

**DECISION OF THE GOVERNING BOARD OF
THE EUROPEAN INSTITUTE OF INNOVATION AND TECHNOLOGY (EIT)
of 19 May 2011**

**LAYING DOWN THE RULES ON THE SECONDMENT TO THE EUROPEAN INSTITUTE OF
INNOVATION AND TECHNOLOGY OF NATIONAL EXPERTS AND NATIONAL EXPERTS IN
PROFESSIONAL TRAINING**

THE GOVERNING BOARD OF THE EUROPEAN INSTITUTE OF INNOVATION AND TECHNOLOGY,

HAVING regard to the Treaty establishing the European Community,

HAVING regard to Regulation (EC) No 294/2008¹ of the European Parliament and of the Council of 11 March 2008, hereinafter called the "Regulation", establishing the European Institute of Innovation and Technology, hereinafter "EIT Regulation", and in particular the Statutes, Article 7(2), hereinafter called the "Statutes";

WHEREAS:

- (1) Article 7(2) of the Statutes states that experts may be seconded to the EIT for a limited duration by participating States and other employers. The Governing Board shall adopt provisions enabling the seconded experts to work at the EIT and defining their rights and responsibilities.
- (2) The EIT has in place a Multi-Annual Staff Policy Plan linking in with its Establishment Plan.
- (3) Seconded National Experts (SNEs) should enable the EIT to benefit from the high level of their professional knowledge and experience, in particular in areas where such expertise is not readily available.
- (4) It is highly desirable to foster the exchange of professional experience in and knowledge of, European policies by temporarily assigning experts from the Member States to the EIT.
- (5) In order to ensure that the EIT's independence is not compromised by private interests, it should be stipulated that SNE must come from a national, regional or local public administration or an inter-governmental organisation (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.
- (6) SNE should be drawn from Government or State departments in EFTA and EU 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.
- (7) In order to avoid any conflict of interests, the rights and obligations of SNE set out in these Rules should ensure that SNE carry out their duties solely in the interests of the EIT.
- (8) In view of the temporary nature of their work and their particular status, SNE should not assume any responsibility on behalf of the EIT.

¹ OJ L 97/1 of 9.4.2008



- (9) It is desirable to consolidate the Rules applicable to SNE in one text, incorporating the amendments which have been made since such Rules were first adopted as proposed by the European Commission while making further provisions to take account of general social developments.
- (10) In the case of working conditions and the granting of subsistence allowance, as much as possible these are to be brought into line with the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Communities but without actually assimilating SNE to these categories.
- (11) Daily and monthly allowances should be reviewed taking account of changes in the basic salaries of the EIT's Temporary Agents in Budapest.
- (12) In view of the importance of training officials of the Member States – and, where appropriate, of EFTA countries, candidate countries and IGO – in Community policies and the EIT's working methods, a specific legal and administrative framework for the induction and professional training of these agents, to be known as national experts in professional training (NEPT), should be set up.
- (13) The Permanent Representations of the European Union Member States may play a crucial role in implementing these Rules and should therefore enjoy a particularly close working relationship with the EIT.

HAS DECIDED AS FOLLOWS:

Chapter I

General Provisions

Article 1

Scope and definitions

- (1) These Rules are applicable to national experts seconded to the EIT, hereinafter referred to as Seconded National Experts (SNE). SNE are staff employed by a national, regional or local public administration or an IGO, who are seconded so that the EIT 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.
- (2) The persons covered by these Rules must have worked for their employer on a permanent or contract basis for at least 12 months before their secondment and shall remain in the service of that employer throughout the period of secondment. The SNE's employer shall thus undertake to continue to pay his/her salary, to maintain his/her administrative status (permanent official or contract staff member) throughout the period of secondment and to inform the EIT's management of any change in the SNE's situation in this regard. The SNE's employer shall also continue to be responsible for all his/her 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/her secondment by the EIT, without notice, in accordance with Article 10(2) (termination of periods of secondment).

- (3) Except where the EIT Director grants a derogation, an SNE shall be either a national of a Member State or of an EU candidate country or an EFTA country or a country with which the European Council has decided to open accession negotiations and which has concluded a specific agreement with the Commission on staff secondments.
- (4) When a secondment is being planned, the EIT 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 EIT shall monitor compliance and shall take the necessary measures to ensure balanced representation of SNE.
 - When accepting a SNE into its ranks the EIT shall ensure that the SNE's employer is:
 - an independent university or research organisation which does not set out to make profits for redistribution; or
 - in fact part of the public sector.

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

- it must be attached to a public administration, as defined in paragraph 1, and specifically it must have been created by legislation or regulation;
 - its resources must come primarily from public funding;
 - any activities in which it competes against other private or public entities on the market must represent less than half of its activities.
- (5) In the interest of the service, the EIT Director may authorise the secondment of an SNE by an employer that does not meet one or more of the above criteria.

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

The EIT Director 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 IGO concerned, or a country associated with a Community programme by a Council decision.

Article 2

Cost-free seconded national expert

- (1) For the purposes of this Decision, cost-free SNE means SNE whose secondment does not entail any costs borne by the EIT as referred to in Chapters III and VI of these rules or cover any of the expenses provided for in this Decision, other than those related to the performance of their duties during their secondment.
- (2) Cost-free SNE may be seconded from the public administration, as defined in Article 1(1) and Article 1(3).
- (3) In addition, the EIT Director may authorise the secondment of cost-free SNE on a case-by-case basis, taking into consideration the geographical balance at the EIT and the work to be carried out.
- (4) Cost-free SNE shall be taken into account in the EIT's Multi-annual Staff Policy Plan indicating the allocation of human resources and administrative expenditure.

Article 3
Selection procedure

- (1) SNE shall be selected according to an open and transparent procedure, the practical details of which shall be decided by the Unit responsible for Human Resources matters.
- (2) Before the secondment, the EIT must have been authorised to use SNE on the basis of the Commission'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 non-member countries whose nationals are eligible for the secondment and the administrations of the IGO.
- (4) Any secondment shall be authorised by the EIT Director and the SNE's employer by an exchange of letters.

Article 4
Probationary period

An SNE shall serve a probationary period of six months. A probationary report must be drawn up no later than one month before the expiry of the probationary period. The report shall be drawn up in accordance with the following procedure:

- (1) The probation supervisor shall be the temporary staff member under whose supervision the probationary SNE performs his/her duties.
- (2) Not less than two months before the end of the probationary period, the probation supervisor shall ask the SNE to draw up a self-assessment. The SNE shall have eight working days in which to do so. The self-assessment shall be included in the probationary report.
- (3) Not more than ten working days after the SNE has submitted the self-assessment, the probation supervisor and the SNE shall hold a formal dialogue.
- (4) If the SNE refuses to finalise the self-assessment within the period set, the probation supervisor may decide to hold the dialogue on the expiry of the period referred to in (b) of this paragraph.
- (5) The dialogue shall cover the ability of the SNE to perform his/her duties, and his/her conduct and efficiency in the service.
- (6) Not more than ten working days after the formal dialogue, the probation supervisor shall draw up the probationary report and send it to the SNE. The report shall indicate whether the SNE has shown adequate qualities to justify retention in his/her function, whether, in exceptional circumstances, the probationary period should be extended or whether the SNE should be dismissed in accordance with Article 84(3) of the Conditions of Employment of Other Servants.
- (7) The SNE shall then have eight working days in which to make known any comments. Once this period has elapsed, the probationary report shall be closed.
- (8) Where the probationary report recommends dismissal or, in exceptional circumstances, the extension of the probationary period, the probation supervisor's hierarchical superior, who must belong to function group AD, shall hold a dialogue with the SNE within ten working days. The SNE may be assisted during the dialogue by another person, provided that person is another staff member. Not more than five working days after this dialogue the probation supervisor's hierarchical superior shall deliver an opinion to the authority responsible for concluding contracts of employment. The Authority responsible for concluding contracts of employment shall decide on the follow-up action to be taken in relation to the probationary period.

Article 5
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 for reasons linked to the interest of the service. SNE shall serve on a full-time basis throughout the period of secondment, subject to Article 12.2 of these rules. Exceptionally, the EIT Director may authorise one or more extensions of the secondment for a maximum of two more years at the end of the four year period.
- (2) In cases where an SNE has been seconded as a national expert in professional training within the meaning of Article 26 during the six years preceding his/her 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.
- (3) The initial period of secondment shall be specified in the exchange of letters provided for in Article 3.4. Any extension of the period of secondment shall be the subject of a new exchange of letters.
- (4) An SNE who has already been seconded to the EIT may be seconded to it another time subject to Articles 4.1-4.3 of these rules and subject further to the following conditions:
 - the SNE must continue to meet the conditions for secondment;
 - 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 EIT, 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 above 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 6
Place of secondment

SNE may be seconded to any place where the EIT has an office.

Article 7
Duties

- (1) SNE shall assist the EIT'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 EIT. 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 EIT temporary agent, or acting alone as an observer or for information purposes.
- (3) SNE may work in any area where their services are deemed necessary, provided there is no conflict with the interests of the EIT.

- (4) In all other cases, by way of derogation from Paragraph 2 above, the EIT Director 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 EIT Director shall give the SNE clear and specific written instructions on the position to be adopted during the missions or meetings in question.

The EIT Director may delegate his power to derogate to Heads of Unit. Under no circumstances may an SNE on his/her own represent the EIT with a view to entering into commitments, whether financial or otherwise, or negotiating on its behalf. An SNE may, however, represent the EIT in legal proceedings as co-agent with a temporary agent.

- (5) The EIT shall remain solely responsible for approving the results of any tasks performed by an SNE and for signing any official documents arising from them.
- (6) The EIT's Unit/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 EIT. For this purpose, the Unit 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 EIT of any change of circumstances during the secondment which could give rise to any such conflict. The EIT Human Resources section shall keep a copy of all such exchanges of correspondence in its records (personnel file SNE) and shall hand it over to the EIT Director upon request.

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

Article 8 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 EIT in mind. S/he shall neither seek nor take instructions from any government, authority, organisation or person outside the EIT. S/he shall carry out the duties assigned to him/her objectively, impartially and in keeping with his/her duties of loyalty to the EIT.
- b) An SNE wishing to engage in an outside activity, whether paid or unpaid, or to carry out any assignment outside the EIT shall be subject to the rules on prior authorisation for officials². The Unit 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, s/he has any personal interests such as to impair his/her independence, and, in particular, family and financial interests. If s/he has occasion in the performance of his/her duties to deal with such a matter, s/he shall immediately

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.

inform his/her Head of Unit, who will take any appropriate measure and may, in particular, relieve the SNE of responsibility in this matter.

The SNE may neither keep nor acquire, either directly or indirectly, in undertakings which are subject to the authority of the EIT or which have dealings with the EIT, 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.

- 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 EIT, shall inform his/her Head of Unit in advance. Where the Head of Unit is able to demonstrate that the publication is liable seriously to prejudice the legitimate interests of the EIT, s/he 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 Unit 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 EIT.
 - h) The SNE shall reside at the place of secondment or at no greater distance from it as is compatible with the proper performance of his/her activities.
 - i) Based on his/her professional knowledge and experience, the SNE shall assist and tender advice to the superiors at the EIT to whom s/he is assigned and shall be responsible to his/her superiors for performance of the tasks entrusted to him/her.
- (2) Failure to comply with any of the provisions of paragraph 1 during the period of secondment shall entitle the EIT, if it sees fit, to terminate the SNE's secondment pursuant to Article 10(2).
- (3) At the end of the secondment the SNE shall continue to have a duty of loyalty to the EIT 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 9

Level, professional experience and knowledge of languages

- (1) To qualify for secondment to the EIT, an SNE must have at least three years experience in an administrative, scientific, technical, advisory or supervisory function/s that can be regarded as equivalent to function groups AD or AST as defined in the Staff Regulations of the Officials of the European Communities and in the Conditions of Employment of Other Servants of the European Communities.
- (2) An SNE must have a thorough knowledge of English which is the main working language of the EIT and a satisfactory knowledge of a second EU language. An SNE from a non-member country must produce evidence of a thorough knowledge of one Community language necessary for the performance of his/her duties.

Article 10

Suspension of secondment

- (1) At the written request of the SNE or his/her employer, and with the latter's agreement, the EIT 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 allowances referred to in Articles 19 (travel expenses) shall be payable only if the suspension is at the EIT's request;
- (2) The period of suspension shall not be counted in the period of secondment as defined in Article 4.

Article 11
Termination of periods of secondment

- (1) Subject to paragraph 2, the secondment may be terminated at the request of the EIT 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 EIT and the SNE's employer.
- (2) 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 the EIT and the employer acting jointly, on request by the SNE to both parties, if the SNE's essential personal or professional interests so require;
 - c) by the EIT in the event of a failure by the SNE to respect his/her obligations under this Decision.
- (3) In the event of termination under Paragraph 2 (c), the EIT shall immediately inform the SNE's employer.

Chapter II
Working conditions

Article 12
Social security, accident insurance

- (1) Before the period of secondment begins, the employer from which the SNE is to be seconded, shall certify to the EIT that the SNE will remain subject throughout the period of secondment to social security legislation applicable to the employer who will assume responsibility for expenses incurred abroad.
- (2) Before the period of secondment begins, the SNE's employer shall provide the EIT with the certificate referred to in Article 11(1) of the Council Regulation (EEC) No 574/72⁴. An SNE who cannot be covered by a public sickness insurance scheme may apply to have this risk insured by the EIT. 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, SNE need to be covered by their employer against the risk of accident. Exceptionally, the EIT will provide adequate insurance cover in this regard and a copy of the policy will be provided to the SNE concerned. In this case the

⁴ OJ L 74, 27.3.1972, p.1

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.

*Article 13
Working hours*

- (1) The working hours for SNEs shall be the same as those in force at the EIT.
- (2) An SNE shall serve on a full-time basis throughout the period of secondment. Following a duly justified request originating from the Unit concerned, the EIT Director may allow an SNE to work part time, provided the SNE's employer agrees and the arrangement is compatible with his/her tasks and the smooth running of the Unit.

*Article 14
Sick leave*

- (1) The rules in force at the EIT on absence due to sickness or accident shall apply to the SNEs. In the event of absence from work for reasons of sickness or accident, the SNE shall notify his/her Head of Unit as soon as possible, stating his/her present address. S/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 EIT.
- (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 15
Annual, special leave and official holidays*

- (1) SNE shall be subject to the rules on annual leave and official holidays in force at the EIT. They shall be entitled to two-and-a-half working days of leave per whole month of service, giving 30 days per calendar year.
- (2) Leave is subject to prior authorisation by the Head of Unit to which the SNE is assigned. In case of unauthorised leave, the relevant daily allowance shall not be paid.
- (3) SNE may, on submitting a reasoned application, be granted special leave in accordance with the rules applicable to EIT staff.
- (4) Upon a duly justified request from the SNE's employer, up to two days of paid special leave in a 12-month period to visit his/her employer may be granted by the EIT on a case-by-case basis.
- (5) The entitlements set out in paragraphs 1, 3 and 4 above shall be considered exhaustive. In particular, no further entitlement shall be allowed in respect of travel, age or grade.
- (6) Days of annual leave not taken by the end of the secondment shall be forfeited.
- (7) SNE shall be entitled to official holidays applicable to EIT staff.

Article 16
Maternity leave

- (1) The rules in force at the EIT 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 EIT, the secondment may, at the SNE's request, be interrupted for the period by which that leave exceeds the leave granted by the EIT. A period equivalent to the break may be added to the end of the secondment if the interests of the EIT 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 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 second sentence of paragraph 2 above shall apply.

Chapter III
Allowances & Expenses

Article 17
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 daily subsistence allowance shall be based on the amount applied by the European Commission for Brussels, taking into account the correction co-efficient applicable to Hungary which is set by the Council pursuant to Article 64 of the Staff Regulations, and
 - a monthly subsistence allowance shall be based on the amounts applied by the European Commission for Brussels, taking into account the correction co-efficient applicable to Hungary which is set by the Council pursuant to Article 64 of the Staff Regulations.
- (2) These subsistence allowances shall be granted under the same conditions as the expatriation allowance for officials⁵.
- (3) In the case of cost-free SNE, 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 Head of the EIT Resources Unit shall be responsible for implementing this provision.

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

- (5) These allowances are intended to cover SNE living expenses in the place of secondment on a flat-rate basis and shall in no circumstances be construed as remuneration paid by the EIT. Before the secondment, the SNE's employer shall certify to the EIT Director 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 EIT Director of any allowance, similar to the subsistence allowances paid by the EIT, received from other sources. This amount shall be deducted from the subsistence allowances paid by the EIT. Following a duly justified request from the employer, the EIT 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 EIT.

*Article 18
Place of origin*

- (1) For the purposes of this Decision, "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 the place where the EIT Unit to which the SNE is assigned is located. Both places shall be identified in the exchange of letters mentioned in Article 3(4).
- (2) If, six months before his/her secondment to the EIT 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.

*Article 19
Travel expenses*

- (1) SNE other than those seconded cost-free, shall be entitled to reimbursement of travel expenses:
 - a. for himself/herself
 - At the beginning of the period of secondment, from the place of origin to the place of secondment;
 - At the end of the period of secondment, from the place of secondment to the place of origin.
 - b. for his/her spouse and dependent children
 - when the spouse and dependent children have joined the SNE from the place of origin to the place of secondment;
 - At the end of the period of secondment, from the place of secondment to the place of origin.
- (2) By way of derogation from subparagraph 1(a), SNE who prove that they will be assigned to a place other than their place of origin, at the end of the secondment shall be entitled to reimbursement of the travel expenses to that new place up to the limits noted above. The reimbursement may not involve the payment of a sum higher than that to which s/he is entitled in case of return to the place of origin.
- (3) Air travel expenses shall be reimbursed up to actual cost of a reduced-price economy class ticket, on production of tickets and boarding cards. Such reimbursement shall be granted only where the standard rail journey exceeds 500 km or where the standard route involves a sea crossing.

- (4) The SNE s/he shall be entitled each year to a flat-rate payment equal to the cost of a return journey from his/her place of secondment to her/his place of origin for her/himself and her/his spouse and any dependent children, provided that they have joined him/her at the place of secondment.

The EIT shall not reimburse any expenses referred to in the preceding paragraphs where they have actually been met or reimbursed by the employer. For this purpose, the SNE shall declare any such payments or reimbursements to the EIT.

Article 20
Administration

The day-to-day administrative and financial management shall be the responsibility of the EIT's Human Resources section in line with any updates provided by the European Commission.

Article 21
Missions and mission expenses

- (1) An SNE may be sent on mission subject to Article 6 of this Decision.
- (2) Mission expenses shall be reimbursed in accordance with the rules and conditions in force at the EIT.

Article 22
Training

SNE may attend training courses organised by the EIT, including language courses. The reasonable interests of the SNE to attend, in particular in view of the SNE's professional career after secondment, may be considered when deciding on the permission to participate in those courses.

Chapter IV
Appeals

Article 23
Appeals procedure

Any SNE seconded for more than six months may submit to the EIT Director an appeal against an act under this Decision taken by the EIT, adversely affecting him/her, except decisions which are direct consequences of decisions taken by his/her employer. The appeal 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 EIT Director shall notify the person concerned of his/her reasoned decision within four months from the date on which the appeal was lodged. If at the end of that period no reply to the appeal has been received, this shall be deemed to constitute an implied decision rejecting it.⁶

⁶ However, this article does not prevent a seconded national expert from bringing an action against the initial decision, under the conditions laid down in Article 230 of the EC Treaty.

Chapter V
Administrative & Budgetary Provisions

Article 24
Taking up duties

Any SNE shall report to the Human Resources section on the first day of secondment to complete the relevant administrative formalities. S/he shall take up duty on either the first or on the sixteenth of the month.

Article 25
Settlement of expenditure

Payments shall be made in Hungarian Forint (HUF) applying, where necessary, the exchange rate used by the European Commission (InforEuro).

Chapter VI
National Experts in Professional Training

Article 26
General provisions and definitions

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

Article 27
Purpose of the professional training

- (1) The purpose of the professional training is:
 - to give NEPT experience of the EIT's working methods and policies;
 - to enable them to gain practical experience and understanding of the day-to-day work of the EIT's Units and to give them the opportunity to work in a multicultural environment;
 - to enable staff of national administrations to put into practice the knowledge they have acquired in their studies, particularly in their respective areas of responsibility.
- (2) For its part, the EIT:

- 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 EIT;
- builds up a network of people with direct experience of its procedures.

*Article 28
Eligibility*

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

*Article 29
Selection of candidates*

- (1) Applications may be forwarded by the Permanent Representations or, as the case may be, the EFTA Secretariat, administrations of non-member countries or IGO to the Human Resources section of the EIT in accordance with established procedures.
- (2) After consulting the Units concerned and considering the situation, the EIT Director shall decide how many NEPT are to be admitted to the EIT for each period.

*Article 30
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 only complete a single professional traineeship.
- (2) The professional traineeships shall start on either the 1st or 16th of the month.

*Article 31
Organisation of the professional training*

- (1) Throughout the professional traineeship, NEPT shall be supervised by a training advisor. The training advisor must inform the Human Resources section of the EIT of any significant incidents during the professional traineeship (in particular absences, illness, accidents or interruption) which s/he knows of or has been informed of by the NEPT.
- (2) NEPT must obey instructions given by their training advisor and their superiors in the Unit to which they are seconded.
- (3) NEPT shall be allowed to attend meetings, unless they are restricted or confidential, to receive documentation and to participate in the activities of the Unit to which they are seconded.

*Article 32
Suspension of the professional traineeship*

At the written request of the NEPT or his/her employer and with the latter's prior agreement, the EIT Director 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 33
Working conditions and remuneration

- (1) The following Articles of this Decision shall apply by analogy to NEPT:
- Article 6 (duties);
 - Article 7 (rights and obligations);
 - Article 11(1) and (2) (social security, accident insurance);
 - Article 12(1) (working hours);
 - Article 13 (sick leave);
 - Article 14 (annual, special leave and official holidays);
 - Article 20 (missions and mission expenses).
- (2) NEPT shall be regarded as cost-free SNE within the meaning of Article 2. They shall continue to be paid by their employer without any financial compensation being paid by the EIT. The EIT 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 34
Reports and certificate of attendance

- (1) NEPT who have completed the stipulated professional training period shall complete the evaluation reports requested by the EIT Director at the end of their traineeship. Training advisors must also complete the relevant evaluation report.
- (2) Subject to the completion of these reports, NEPT who have completed their professional traineeships shall receive a certificate showing the dates of the professional training and the Unit in which it took place.

Chapter VII
Final Provisions

Article 35
Delegation

- (1) The EIT Director may delegate the powers devolved to him/her pursuant to this Decision to the Head of Unit Resources.
- (2) The Permanent Representations, EFTA Secretariat, IGO and diplomatic missions of the non-member countries concerned (as applicable) shall enjoy a close working relationship with the EIT throughout the secondment. All correspondence and contacts between the seconding employer shall be made via the Member State's Permanent Representation, the EFTA Secretariat, the IGO and the diplomatic missions of the non-member countries concerned as applicable.

*Article 36
Entry into force*

This Decision shall take effect on the first day of the month following its adoption.

Done in Budapest, 19 May 2011

For the EIT

A handwritten signature in blue ink, consisting of a large, stylized initial 'A' followed by several vertical strokes and a long horizontal line extending to the right.

Chairman of the Governing Board