For SNEs seconded to an Agency office or place of secondment located in a non-member country, the national public administration or IGO from which the SNE is seconded shall provide sufficiently high ceilings for reimbursement to cover the medical expenses incurred in the country concerned and the cost of repatriation on health grounds, should this be necessary.

- (2) An SNE who cannot be covered by a public sickness insurance scheme may apply to have this risk insured by the Agency. The expert shall pay half the relevant insurance premium and his/her contribution shall be deducted monthly from the subsistence allowances referred to in Article 16.
- (3) From the day on which their secondment begins, SNEs need to be covered by their employer against the risk of accident. On exceptional basis, the Agency will provide adequate insurance cover in this regard and a copy of the policy will be provided to the SNE concerned.

Article 12

Working hours

- (1) The working hours for SNEs shall be the same as those in force at the Agency.
- (2) An SNE shall serve on a full-time basis throughout the period of secondment. Following a duly justified request originating from the Department concerned, the Executive 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) In the event of absence from work for reasons of sickness or accident, the SNE shall notify his/her Head of Department and the Human Resources Department of the Agency as soon as possible, stating his/her present address. She/he shall produce a medical certificate if absent for more than three days and may be required to undergo a medical examination arranged by the Agency.

⁴ OJ L 74, 27.3.1972, p.1

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- (2) If such absence due to sickness or accident of not more than three day exceeds a total of 12 days over a period of 12 months, the SNE shall produce a medical certificate for any further absence due to sickness.
- (3) Where the period of sick leave exceeds either one month or the period of service performed by SNE, whichever is longer, the subsistence allowances referred to in Article 16 shall be suspended. This provision shall not apply in the event of illness linked to pregnancy.
- (4) Sick leave may not extend beyond the duration of the secondment of the person concerned.
- (5) SNE who are the victim of a work related injury which occurs during the secondment shall continue to receive the allowance in full throughout the period during which they are unfit for work up to the end of the duration of the secondment.

Article 14

Annual and special leave

- (1) SNE shall be subject to the rules on annual leave and official holidays in force at the Agency.
- (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 SNE. Whilst on maternity leave, the SNE shall receive the subsistence allowances as set out 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) The leave shall start not earlier than six weeks before the expected date of confinement shown in the certificate and end within but not later than 14 weeks after

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the date of confinement. In the case of a multiple or premature birth or the birth of a child with disability, the duration shall be of 24 weeks. Premature birth for the purposes of this provision is a birth taking place before the end of the 34th week pregnancy.

- (4) An SNE may, as an alternative, apply for a break in the secondment to cover the period allowed for maternity leave. In that case the provision set in the second sentence of paragraph 3 above 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:

- a. a daily subsistence allowance shall be based on that of Brussels in addition to taking into account the correction co-efficient applicable to the country where the SNE is seconded, which is subject to the weighting set by the Council pursuant to Article 64 of the Staff Regulations, and
 - b. a monthly subsistence allowance shall be based on that of Brussels taking into account the correction co-efficient applicable to the country where the SNE is seconded.
- (2) These subsistence allowances shall be granted under the same conditions as the expatriation allowance for officials⁵.
- (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 Human Resource Department of the Agency shall be responsible for implementing this provision.
- (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.

⁵ Article 4 of Annex VII to the Staff Regulations and the provisions implementing this Article shall apply mutatis mutandis.

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

The SNE shall inform the Human Resource Department of the Agency 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/she 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 25th day of the month for SNEs starting on the first day of the same month. For SNEs starting on the 16th day of the month, this lump sum shall be paid by the 10th 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.
- (8) Subsistence allowances shall be paid no later than the 25th day of each month.

Article 17

Non review of allowances

Allowances to the SNE shall not be subject to review during the period of secondment except to reflect changes in the correction co-efficient applicable to the countries where the Agency is located.

Article 18

Place of origin

- (1) For the purposes of this Decision, the place of origin means the place where the SNE performed his/her duties for his/her employer immediately prior to the secondment. The place of secondment shall be any place where the Agency has an office, or any other place as decided by the Executive Director of the Agency. The place(s) of secondment shall be identified in the exchange of letters mentioned in Article 3(4).
- (2) If, six months before his/her secondment to the Agency as an SNE, a national expert already has his/her 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.

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Article 19

Travel expenses

- (1) SNEs 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 18, 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 Agency⁶.
- (3) By way of derogation from paragraph 1, an SNE who proves that he/she will be assigned to a place other than his/her 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/her 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 to this effect.

Article 20

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 Agency⁷.

Article 21

Training

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

⁶ Article 7(1) and (2) of Annex VII to the Staff Regulations and the provisions implementing these Articles shall apply mutatis mutandis.

⁷ Articles 11 and 12 of Annex VII to the Staff Regulations and the provisions implementing these Articles shall apply mutatis mutandis.

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Article 22

Administrative provisions

- (1) SNEs shall report to the Human Resources Department of the Agency 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.
- (2) SNEs seconded to places other than Brussels or Prague shall report to the appropriate Department of the Agency in the place of secondment.
- (3) All payments made or to be made under this Decision shall be expressed in euros.

Chapter IV

Complaints

Article 23

Complaints procedure

- (1) Without prejudice to the possibilities for instituting proceedings after taking up his/her 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 Department of the Agency responsible for complaints and requests under the Staff Regulations about an act adopted by the Agency under this Decision which adversely affects him/her, with the exception of decisions which are direct consequences of decisions taken by his/her employer.
- (2) 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 Human Resources Department of the Agency shall notify the person concerned of his/her reasoned decision within four months from 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 24

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

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places available, of countries with which the Council has decided to open accession negotiations and which have concluded a specific agreement with the Agency on staff secondments, or from IGOs, who are admitted to Commission departments for professional training purposes.

(2) The provisions of Article 1(1), (3), (4) and (5) shall apply by analogy to NEPTs.

Article 25

Purpose of the professional training

(1) The purpose of the professional training is:

- a. to give NEPTs experience of the Agency's working methods and policies;
- b. 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;
- c. 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:

- a. benefits from the input of people who can offer a new point of view and up-to-date knowledge which will enrich the daily work of the institution;
- b. builds up a network of people with direct experience of its procedures.

Article 26

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 Union institutions or bodies shall not be eligible for traineeships.

Article 27

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 Human Resource Department of the Agency in accordance with the procedure and methods decided by that Department.

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- (2) After consulting the Departments concerned and considering the situation, the Human Resource Department of the Agency shall decide how many NEPTs are to be admitted to the Agency for each period.

Article 28

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.

A NEPT may complete only one professional traineeship.

- (2) The professional traineeships may be organised twice a year, usually starting on the 1st or 16th of the months of March and October.

Article 29

Organisation of the professional training

- (1) Throughout the professional traineeship NEPTs shall be supervised by a training advisor. The training advisor must inform the Human Resources Department of the Agency of any significant incidents during the professional traineeship (in particular absences, illness, accidents or interruption) which he/she knows of or has been informed of by the NEPT.
- (2) NEPTs must obey instructions given by their training advisor, their superiors in the Department to which they are seconded and the Human Resources Department of the Agency.
- (3) 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 30

Suspension of the professional traineeship

At the written request of the NEPT or his/her employer, and with the latter's prior agreement, the Head of the Human Resource Department of the Agency 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.

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Article 31

Working conditions and remuneration

- (1) The following Articles shall apply by analogy to NEPTs:
- a. Article 6 on tasks;
 - b. Article 7 on rights and obligations;
 - c. Article 11(1) and (2) on social security;
 - d. Article 12(1) on working hours;
 - e. Article 13 on sick leave;
 - f. Article 14 on annual leave and special leave;
 - g. Article 20 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.
- (3) 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 32

Reports and certificate of attendance

- (1) NEPTs who have completed the stipulated professional training period shall complete the evaluation reports requested by the Human Resources Department of the Agency at the end of their traineeship. Training advisors must also complete the relevant evaluation report.
- (2) 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 33
Delegation

- (1) The Executive Director of the Agency may delegate the powers devolved to him/her pursuant to this Decision to one or more persons of his/her choice within the Agency.

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- (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 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, as applicable.

**Article 34
Entry into Force**

- (1) This Decision shall enter into force on the day of its adoption by the Administrative Board.
- (2) With effect from that date it shall apply to:
- a. SNEs and NEPTs taking up duty;
 - b. SNEs who are currently on secondment.

Done in Brussels on _____

For the GSA Administrative Board

Sabine Dannelke
Chairperson of the GSA Administrative Board