

**RULES GOVERNING THE SECONDMENT OF NATIONAL EXPERTS
TO THE EUROPEAN PARLIAMENT
BUREAU DECISION
4 MAY 2009**

The Bureau,

- having regard to Rule 22 of Parliament's Rules of Procedure,

- after consulting the Legal Service

- whereas:

- (1) Seconded national experts (SNEs) should enable Parliament to benefit from the high level of their professional knowledge and experience, in particular in areas where such expertise is not readily available to Parliament.
- (2) It is desirable to foster the exchange of professional experience in implementing, and knowledge of, European policies by temporarily assigning to Parliament experts from the public authorities of the Member States.
- (3) SNEs should chiefly be drawn from the parliaments of the Member States of the European Union, but they may also come from a national, regional or local public authority, or a body treated as such a public authority, in the Member States, the EFTA member countries which form part of the European Economic Area, countries which have applied for accession to the European Union or third countries. They may also come from a public international organisation, provided that they can provide evidence that they are legally employed by that organisation.
- (4) The rights and obligations of SNEs as set out in these Rules should be such as to ensure that SNEs carry out their duties solely in the interests of Parliament.
- (5) In view of the temporary nature of their work and their specific status, it should be stipulated that SNEs may not take responsibility on behalf of Parliament for the exercise of its public law prerogatives.
- (6) It is necessary to set out all the relevant conditions governing the employment of SNEs;

HAS DECIDED:

Chapter 1 - General provisions

Article 1 - Scope

1. These Rules shall apply to national experts seconded to Parliament by a national, regional or local public authority, or a body treated as such a public authority, in the Member States of the European Union, the EFTA member countries which form part of the European Economic Area (hereinafter ‘the EEA countries’), countries which have applied for accession to the European Union or third countries, hereinafter referred to as seconded national experts (SNEs). They shall also apply to experts seconded from a public international organisation, provided that they can provide evidence that they are legally employed by that organisation.
By way of derogation from the preceding subparagraph, and after consulting the Joint Committee, the Secretary-General may, on an exceptional basis, authorise the secondment to Parliament of experts employed by a non-profit-making research body or institution. Such secondments shall be restricted to cases where the interests of Parliament justify the temporary provision of specific knowledge.
2. The persons covered by these Rules shall remain in the service of their employers throughout the period of secondment and shall continue to be paid by them.
3. Save where the Secretary-General of Parliament grants a derogation, SNEs must be nationals of a Member State. When accepting SNEs into its services, Parliament shall seek to maintain a geographical and gender balance and to comply with the principle of equal opportunities.
4. Derogations shall not be required for SNEs from the EEA countries who are seconded under the terms of agreements signed with those countries and in keeping with the ad hoc conditions laid down therein. The same shall apply to SNEs from applicant countries which have signed ad hoc agreements with Parliament.
5. Secondment shall be effected by an exchange of letters between the Secretary-General of Parliament and the Office of the Permanent Representative of the Member State concerned or the employer, as the case may be. Correspondence shall be exchanged with the EFTA Secretariat for the EEA countries and with the appropriate diplomatic missions in the case of other third countries.
A copy of these Rules shall be attached to the exchange of letters.

Article 2 - Cost-free seconded national experts

For the purposes of these Rules, ‘cost-free SNEs’ means SNEs whose secondment does not entail costs to be borne by Parliament.

Cost-free SNEs may be seconded from a public authority of a Member State or applicant country, or from an international organisation, on the basis of a simultaneous exchange involving Parliament officials or temporary staff of the political groups, pursuant to Parliament’s Rules of 7 March 2005 governing the attachment of its officials or temporary staff of the political groups, and for the same period as the attachment of the Parliament official or political group staff member.

National civil servants may also be seconded as cost-free SNEs for a maximum period of four years on the basis of agreements concluded with the Member State concerned. Such agreements must indicate the number of SNEs involved and the proposed duties to be performed. This subparagraph shall also apply to cost-free SNEs seconded from third countries.

In the case of cost-free SNEs, the exchange of letters referred to in Article 1(5) shall stipulate that the allowances provided for in Article 15(1) and (2) shall not be paid and that the travel and removal expenses referred to in Articles 17 and 18 shall not be reimbursed.

Article 3 - 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 Directorate-General concerned and where the interests of the service warrant it, the Secretary-General may authorise one or more extensions of the secondment for a maximum of two more years at the end of the four-year period.

By way of derogation from the preceding subparagraph, the Secretary-General may, on an exceptional basis, authorise the secondment of an SNE to Parliament for a period of less than six months.

2. The intended period of secondment shall be fixed in the exchange of letters referred to in Article 1(5). The same procedure shall apply in the event of a renewal of the period of secondment.
3. An SNE who has already been seconded to Parliament may be seconded to it again for a period whose duration shall be fixed in accordance with the provisions of paragraph 1 of this Article, and subject further to the following conditions:
 - (a) the SNE must continue to meet the conditions governing eligibility for secondment;
 - (b) a period of at least six years must have elapsed between the end of the previous period of secondment and a new secondment; if, at the end of the first secondment, the SNE was awarded a contract with Parliament, the six-year period shall begin to run from the expiry of that contract.

The condition laid down in point (b) shall not prevent Parliament from agreeing to the secondment of an SNE whose initial secondment lasted less than four years, but in such cases the duration of the new secondment shall not exceed the residual portion of the four-year period, without prejudice to the possibility of extending it by up to two years, as provided for in paragraph 1.

Article 4 - Place of secondment

SNEs may be seconded to any of the three working places of the Parliament.

Article 5 - Duties

1. SNEs shall assist Parliament officials or temporary staff and carry out the tasks assigned to them.
2. An SNE shall take part in missions or external meetings only if accompanying a Parliament official or temporary staff member, or, if acting alone, solely as an observer or for information purposes.

In certain exceptional circumstances the director-general of the service concerned may derogate from this rule on the basis of a specific remit issued to the SNE and after having established that there is no potential conflict of interest. Under no circumstances may an SNE represent Parliament with a view to entering into financial or other commitments or negotiating on its behalf.

3. Parliament shall remain solely responsible for approving the outcome of the duties performed by the SNE and for signing any official documents resulting therefrom.
4. The Parliament services concerned, the SNE's employer and the SNE must make every possible effort to avoid any conflict of interest or appearance of such conflict in relation to the SNE's duties whilst seconded to Parliament. With that aim in view, the service to which the SNE is to be assigned shall inform the SNE and his employer in good time about the SNE's proposed duties and shall ask the SNE and the employer to confirm in writing that they do not know of any reason why the SNE should not be assigned to those duties. The SNE shall be asked, in particular, to declare any potential conflict between his family circumstances and his proposed duties whilst on secondment. That declaration shall cover, in particular, the professional activities of close family members or any important financial interests of the SNE or his/her close family members.

The employer and the SNE shall undertake to declare to the director-general of the service to which the SNE is assigned any change of circumstances during the secondment which might give rise to any such conflict or appearance of conflict.

The service to which the SNE is assigned shall keep copies of all such exchanges of correspondence in its records and shall make them available to the Secretary-General or the competent service of the Directorate-General for Personnel on request.

5. Where the directorate-general to which an SNE is to be assigned considers that the nature of its activities warrants particular security precautions, security clearance shall be obtained prior to the recruitment of the SNE.
6. Failure on the part of an SNE to comply with his obligations arising under the provisions of paragraphs 2, 3 or 4 shall entitle Parliament to terminate the SNE's secondment pursuant to Article 9 of these Rules.

Article 6 - Rights and obligations

1. During the period of secondment:
 - (a) SNEs shall carry out their duties and conduct themselves solely with the interests of Parliament in mind;

- (b) SNEs shall refrain from any action, in particular any public expression of views, which may undermine the dignity of their position;
 - (c) SNEs who, in the performance of their duties, are called upon to pronounce on a matter in the handling or outcome of which they have a personal interest such as to impair their independence shall inform the head of the service to which they are assigned;
 - (d) SNEs shall not, whether individually or together with others, publish or cause to be published any text dealing with the work of the Communities without first obtaining permission in accordance with the conditions and rules in force at Parliament. Permission shall be refused only where the proposed publication is likely to harm the interests of the Communities;
 - (e) all rights to any work carried out by SNEs in the performance of their duties shall be the property of the Communities;
 - (f) SNEs shall reside at the place of secondment or at no greater distance therefrom than is compatible with the proper performance of their activities;
 - (g) SNEs shall assist and tender advice to their superiors in the service to which they are assigned and shall be responsible to their superiors for the performance of the tasks entrusted to them;
 - (h) SNEs shall accept no instructions from their employers or from national governments. They shall provide no services to their employers or governments or to any other persons, private companies or public authorities.
2. Both during and after periods of secondment SNEs shall be required to exercise the greatest discretion with regard to facts and information which come to their knowledge in the course of, or in connection with, the performance of their duties; they shall not in any form whatsoever disclose to any unauthorised person any document or information not already made public, nor shall they use such documents or information for personal gain.
 3. Failure to comply with any of the provisions of paragraphs 1 and 2 during the period of secondment shall entitle Parliament to terminate an SNE's secondment pursuant to Article 9 of these Rules.
 4. After termination of their secondments SNEs shall continue to be bound by the duty to behave with integrity and discretion in connection with the performance of new tasks assigned to them and the acceptance of certain appointments or benefits.

Accordingly, during the three years following their periods of secondment SNEs shall inform Parliament without delay of any work or duties which they are required to perform for their current employers which may give rise to a conflict of interest in connection with the duties performed whilst seconded to Parliament.

Article 7 - Professional experience and language knowledge

1. To qualify for secondment to Parliament an SNE must have at least three years' full-time experience of administrative, scientific, technical, advisory or supervisory duties equivalent to those for function group AD as defined in the Staff Regulations of officials of the European Communities and in the Conditions of Employment of Other Servants of the European Communities. The SNE's employer shall provide Parliament, prior to the secondment, with a certificate outlining the duties performed by the expert over the previous 12 months.
2. In order to perform the duties entrusted to them, SNEs must have a thorough knowledge of one Community language and a satisfactory knowledge of a second. In order to perform the duties entrusted to them, SNEs from third countries must have a thorough knowledge of one Community language.

Article 8 - Breaks in periods of secondment

1. The Secretary-General of Parliament may authorise breaks in periods of secondment and specify the terms applicable, after consulting the directorate-general concerned. During such breaks:
 - (a) the allowances referred to in Articles 15 shall not be paid;
 - (b) the expenses referred to in Articles 17 and 18 shall be reimbursed only if the break occurs at Parliament's request.
2. Parliament shall inform the SNE's employer.

Article 9 - Termination of secondments

1. Subject to the provisions of paragraph 2, the Secretary-General of Parliament may terminate a secondment at the request of the directorate-general concerned or of the SNE's employer, subject to three months' notice, or at the SNE's request, subject to the same notice and the agreement of the Secretary-General.
2. In certain 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 agreement between the Secretary-General of Parliament and the employer, on the basis of a request forwarded by the SNE to both parties, if the SNE's essential personal or professional interests so require;
 - (c) by the Secretary-General of Parliament in the event of a failure by the SNE to comply with his obligations under these Rules.

In the event of termination pursuant to point (c), Parliament shall immediately inform the SNE's employer.

Chapter 2 - Working conditions

Article 10 - Social security

1. Before the secondment begins, the national or international public authority from which the SNE is to be seconded shall certify to Parliament that the SNE will remain, throughout the period of secondment, subject to the social security legislation applicable to that public authority and will agree to defray expenses incurred abroad.
2. From the day on which their secondments begin, SNEs shall be covered by Parliament against the risk of accident. Parliament shall provide them with a copy of the terms of this cover on the day on which they report to the competent service of the Directorate-General for Personnel to complete the administrative formalities required in connection with their secondment.

Article 11 - Working hours

1. Working hours for SNEs shall be the same as those in force at Parliament.
2. SNEs shall work full time throughout their secondments. On the basis of a duly substantiated request from a directorate-general, the Director-General of Personnel may authorise part-time working by an SNE, subject to agreement by his employer, provided that this is compatible with Parliament's interests. In such cases, the amount of annual leave shall be reduced accordingly.
3. In cases where part-time working is authorised, SNEs must work at least half the normal working hours each month.
4. Subject to the adoption of internal provisions governing flexitime applicable to the officials and other servants of Parliament, SNEs may work flexitime if authorised to do so by the Parliament service to which they are assigned. Such authorisation shall be communicated, for information, to the competent service of the Directorate-General for Personnel.

Article 12 - Sick leave

1. If an SNE is absent from work for reasons of sickness or accident, he shall notify his head of unit as soon as possible, stating his present address. He shall be required to produce a medical certificate if absent for more than three days and may be required to undergo a medical examination arranged by Parliament.
2. If his periods of absence for reasons of sickness or accident of not more than three days exceed a total of 12 days over a period of 12 months, the SNE shall be required to produce a medical certificate to justify any further absence for reasons of sickness.
3. If a period of sick leave exceeds one month or the period of service performed by the SNE, whichever is the longer, the allowances provided for in Articles 15(1) and (2) and 16 shall automatically be suspended. This provision shall not apply in the event of sickness linked to pregnancy.

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

4. An SNE who is the victim of a work-related accident whilst on secondment shall continue to receive the allowances in full throughout the period during which he is unfit for work and up to the end of the secondment.

Article 13 - Annual and special leave

1. SNEs 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 shall be subject to prior authorisation by the service to which the SNE is assigned.
3. SNEs may, on submitting a duly substantiated application, be granted special leave in the following cases:
 - (a) marriage of the SNE: two days;
 - (b) serious illness of spouse: up to three days;
 - (c) death of spouse: four days;
 - (d) serious illness of a relative in the ascending line: up to two days;
 - (e) death of a relative in the ascending line: two days;
 - (f) birth of a child: two days;
 - (g) serious illness of a child: up to two days;
 - (h) death of a child: four days.
4. On the basis of a duly substantiated request from the SNE's employer, up to two days' paid special leave per 12-month period may be granted by Parliament. Requests shall be considered on a case-by-case basis.
5. Special leave shall be granted by the head of the unit responsible for leave within the Directorate-General for Personnel, following prior authorisation by the service to which the SNE is assigned.
6. The entitlements set out in paragraphs 1, 3 and 4 shall be considered exhaustive. In particular, no further entitlement shall be granted in respect of travelling time, age or category.
7. Where an SNE is working part time, the amount of annual leave shall be reduced accordingly.
8. No payment may be made in lieu of annual leave not taken by the end of the period of secondment.

Article 14 - Maternity leave

1. An SNE who is pregnant shall be granted maternity leave of 20 weeks, during which period she shall receive the allowances provided for in Articles 15.
2. At the end of the period of maternity leave, and on the basis of a medical certificate attesting the fact, an SNE may be excused work for two hours per day in order to breast-feed her child. In such cases, the rules governing the adjustment of working hours in connection with breast-feeding applicable to Parliament officials shall apply to the SNE by analogy.
3. Where the relevant rules applied by the SNE's employer grant a longer period of maternity leave, the secondment shall be interrupted for the period exceeding that granted by Parliament.

A period equivalent to the break in the secondment shall be added at the end of the secondment if Parliament's interests so warrant.

4. Alternatively, an SNE may apply for a break in the secondment which covers the whole of the period granted for maternity leave. In such cases, the second subparagraph of paragraph 3 shall apply.

Chapter 3 - Allowances and expenses

Article 15 - Subsistence allowances

1. Unless his employer decides otherwise, an SNE shall be entitled, throughout his secondment, to a daily subsistence allowance of €122.98. However, if the distance between the place of residence as determined in accordance with Article 16 and the place of secondment is 150 km or less, the daily allowance shall be 25% of that figure, i.e. €30.75.

Without prejudice to the provisions of paragraph 4 below, the daily subsistence allowance shall be paid each month in arrears.

2. If an SNE has not received removal expenses from any source, an additional monthly allowance shall be paid as shown in the table below:

Distance between place of residence and place of secondment (km)	Amount in EUR
0 – 150	0
> 150	79.05
> 300	140.52
> 500	228.37
> 800	368.90
> 1 300	579.70

> 2 000	693.90
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This allowance shall be paid in arrears.

3. Subsistence allowances shall be paid for periods covered by missions, annual leave, special leave and holidays granted by Parliament.
4. When an SNE takes up his duties, he shall receive an advance equivalent to 75 days of the subsistence allowance and, by virtue of this payment, shall forfeit any entitlement to further daily subsistence allowances during the period to which it corresponds. Should the secondment to Parliament be terminated prior to the expiry of that 75-day period, the SNE shall pay back the amount corresponding to the remainder of that period.
5. SNEs must inform the competent service of the Directorate-General for Personnel of any similar allowance received from another source. The amount of that allowance shall be deducted from the allowance paid by Parliament pursuant to paragraph 1.
6. Daily and monthly allowances shall be adjusted each year, with no retroactive effect, in line with the adjustment of the basic salaries of officials of the Communities in Brussels and Luxembourg.

Article 16 - Place of residence

1. For the purposes of these Rules, the place of residence shall be the place where the SNE has performed his duties for his employer immediately prior to secondment. The place of secondment shall be the place where the Parliament service to which the SNE is assigned is located. Both places shall be identified in the exchange of letters referred to in Article 1(5).
2. If, whilst on secondment as an SNE, a national expert is already on secondment on behalf of his employer in a place other than that in which the latter's head office is located, the place of residence shall be whichever of the two is closer to the place of secondment.
3. The place of residence shall be considered to be the place of secondment in the following cases:
 - (a) if, during the three years ending six months before the start of the secondment, the SNE either maintained his habitual residence or carried on his main occupation at a place situated 150 km or less from the place of secondment; or
 - (b) if, at the time of Parliament's request for the secondment, the place of secondment is the principal place of residence of the SNE's spouse or stable partner, should the SNE be involved in a non-marital partnership recognised by the competent national authorities, or of any of his dependent children; for this purpose, a place of residence situated 150 km or less from the place of secondment shall be regarded as the place of secondment.
4. For the purposes of this Article, circumstances arising from services performed for a State other than that of the place of secondment or for an international organisation shall not be taken into account.

Article 17 - Travel expenses

1. An SNE whose place of residence is situated more than 150 km from the place of secondment shall be entitled to reimbursement of travel expenses, provided that those expenses are not defrayed by his employer:
 - (a) on his own account:
 - (i) for the journey from the place of residence to the place of secondment, at the beginning of the secondment;
 - (ii) for the journey from the place of secondment to the place of residence, at the end of the secondment;
 - (b) for his spouse or stable partner, should the SNE be involved in a non-marital partnership recognised by the competent national authorities, and dependent children, provided that these persons live with the SNE and that the removal expenses are to be reimbursed by Parliament in accordance with Article 18:
 - (i) at the beginning of the secondment, for the journey from the place of residence to the place of secondment;
 - (ii) at the end of the secondment, for the journey from the place of secondment to the place of residence.
2. Unless the journey is made by air, the amount reimbursed shall be a lump sum limited to the cost of the second-class rail fare, without supplements. This shall also apply to journeys made by car.

Air travel expenses shall be reimbursed up to the actual cost of a reduced fare (PEX or APEX), on production of tickets and boarding cards; such reimbursement shall be granted only if the standard rail journey exceeds 500 km or if the standard route involves a sea crossing.
3. By way of derogation from paragraph 1, SNEs who prove that they have changed their place of primary employment after the end of their secondments shall be entitled to reimbursement of the expenses incurred in travelling to that place, up to the limits set out above. Such reimbursement may not result in payment of a sum higher than that to which an SNE is entitled should he return to his place of residence.
4. If an SNE has moved from his place of residence to his place of secondment, he shall be entitled each year to a lump-sum payment equal to the cost of a return journey from his place of secondment to his place of residence for himself, his spouse or stable partner, should the SNE be involved in a non-marital partnership recognised by the competent national authorities, and his dependent children, on the basis of the provisions in force at Parliament.

Article 18 - Removal expenses

1. Subject to the provisions of Article 17(4), an SNE may remove his personal effects from his place of residence to his place of secondment at Parliament's expense and after

obtaining its prior authorisation, pursuant to the rules in force governing reimbursement of removal expenses, provided that the following conditions are met:

- (a) the initial period of secondment must be two years;
 - (b) the SNE's place of residence must be 100 km or more from the place of secondment;
 - (c) the removal must be completed within six months of the starting date of the secondment;
 - (d) authorisation must be requested at least two months prior to the intended removal date;
 - (e) the removal expenses are not being reimbursed by the employer; in the event of partial reimbursement by the employer, the corresponding amount shall be deducted from the reimbursement made by Parliament;
 - (f) the SNE must forward to Parliament originals of estimates, receipts and invoices and a certificate from the employer confirming either that the employer is not reimbursing removal expenses or stating what part of those expenses the employer is meeting.
2. Subject to the provisions of paragraphs 3 and 4, if the expenses incurred in moving to the place of secondment have been reimbursed by Parliament, the SNE shall be entitled, at the end of the secondment and subject to prior authorisation, to reimbursement of the expenses incurred in moving from the place of secondment to his place of residence, pursuant to any internal rules in force governing reimbursement of removal expenses, provided that the conditions laid down in points (d), (e) and (f) of paragraph 1 are met and that the removal is effected between the start of the third month preceding the end of the secondment and the end of the sixth month after completion of the secondment.
 3. An SNE whose secondment is terminated at his request or at the employer's request within two years of the start of the secondment shall not be entitled to reimbursement of removal expenses incurred in moving to his place of residence.
 4. An SNE who proves that the place where he will pursue his main occupation after completion of the secondment has changed shall be entitled to reimbursement of the removal expenses incurred in moving to that place, provided that those expenses do not exceed the amount which would have been reimbursed in the event of a removal to his place of residence.

Article 19 - Missions and mission expenses

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

Article 20 - Training

SNEs shall be entitled to attend training courses organised by Parliament if Parliament's interests so warrant. The reasonable interest of the SNE in attending such courses, in particular in the light of his professional career following secondment, shall be considered when a decision is taken as to whether to authorise attendance.

Article 21 - Administrative provisions

SNEs shall report to the competent service of the Directorate-General for Personnel on the first day of their secondments in order to complete the relevant administrative formalities. They shall take up their duties on either the first or the sixteenth day of the month.

Chapter 4 - Study visits

Article 22 - Scope and general provisions

1. Parliament may receive into its services national civil servants seconded from public authorities in the Member States, the EEA countries, applicant countries and third countries for short-term study visits.
2. Such secondments shall be effected by means of an exchange of letters between the Secretary-General of Parliament and the public authority concerned.
3. The duration of such secondments shall be one month, with no possibility of any derogation.
4. A national civil servant seconded to Parliament under the terms of this Article shall be entitled, for the duration of his secondment, to a daily subsistence allowance of €122.98 if the distance between his place of residence, determined in accordance with Article 16, and the place of secondment is greater than 150 km and of €30.75 if that distance is 150 km or less.
This allowance shall be paid during periods covered by missions, annual leave, special leave and holidays granted by Parliament. It shall be paid in advance at the start of the secondment.
5. Articles 1, 4, 5(2), first subparagraph, (4) and (6), 6, 7, 9(2), 10(1), 11(1), 12, 13, 17, 18(1)(a), (2) and (3), 20 and 22 of these Rules shall apply, *mutatis mutandis*, to national civil servants seconded under the terms of this Article.

Chapter 5 - Complaints

Article 23 - Complaints

Without prejudice to the possibilities for instituting proceedings after taking up his position, under the conditions and time limits laid down in Article 230 of the EC Treaty, any SNE may submit a complaint about an act adopted by the Parliament under these rules which adversely

affects him, with the exception of decisions which are direct consequences of decisions taken by his employer.

The complaint must be lodged within two months. The period shall start to run on the date of notification of the decision to the person concerned, but in no case later than the date on which the latter received such notification. The Secretary General 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.

Chapter 6 - Final provisions

Article 24 - Transitional measures

1. These Rules shall enter into force on 1 May 2009 and replace the provisions of 7 March 2005.
2. These Rules shall apply to all new secondments and to extensions of secondments which began before the date of entry into force of these Rules.