

Decision of the ETF Governing Board laying down the rules on the secondment of national experts and national experts in professional training to the European Training Foundation

THE ETF GOVERNING BOARD,

Having regard to the Council Regulation (EC) n° 1339/2008 of 16 December 2008 establishing a European Training Foundation (recast)¹, and in particular Article 21.4 thereof,

Having regard to the Commission decision C(2008)6866/3 of 12.11.2008 laying down rules on the secondment to the Commission of national experts and national experts in professional training,

Having regarding to the Governing Board decision ref. GB/09/DEC/015,

Having regard to the Staff Regulations of Officials of the European Union ('Staff Regulations') and the Conditions of Employment of Other Servants of the European Union ('CEOS'), laid down by Council Regulation (EEC, Euratom, ECSC) No 259/68²,

After consultation with the ETF Staff Committee,

Whereas:

- 1) The ETF Governing Board shall adopt provisions to allow national experts from Member States or partner countries to be employed on secondment to the ETF;
- 2) The Governing Board decision ref.GB/09/DEC/015 on the secondment of national experts and national experts in professional training requires adaptations in the light of the Staff Regulations² and relevant Implementing Rules;
- 3) The SNE's selection procedure requires adaptations in the light of the European Ombudsman's recommendations to all agencies to disclose the names of the selection assessment board members and in light of allowing a Staff Committee's representative to be part of the selection procedure as selection assessment board member;
- 4) It is desirable, further to the European Ombudsman's recommendations to all agencies to provide clear information on how to lodge a complaint to the European Ombudsman;

¹ OJ L 354 of 31/12/2008, p. 82.

² OJ L 56, 4.3.1968. p. 1, as last amended by Regulation (EU, Euratom) No 1023/2013 of the European Parliament and of the Council of 22 October 2013, OJ L 287, 29.10.2013, p.15.

Has decided as follows:

Title 1: Seconded national experts

Chapter I: General provisions

Article 1: Scope and definition

1. These Rules shall apply to national experts seconded to the ETF.

Seconded national experts (SNEs) are persons from Member States or ETF partner countries employed by a public, international or non-governmental organisation, or exceptionally by a private organisation, who are seconded to the ETF so that it can use their expertise in a particular field.

The persons covered by these Rules must have worked for their employer on a 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 throughout the period of secondment and to inform the ETF 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 contractual status may lead to the termination of his secondment by the ETF, without notice, in accordance with article 9 paragraph 2(c).

2. When a secondment is being planned, the ETF shall give due consideration to gender balance
3. 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: Selection procedure

1. SNEs shall be selected according to an open and transparent procedure, the practical details of which are annexed to this Decision.
2. Selection procedures shall be initiated by the ETF Human Resources Unit at the request of the ETF Director.
3. The secondment shall be formalised by means of an exchange of letters between the ETF and the SNE's employer indicating when the secondment starts.

Article 3: Period of secondment

1. The initial period of secondment may not be less than six months and more than two years. It may be renewed one or more times up to a total period not exceeding four years. The secondment shall start on the 1st or 16th of the month.
2. The initial duration of the secondment shall be specified in the exchange of letters referred to in article 2 paragraph 3. 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 ETF, 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.

The minimum period of six years referred to under paragraph 3(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-years period.

Article 4: Place of secondment

A SNE's seconded to the ETF shall be based in Turin.

Article 5: Duties

1. SNEs shall assist ETF staff. They shall not perform middle or senior management duties.
2. An SNE shall take part in missions or external meetings only as part of a delegation led by an ETF staff member 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 immediate superior concerned 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 immediate superior concerned shall give the SNE clear and specific instructions on the position to be adopted (during missions or meetings) regarding ETF projects on which he works.

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

4. The ETF 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 department or unit 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 ETF.

For this purpose, the department or unit concerned shall (via the Human Resources Unit) inform the SNE and his employer before the start of the secondment about the intended duties and ask them to sign a Declaration confirming that there is no reason why the SNE should not be assigned to those duties

The employer and the SNE shall also undertake to inform the immediate superior concerned of any change of circumstances during the secondment that could give rise to any such conflict.

The ETF Human Resources Unit shall keep a copy of all such exchanges of correspondence in its records and shall hand it over to the Director of the ETF on request.

6. Failure on the part of the SNE to comply with his obligations arising from paragraphs 2, 3 or 5 shall entitle the ETF to terminate the secondment of the SNE pursuant to article 9 paragraph 2(c).

Article 6: 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 ETF and the Community in mind. He shall neither seek nor take instructions from any government, authority, organisation or person outside the ETF. He shall carry out the duties assigned to him objectively, impartially and in keeping with his duties of loyalty to the ETF and the Community.
- b) An SNE wishing to engage in an outside activity, whether paid or unpaid, or to carry out any assignment outside the ETF shall be subject to the rules applicable at ETF with regards to prior authorisation³. The ETF shall consult the SNE's employer before issuing an authorisation.
- c) The SNE shall refrain from any action or behaviour that might reflect adversely upon his position and from any form of psychological or sexual harassment⁴.
- 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, and, in particular, family or financial interests. If he has, during the performance of his duties, to deal with such a matter, he shall immediately inform his immediate superior, who will take any appropriate measure and may, in particular, relieve the SNE of his responsibility in this matter.

The SNE may neither keep nor acquire, either directly or indirectly, in undertakings which have dealings with the ETF, any interests of such kind or magnitude that they 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.
- f) All rights in any work done by the SNE in the performance of his duties shall be the property of the ETF.
- g) 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 ETF and/or the Community shall request permission in advance from the Director of the ETF. Where the latter is able to demonstrate that the publication is liable seriously to prejudice the legitimate interests of the ETF and/or the Community, 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 that period, the Director of the ETF shall be deemed to have had no objections.

- h) The SNE shall reside at the place of secondment or at no greater distance therefrom as is compatible with the proper performance of his activities

³ Article 12b of the Staff Regulations and the related implementing rules shall apply *mutatis mutandis*.

⁴ Article 12a of the Staff Regulations and related implementing rules shall apply *mutatis mutandis*.

- i) Based on his professional knowledge and experience, the SNE shall assist and tender advice to the superiors at the ETF to whom he is assigned and shall be responsible before his superiors for performance of the duties entrusted to him.
2. Failure to comply with any of the provisions of paragraph 1 during the period of secondment shall entitle the ETF to terminate the SNE's secondment pursuant to article 9 paragraph 2(c).
3. At the end of the secondment, the SNE shall continue to have a duty of loyalty to the ETF 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 7: Professional experience and knowledge of languages

1. To qualify for secondment to the ETF, a national expert must have at least three years' full-time experience of administrative, scientific, technical, advisory or supervisory functions.
2. Before the secondment, the employer shall certify that it has employed the SNE for at least 12 months.
3. The SNE must possess a thorough knowledge of one of the Community languages and a satisfactory knowledge of another Community language to the extent necessary for the performance of his duties. The level of knowledge shall be defined when selecting the SNE in line with the skills required.

Article 8: Suspension of secondment

1. Upon the written request of the SNE and in agreement with his employer, or upon the request of his employer or of the ETF, the ETF may authorise periods of suspensions 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 ETF's request.
2. The period of suspension shall not be counted in the period of secondment as defined in article 3.

Article 9: Termination of the secondment

1. Subject to paragraph 2, the secondment may be terminated at the request of the ETF or of 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 ETF. The termination shall be formalised by means of an exchange of letters between the Parties.
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 ETF 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 ETF in the event of failure by the SNE or his employer to respect their obligations under this Decision. The ETF shall immediately inform the SNE and his employer.

Chapter II: Working conditions

Article 10: Social security

1. Before the period of secondment begins, the SNE's employer shall certify that he will remain, throughout the period of secondment, subject to the social security legislation applicable and is responsible for expenses incurred abroad.
2. The SNE shall make the necessary arrangements for a health and sickness insurance cover during the period of secondment. The SNE shall provide the ETF Human Resources Unit with proof of such cover, and of its renewal should the secondment be extended.

Article 11: Working time

1. The rules in force at the ETF on working time shall apply to SNEs⁵.
2. An SNE shall serve on a full-time basis throughout the period of secondment.

Article 12: Sick leave

1. The rules in force at the ETF on absence due to sickness or accident shall apply to SNEs⁶.
2. Where the period of sick leave exceeds three months or the length of time worked by the SNE at the ETF, 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 13: Annual and special leave

1. With the exception of the provisions relating to grade, the rules in force at the ETF on annual and special leave, applicable to temporary and contract staff, shall apply to SNEs⁷.
2. Leave shall be subject to prior authorisation by the SNE's immediate superior. In the event of unauthorised absence as defined in the article 60 of the Staff Regulations, subsistence allowances shall not be paid.
3. Upon a duly justified request from the SNE's employer, the ETF may grant the SNE up to two days of special leave 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 14: Maternity leave

1. The rules in force at the ETF on maternity leave shall apply to SNEs⁸. While on maternity leave, the SNE shall receive the subsistence allowances referred to in article 16.

⁵ Article 55 of the Staff Regulations and the related implementing rules shall apply mutatis mutandis.

⁶ Articles 59 and 60 of the Staff Regulations and the related implementing rules shall apply mutatis mutandis.

⁷ Articles 57 of and Annex V to the Staff Regulations and the related implementing rules shall apply mutatis mutandis.

⁸ Article 58 of the Staff Regulations and the related implementing rules shall apply mutatis mutandis.

2. Where the rules that are binding upon the SNE's employer provide for a longer period of maternity leave, at the SNE's request, the secondment shall be interrupted for the period by which that leave exceeds the leave granted by the ETF.

A period equivalent to the break may be added to the end of the secondment if the interests of the ETF 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.

Article 15: Management and control

1. Day-to-day administrative and financial management, such as the calculation and payment of subsistence allowances and travel allowances to SNE's, shall be the responsibility of the ETF Human Resources Unit.
2. Administrative operations relating to observance of working hours, and rules on working time, annual and special leave shall be the responsibility of the SNE's immediate superior.

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 for Brussels and Luxembourg shall be € 128,67;
- the monthly subsistence allowance shall be paid in accordance with the following table:

| Distance between place of origin and place of secondment | Amount |
|--|----------|
| 0 – 150 km | € 0 |
| > 150 km | € 82.70 |
| > 300 km | € 147.03 |
| > 500 km | € 238.95 |
| > 800 km | € 385.98 |
| > 1300 km | € 606.55 |
| > 2000 km | € 726.04 |

2. These subsistence allowances shall be granted under the same conditions as the expatriation allowance for temporary and contract staff⁹.
3. The subsistence allowances shall be subject to the correction coefficient set pursuant to article 64 of and Annex XI of the Staff Regulations.
4. The adjustments to remuneration adopted pursuant to article 65 of the Staff Regulations shall apply automatically to the subsistence allowances in the month following their adoption.

⁹ Article 4.1 of Annex VII to the Staff Regulations and related implementing rules shall apply mutatis mutandis.

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 ETF.

The SNE's employer shall maintain during the secondment the level of remuneration the SNE was receiving at the time of his secondment.

The SNE shall inform the ETF Human Resources Unit of any allowance similar to the subsistence allowances received from other sources. This amount shall be deducted from the subsistence allowances paid by the ETF. 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 ETF.

6. Subsistence allowances shall be paid no later than the 15th day of each month.
7. For SNEs starting on the 16th day of the month, he shall receive half of the monthly subsistence allowance for the first fifteen days of the secondment.
8. Subsistence allowances shall be paid into the SNE's bank account in Euro in Italy or any other Member State.

Article 16a: Refund of remuneration

Where warranted by its interests, the ETF may refund all or part of the SNE's remuneration to his employer, during the period of secondment to the ETF. This agreement shall be laid down in the exchange of letters referred to in article 2 paragraph 3.

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 Turin. These places shall be stipulated in the exchange of letters referred to in article 2 paragraph 3.
2. If, six months before his secondment to the ETF as an SNE, a national expert has already 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 shall be entitled to reimbursement of the cost of travel for themselves, their spouse and dependent children¹⁰, 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 ETF¹¹.
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 ETF shall not reimburse any expenses referred to in the preceding paragraphs if they have been met by the SNE's employer

¹⁰ As defined in articles 1 and 2 of Annex VII to the Staff Regulations.

¹¹ Article 7(1) and (2) of Annex VII to the Staff Regulations and the related implementing rules shall apply mutatis mutandis.

Article 19: Missions and mission expenses

1. SNEs may be sent on mission subject to article 5.
2. Mission expenses shall be reimbursed in accordance with the relevant rules and conditions in force at the ETF¹².

Article 20: Learning and development

SNEs shall be entitled to attend learning and development activities organised by the ETF if the interests of the ETF warrant it.

Article 21: Administrative provisions

1. SNEs shall report to the ETF 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.
2. The Director's decision on the handover procedure shall apply *mutatis mutandis* to SNEs.
3. The rules and procedures related to the appraisal and annual dialogue shall apply to SNEs.

Chapter IV: Complaints

Article 22 a: Complaints to the ETF Director

After taking up his position, any SNE may submit a complaint to the Director of the ETF about an act 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 three 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 ETF shall notify the person concerned of his 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.

Article 22 b: Complaints to the European Ombudsman

Any citizen of the Union or any natural or legal person residing or having its registered office in a Member State concerning instances of maladministration in the activities of the ETF may appeal to the European Ombudsman within 2 years of becoming aware of the facts on which the complaint is based. This can be done in writing through the European Ombudsman's website after having first contacted the ETF to try and resolve the matter.

¹² Articles 11 to 13 of Annex VII to the Staff Regulations and the related implementing rules shall apply *mutatis mutandis*.

Title II: National experts in professional training

Article 23: Scope and definition

1. National experts in professional training (NEPTs) are civil servants from the ETF partner countries or Member States, servants from inter-governmental organisations (IGO) and other international organisations, who are seconded to ETF for professional training purposes.
2. The provisions of article 1 shall apply by analogy to NEPTs (except for the second paragraph of article 1 paragraph 1).

Article 24: Purpose of the professional training

1. The purpose of the professional training is:
 - a) to provide NEPTs with experience of the ETF's working methods and European policies;
 - b) to enable them to gain practical experience and understanding of the day-to-day work of the ETF and to give them the opportunity to work in a multicultural, multilingual environment;
 - c) to enable them to put into practice the knowledge they have acquired during their studies, particularly in their respective areas of competences.
2. For its part, the ETF:
 - a) benefits from the input of persons who can offer a new point of view and up-to-date knowledge which will enrich the daily work of the ETF;
 - b) builds up a network of persons with direct experience of its procedures.

Article 25: Eligibility

1. The provisions of article 7 on professional experience and knowledge of languages shall apply by analogy to NEPT.
2. Persons, who have already been seconded as SNE or worked under an employment contract in one of the Community institutions or bodies, shall not be eligible for secondment to the ETF as NEPT.

Article 26: 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 shall start on the 1st or 16th of the month.
3. The secondment shall be formalised by means of an exchange of letters between the ETF and the NEPT's employer indicating when the secondment will start.

Article 27: Organisation of the professional training

Throughout the professional traineeship, NEPTs shall be supervised by the head of the department or unit to which they are seconded.
The provisions of article 15 shall apply by analogy to NEPT.

NEPTs must follow instructions given by their immediate superior and by the ETF'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/unit to which they are seconded.

Article 28: Suspension of the professional training

At the written request of the NEPT or his employer, the ETF 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 29: Working conditions and remuneration

1. The following articles shall apply by analogy to NEPT:

- article 5 on duties;
- article 6 on rights and obligations;
- article 10 on social security;
- article 11 on working time;
- article 12 on sick leave;
- article 13 on annual leave and special leave;
- article 19 on missions and mission expenses.

2. NEPTs shall continue to be paid by their employer without any financial compensation being paid by the ETF.

The ETF 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 30: Reports and certificate of attendance

NEPTs who have completed the stipulated professional training period shall complete the evaluation reports requested by the ETF's Human Resources Unit. This shall also apply to their immediate superior.

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

This Decision shall enter into force on the day of its adoption and it repeals and replaces the Governing Board's Decision ref. GB/09/DEC/015.

Done in Turin, on 24/11/2015


For the ETF, Chairman of the
Governing Board

Seconded National Experts - Selection procedure

1. Principles

- The selection shall be directed to securing for the ETF the services of SNEs of the highest standard of professionalism, competencies, efficiency and integrity.
- SNEs shall be selected:
 - o through a transparent, objective and proportional procedure;
 - o without distinction as to gender, marital status, age, sexual preference, disability, ethnicity or religious belief.

2. Steps

2.1 Approval and launch of the call for expressions of interest

The HR Unit, in collaboration with the Head of the unit/department where the secondment takes place, drafts the notice for the call for expression of interest.

In addition to the conditions of secondment and the details about the selection procedure, the call will include the following information:

- key accountabilities;
- experience and/or educational background requirements;
- core and technical skills and competences;
- assets, if any.

Prior to the launch of the call, the notice is submitted to the Director for her/his approval.

The call is open for at least 15 working days.

2.2 Composition of the Selection Assessment Board

The Selection Assessment Board (SAB), appointed by ETF Director, shall be composed by 3 members: the Head of HR Unit (chair of the board) and 2 members of the Unit/Department where the expert(s) will be seconded, including one representative of the Staff Committee.

Whether it could be considered of interest of the service, 1 or 2 additional staff members may be called to participate in one or more phases of the selection as technical expert.

While setting up the SAB, the following criteria shall be looked at:

Expertise in selection techniques: members shall have had training on selection techniques;

Gender balance of the SAB wherever possible (i.e. availability of staff).

Grade: members of the SAB shall be selected amongst Temporary Agents in function group AD, wherever possible (i.e. availability of staff).

Name of the SAB members are made public prior to the closing date for receiving expressions of interest.

2.3 Assessment and selection procedure

The assessment and selection procedure is carried out in three main phases:

Phase 1 – Screening of applications

a) ELIGIBILITY

Compliance with the **eligibility criteria and the formal requirements** as detailed in the notice is assessed by HR Unit on the basis of the documents provided by applicants. Applications considered eligible are provided to the SAB.

b) SELECTION FOR INTERVIEW

On the basis of the applications provided, the SAB assesses expressions of interest against the secondment profile and the selection criteria. Applicants whose CV and Selection Criteria form are considered to be most in line with the above criteria are invited for an interview and tests.

Phase 2 –Interviews and tests

The SAB assesses the competences and skills of the applicants, as well as the declared assets, where applicable, by means of an interview and tests.

Upon completion of this phase, the SAB puts forward a list of applicants considered the most in line with the secondment profile for the decision of the ETF Director.

Phase 3 – Secondment offer

After considering the list proposed by the SAB, the Director offers the secondment to the successful candidate, if any.

The Director may also decide to establish a reserve list of other potentially suitable candidates, if any.