

BOARD DECISION

of 13 May 2015 - D01/2015

CONCERNING THE RULES APPLICABLE TO NATIONAL AND EU EXPERTS ON SECONDMENT TO THE EUROPEAN UNION INSTITUTE FOR SECURITY STUDIES (EUISS)

The Board,

Having regard to the Council Decision 2014/75/CFSP of 10 February 2014 on the European Union Institute for Security Studies, and in particular Article 7(2) thereof,

Whereas, seconded national or EU experts (hereinafter referred to as SEs) should enable the European Union Institute for Security Studies (hereinafter referred to as “the Institute”) to benefit from the high level of their knowledge and professional experience, in particular where such expertise is not readily available,

HAS DECIDED AS FOLLOWS:

Article 1

Scope

1. These Rules are applicable to experts seconded to the Institute by a Member State or an EU institution or body.
2. The persons covered by these Rules shall remain in the service of their employer throughout the period of secondment and shall continue to be paid by that employer.
3. SEs shall be recruited in accordance with needs identified by the Institute and within the budgetary possibilities. The initial call for such experts and their subsequent recruitment by the Institute shall follow the same rules as those of any other appointment, namely an open and transparent selection procedure.
4. SEs shall be recruited on the broadest possible basis from among nationals of the Member States. The Institute shall ensure, as far as possible, a balance between men and women and observe the principle of equal opportunities.
5. SEs should be drawn from governments, ministries or governmental agencies of Member States, national public authorities, universities, research centres, think tanks or EU institutions or bodies.

6. Secondment shall be effected by an exchange of letters between the Director of the Institute and the Permanent Representation of the Member State concerned, the Head of Administration of the EU institution or body concerned or the relevant services of the university, think tank or research centre concerned. A copy of these rules shall be attached to the exchange of letters.

Article 2

Qualification

1. To qualify for secondment to the Institute, SEs must have at least three years of relevant professional experience. Before the secondment, SEs must provide the Institute with evidence of this experience. The employer from which the SE is seconded shall supply the Institute before the secondment with a statement of the SE's employment over the previous twelve months.
2. SEs must have a thorough knowledge of one official language of the European Union and a satisfactory knowledge of a second one.

Article 3

Place of secondment

The place of secondment shall be at the headquarters of the Institute or the Institute's Liaison Office. SEs may undertake missions under the same terms the Institute applies to its agents.

Article 4

Period of secondment

1. The period of secondment may normally not be less than six months nor exceed two years and may be renewed successively up to a total period not exceeding three years. In the interest of the service, the Director may exceptionally authorise periods of secondment of less than six months.
2. The intended period of secondment shall be fixed at the outset in the exchange of letters provided for in Article 1(6). The same procedure shall apply in the case of a renewal of the period of secondment.
3. After the end of a secondment, at least one year must pass before the same person may be considered for a new secondment. The same person may not be seconded to the Institute more than twice. In such cases the total cumulative length of secondments may not exceed five years.

Article 5

Duties

1. SEs shall carry out the tasks assigned to them by the Director in full respect of the relevant provisions of the Institute's Staff Regulations and the Institute's operational procedures.

2. Unless a special mandate has been granted under the authority of the Director, SEs may not commit the Institute externally.
3. The Institute shall retain sole responsibility for approving the results of tasks performed by the SE and for signing any official documents arising from such task.
4. Every effort must be made by the SEs' employers and by the SEs themselves to avoid any conflict of interest in relation to the experts' duties while seconded to the Institute. SEs shall be asked in particular to declare any potential conflict between their family circumstances (such as professional activities of close family members) and the proposed duties while on secondment. The employer and the SE shall undertake to notify without undue delay the Institute of any change of circumstances during the secondment which could give rise to any such conflict.
5. In the event of failure to comply with paragraphs 2, 3 and 4, the Institute may terminate the secondment of the SE under the terms of Article 7.

Article 6

Rights and obligations

1. During the period of secondment
 - i) SEs shall carry out their duties and shall conduct themselves solely with the interest of the Institute in mind. They shall neither seek nor take instructions from any government, authority, organisation or person outside the Institute. SEs shall carry out their duties objectively, impartially and in keeping with their duties of loyalty to the Institute. SEs shall not undertake any activities for their employer, for governments or for other persons, private companies or public bodies;
 - ii) SEs shall refrain from any action or behaviour which might reflect adversely upon their position;
 - iii) SEs shall not, in the performance of their duties, deal with a matter in which, directly or indirectly, they have any personal interest such as to impair their independence, and, in particular, family and financial interests. If it falls in the performance of their duties to deal with such a matter, they shall inform the Institute's Director immediately who shall take any appropriate measure and may, in particular, relieve the SE from responsibility in this matter;
 - iv) the SE shall refrain from any unauthorized disclosure of information received in the line of duty unless that information has already been made public or is accessible to the public;
 - v) the SE who intends to publish, whether alone or with others, any matter dealing with the work for the Institute shall inform the Director in advance. Where the Director considers that the matter is liable to prejudice the legitimate interests of the Institute, the Director shall inform the SE that a publication is not authorised;
 - vi) all rights in any work done by SEs in the performance of their duties shall be the property of the Institute;

- vii) SEs shall reside at the place of secondment or at no greater distance from there as is compatible with the proper performance of their duties;
 - viii) SEs shall be subject to the security rules in force at the Institute.
2. Failure to comply with any of the provisions of paragraph 1 shall entitle the Institute to terminate the secondment of the expert pursuant to Article 7 (2).
 3. After termination of the secondment, the SE shall continue to be bound by the duty to behave with integrity and discretion in all matters concerning the Institute.

Article 7

Termination of secondment

1. Subject to paragraph 2, the secondment may be terminated by the Institute, the SEs' employers or the SEs themselves, giving a written advance notice of one month.
2. The secondment may be terminated without advance notice by the Institute in the event of the failure of the SE to respect the obligations under this decision.

Article 8

Working conditions

The working conditions for SEs, such as the rules concerning working hours, absence for reasons of sickness or accident, annual leave, special leave and holidays or maternity leave, shall be those in force for the Institute's agents.

Article 9

Social security

1. Before the beginning of the period of secondment, the employer of the SE shall certify to the Institute that the SE will remain subject to the social security legislation applicable to the SE's employer within the meaning of the 5th paragraph of Article 1 of this decision throughout the period of secondment and will assume responsibility for expenses incurred abroad.
2. From the day on which their secondment begins, SEs shall be covered by the Institute against the risk of accidents under the same terms applied to its agents.

Article 10

Travel costs and removal allowance

1. Travel costs of the SEs from their place of origin to the place of employment to take up their duties will be reimbursed by the Institute on the same basis as that provided for by the Institute's rules for missions.
2. Travel costs at the end of the period of secondment will be reimbursed in the same manner.
3. Where SEs are seconded to the Institute for a period of at least 1 year and decide to remove their belongings from the place of origin to the place of employment within 3 months of the starting date of secondment, the Institute will cover at least part of their removal expenses up to a maximum of € 2 500 (€ 5 000 if the secondment is for 2 years). This sum will be payable on production of estimates, receipts and invoices proving that the SEs have actually removed their personal belongings to the place of employment. The same reimbursement will apply at the end of the secondment if the SEs remove their belongings back to their country of origin.
4. The Institute reserves the right to refuse the reimbursement of the removal expenses at the end of the secondment if the SEs or their employer terminates the secondment within less than one year.

Article 11

Subsistence allowance

1. SEs shall be entitled throughout the period of secondment to a daily subsistence allowance corresponding to 40% of the daily subsistence allowance rate applicable to the place of secondment.
2. The subsistence allowance shall be payable also for periods of mission, annual leave, special leave and holidays granted by the Institute.
3. The daily allowance shall be paid no later than the last working week of each month.
4. By way of derogation from paragraph 1, SEs from EU institutions or bodies shall not be entitled to a daily subsistence allowance. However, if they prove that they are obliged to maintain a double residence, at their place of origin and the place of secondment, they shall be entitled to a rent allowance under the same terms and conditions the Institute grants it to its agents.

Article 12

Entry into force

This decision enters into force on 1st July 2015.