



European Medicines Agency  
*Executive Director*

London, 01 October 2008  
Doc. Ref. EMEA/400146/2008

## **Executive Director Decision**

### **laying down rules on the secondment of national experts to the EMEA**

amending Executive Director Decision of 19 December 1995

as last amended on 01 April 2008

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THE EXECUTIVE DIRECTOR OF THE EUROPEAN MEDICINES AGENCY,

Having regard to the Treaty establishing the European Community,

Whereas:

- (1) Seconded National Experts (SNEs) should enable the EMEA to benefit from the high level of their professional knowledge and experience, in particular in areas where such expertise is not readily available.
- (2) It is highly desirable to foster the exchange of professional experience in, and knowledge of, European policies by temporarily assigning to the EMEA experts from the Member States.
- (3) SNEs should be drawn from Government or State departments in 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.
- (4) The rights and obligations of SNEs set out in this Decision should ensure that they carry out their duties solely in the interests of the EMEA.
- (5) In view of the temporary nature of their work and their particular status, it should be provided that SNEs should not, acting on their own, take responsibility on behalf of the EMEA for the exercise of its public law prerogatives.
- (6) Daily and monthly allowances should be reviewed taking account of changes in the basic salaries of Community officials in Brussels and Luxembourg.

HAS DECIDED AS FOLLOWS:

## **Chapter I**

### **General Provisions**

#### *Article 1* *Scope*

1. These Rules are applicable to national experts seconded to the EMEA, hereinafter referred to as Seconded National Experts (“SNEs”), by a national, regional or local public authority. They also apply to experts on secondment from an international civil service as well as to those from the private sector and the non-profit making or voluntary sector.
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. Except where the Executive Director grants a derogation, an SNE must be a national of a Member State. The EMEA shall take account of geographical and gender balance and the principle of equal opportunities when accepting SNEs into its departments.
4. Derogations shall not be required for SNEs from countries belonging to the EEA who are seconded under the terms of agreements signed with those countries, and under the ad hoc conditions laid down therein. The same shall apply to candidate countries where ad hoc agreements have been signed with the Commission.
5. Secondment shall be effected by an exchange of letters between the Executive Director and the employer.

A copy of the rules applicable to national experts on secondment to the EMEA shall be attached to the exchange of letters.

6. Any reference in these rules to a person of the male sex shall be deemed also to constitute a reference to a person of the female sex, and vice-versa, unless the context clearly indicates otherwise.

#### *Article 2*

##### *Cost-free seconded national experts*

For the purposes of this Decision, “cost-free SNEs” means SNEs whose secondment does not entail any costs borne by the EMEA.

Cost-free SNEs may be seconded from the public administration of Member States, non-member countries and from international organisations in pursuance of a reciprocal and simultaneous exchange with EMEA temporary agents, under the terms of the Commission Decision on the attachment of Community civil servants (Commission Decision of 5 January 1995 (C(94) 3895 final), and for the same period as the attachment of the EMEA temporary agent.

National civil servants may also be seconded as cost-free SNEs for up to a maximum term of four years in the context of bilateral agreements between the EMEA and the Member State concerned. Such agreements require the prior approval of the Executive Director and must indicate the number of SNEs involved and the proposed duties to be performed. These conditions shall also apply to cost-free SNEs from countries belonging to the EEA and to candidate countries.

#### *Article 3*

##### *Private-sector seconded national experts*

The secondment of private-sector SNEs, shall be permitted only where the interests of the EMEA warrant the temporary contribution of specific knowledge.

Such secondments shall be authorised on a case-by-case basis by the Executive Director.

#### *Article 4*

##### *Period of secondment*

1. Periods of secondment may not be less than six months nor more than two years. They may be renewed once or more, up to a total period not exceeding four years.

2. The intended period of secondment shall be fixed at the outset in the exchange of letters provided for in Article 1(5). The same procedure shall apply in the case of a renewal of the period of secondment.
3. An SNE who has already been seconded to the EMEA may be seconded to it a second time subject to any relevant internal rules laying down maximum periods during which such persons may be present in the EMEA units, and subject further 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 a new secondment; if at the end of the first secondment, the SNE has received a contract with the EMEA, the six-year period shall begin to run from the expiry of that contract.

The condition in point (b) shall not prevent the EMEA from accepting the secondment of an SNE whose initial secondment has lasted for less than four years, but in that case the new secondment shall not exceed the unexpired part of the four-year period.

#### *Article 5* *Place of secondment*

The place of secondment shall be the place where the EMEA has its office.

#### *Article 6* *Duties*

1. SNEs shall assist EMEA temporary agents, performing the tasks assigned to them based on their professional knowledge and experience.
2. An SNE shall take part in missions or external meetings only if accompanying a EMEA temporary agent, or acting alone as an observer or for information purposes.

However, the Executive Director may give a specific mandate for one or more missions to the SNE after having ensured that there is no potential conflict of interest. The Executive Director may delegate his power to derogate to the Head of Unit of the SNE concerned. Under no circumstances may an SNE on his own represent the EMEA with a view to entering into commitments, whether financial or otherwise, or negotiating on its behalf.

An SNE may however represent the EMEA in legal proceedings as co-agent with a temporary agent and may as such act on its behalf.

3. The EMEA shall remain solely responsible for approving the results of any tasks performed by an SNE and for signing any official documents arising from them.
4. Every effort must be made by the EMEA units concerned, by the SNE's employer and by the SNE to avoid any conflict of interest or appearance of such conflict in relation to the SNE's duties while seconded to the EMEA. For this purpose, the unit

to which it is intended to assign the SNE shall provide the SNE and the employer with full information about the intended duties a reasonable time before the start of the secondment, 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 the proposed duties while on secondment. In particular, he shall declare the professional activities of close family members or any important financial interests of his own, or of those persons.

The employer and the SNE shall be asked to undertake to declare any change of circumstances during the secondment which could give rise to any such conflict, or appearance of conflict, to the Administration Unit of the EMEA.

The Administration unit shall keep all such exchanges of correspondence in its records and shall produce it to the Executive Director on request.

5. Where the Executive Director considers that the nature of EMEA's activities requires particular security precautions, security clearance shall be obtained prior to recruitment.
6. Failure on the part of the SNE to comply with his obligations arising under the provisions of paragraphs 2, 3 or 4 shall entitle the EMEA, if it sees fit, to terminate the secondment of the SNE under the terms of Article 10.

#### *Article 7* *Rights and obligations*

1. During the period of secondment:
  - (a) the SNE shall carry out his duties and shall conduct himself solely with the interests of the EMEA in mind. He shall neither seek nor take instructions from any government, authority, organisation or person outside the EMEA. He shall carry out the duties assigned to him objectively, impartially and in keeping with his duties of loyalty to the EMEA. He shall not undertake any activities for his employer, for governments or for other persons, private companies or public bodies.
  - (b) the SNE shall refrain from any action or behaviour which might reflect adversely upon his position.
  - (c) 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 and financial interests. If it falls in the performance of his duties to deal with such a matter, he shall inform his Head of Unit immediately who shall take any appropriate measure, and may, in particular, relieve the SNE from 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 EMEA or which have dealings with the EMEA, any interests of such kind or magnitude as might impair his independence in the performance of his duties.

- (d) 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.
- (e) the SNE has the right to freedom of expression, with due respect to the principles of loyalty and impartiality.

The SNE who intends to publish or causes to be published, whether alone, or with others, any matter dealing with the work of the EMEA shall inform his Head of Unit in advance. Where the Head of Unit is able to demonstrate that the matter is liable seriously to prejudice the legitimate interests of the EMEA, the Head of Unit shall inform the SNE of its 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.

- (f) all rights in any work done by the SNE in the performance of his duties shall be the property of the EMEA;
  - (g) 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; and
  - (h) based on his professional knowledge and experience, the SNE shall assist and tender advice to the superiors in the EMEA to whom he is assigned and shall be responsible to his superiors for performance of the tasks entrusted to him.
2. Failure to comply with any of the provisions of paragraph 1 during the period of secondment shall entitle the EMEA, if it sees fit, to terminate the secondment of an SNE pursuant to Article 10.
  3. After termination of the secondment, an SNE shall continue to be bound by the duty to behave with integrity and discretion as regards the exercise of new tasks assigned to him and the acceptance of certain appointments or benefits.

To this end, during the three years after the period of secondment an SNE shall inform the EMEA without delay of any duties which he is required to carry out for his current employer which may give rise to any conflict of interest in relation to his duties while seconded to the EMEA.

#### *Article 8* *Professional experience and knowledge of languages*

1. To qualify for secondment to the EMEA a national expert must have at least three years full time experience of administrative, scientific, technical, advisory or supervisory functions which can be regarded as equivalent to those of function groups AD or AST - this latter function group being taken into consideration only for highly specialised job profiles - as defined in the Staff Regulations of officials 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 one Community language, and a satisfactory knowledge of a second language, for the performance of his duties. An

SNE from a non-member country must have a thorough knowledge of one Community language for the performance of his duties.

*Article 9*  
*Breaks in periods of secondment*

1. The EMEA may authorise breaks in periods of secondment and specify the terms applicable. During such breaks:
  - (a) the allowances referred to in Article 17 shall not be payable;
  - (b) the expenses referred to in Articles 21 and 22 shall be payable only if the break is at the EMEA's request;
  - (c) any reimbursement of remuneration to the SNE's employer under Article 19 shall be automatically suspended.
2. The EMEA shall inform the SNE's employer.

*Article 10*  
*Termination of periods of secondment*

1. Subject to paragraph 2, the secondment may be terminated at the request of the EMEA or of the SNE's employer, on the party concerned giving three months' notice to the other party. It may also be terminated on giving the same notice at the SNE's request, subject to the EMEA's agreement.
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 EMEA 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 EMEA in the event of a failure by the SNE to respect his obligations under this Decision.

In the event of termination under point (c), the EMEA shall immediately inform the employer.

## Chapter II

### Working conditions

#### *Article 11*

##### *Social security*

1. Before the period of secondment begins, the national or international civil service from which the SNE is to be seconded, shall certify to the EMEA that he will remain, throughout the period of secondment, subject to the social security legislation applicable to that civil service and will assume responsibility for expenses incurred abroad.
2. Before the period of secondment begins, the SNE's employer shall provide the EMEA with the certificate referred to in Article 11(1) of Council Regulation (EEC) No 574/72<sup>1</sup>.
3. From the day on which their secondment begins, SNEs shall be covered by the EMEA against the risk of accident. The EMEA shall provide them with a copy of the terms of this cover on the day on which an SNE reports to the Administration Unit to complete the administrative formalities of secondment.

#### *Article 12*

##### *Working hours*

1. The working hours for SNEs shall be the same as those determined in the rules on hours of work in force at the EMEA.<sup>2</sup>
2. The SNE shall serve on a full-time basis throughout the period of secondment. Following a duly justified request originating from the Unit to which the SNE is assigned and subject to compatibility with the interests of the EMEA, the Executive Director may authorise the use of part-time working by an SNE after agreement by her or his employer. In this case the SNE shall be entitled, during the period of secondment, to a percentage of the daily subsistence allowance corresponding to the percentage of the time worked, as laid out in Article 17. The amount of annual leave shall also be reduced accordingly.
3. Where part-time working is authorised, the SNE must work every month at least half of the normal working time.
4. An SNE serving on a full time basis may work flexible hours in accordance with the rules on Flexitime in force at the EMEA. An SNE serving on a part-time basis may

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<sup>1</sup> OJ L 74, 27.3.1972, p. 1.

<sup>2</sup> Articles 55 to 56c of the Staff Regulations and the provisions implementing these Articles, as appropriate, mutatis mutandis

work flexible hours but flexi leave may only be taken in exceptional circumstances to be decided by the Head of Unit.

Article 13  
*Sick leave*

1. In the event of absence from work for reasons of sickness or accident, the SNE shall notify his Head of Unit as soon as possible, stating his present address. 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 EMEA.
2. If such absence due to sickness or accident of not more than three days exceeds a total of twelve days over a period of twelve months, the SNE shall produce a medical certificate for any further absence due to sickness.
3. Where the period of sick leave exceeds one month, or the period of service performed by SNE, whichever is longer, the allowances referred to in Article 17 shall be automatically suspended. This provision shall not apply in the event of illness linked to pregnancy.

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

4. SNEs 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 secondment.

Article 14  
*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 is subject to prior authorisation by the service to which the SNE is assigned. In case of unauthorised leave, the relevant daily allowance shall not be paid.
3. SNEs may, on submitting a reasoned 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: ten days;

- (g) serious illness of a child: up to two days;
  - (h) death of a child: four days;
  - (i) removal for taking up duty : 2 days
  - (j) adoption of a child : 20 weeks, or 24 weeks in the case of adoption of a disabled child.
4. Upon a duly justified request from the SNE's employer, up to two days of paid special leave in a 12-month period may be granted by the EMEA on a case-by-case basis. Upon a duly justified request from the SNE, additional special leave (up to 5 days) may be granted by the SNE's Head of Unit in agreement with the Head of Unit Administration, if this paid special leave is in the interest of the EMEA. Additional unpaid special leave may be granted in case of duly proven need. The Administration Unit shall be informed.
  5. The entitlements set out in paragraphs 1, 3 and 4 shall be considered exhaustive. In particular, no further entitlement shall be allowed in respect of travel, age or category.
  6. In the case of part-time work, the annual leave shall be reduced accordingly.
  7. Days of annual leave not taken by the end of the secondment shall be forfeited.

*Article 15*  
*Maternity leave*

1. An SNE who is pregnant shall be granted maternity leave of twenty weeks, during which period she shall receive the allowances as set out in Article 17. The leave shall start not earlier than six weeks before the expected date of confinement shown in the certificate and end not earlier than 14 weeks after the date of confinement. In the case of multiple or premature birth or the birth of a handicapped child, 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 34<sup>th</sup> week of pregnancy
2. Where the relevant rules binding the employer of the SNE grant a longer period, a break in the secondment under the provisions of Article 9 shall be applied for the period exceeding that granted by the EMEA.  
  
A period equivalent to the break shall be added to the end of the secondment if the interests of the EMEA 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 16*  
*Management and control*

Management and control of leave, working time and absences shall be the responsibility of the unit and sector to which the national expert is assigned.

## Chapter III

### Allowances and Expenses

#### Article 17

##### Subsistence allowances

1. An SNE shall be entitled, throughout the period of secondment, to a daily subsistence allowance (DSA). Where the distance between the deemed residence as determined in accordance with Article 20 and the place of secondment is more than 150 km, the daily allowance shall be 170 EUR. Where the distance is 50 km or less, the daily allowance shall be reduced by 75%. Where the distance is between 51 and 150 km, the daily allowance shall be reduced by 50%. Where the SNE is serving on a part-time basis the DSA shall be paid at the rate of the part-time work.

Distance between the deemed residence and the place of secondment (km)	Amount of daily subsistence allowance	
	full-time	part-time
0 – 50	EUR 42.50	EUR 42.50 x part-time rate (%)
51 – 150	EUR 85.00	EUR 85.00 x part-time rate (%)
> 150	EUR 170.00	EUR 170.00 x part-time rate (%)

For the purpose of the payments under Articles 17 to 22 the distance within the meaning of these rules shall be determined by the shortest road distance as calculated by the Michelin route planner *ViaMichelin* ([www.viamichelin.com](http://www.viamichelin.com)).

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

Distance between the deemed residence and the place of secondment (km)	Amount
0 – 150	EUR 0.00
> 150	EUR 76.44
> 300	EUR 135.89
> 500	EUR 220.84
> 800	EUR 356.73
> 1300	EUR 560.58
> 2000	EUR 671.01

3. In the case of cost-free SNEs, the exchange of letters referred to in Article 1(5), shall stipulate that the allowances and expenses referred to in Chapter III except missions expenses, shall not be paid.
4. Subsistence allowances shall be payable for periods of mission, annual leave, special leave and holidays granted by the EMEA, unless otherwise indicated.

5. SNEs who, during the three years ending six months before the secondment, have habitually resided or carried on their main occupation at a distance of 50 km or less from the place of secondment shall receive 25% of the daily allowance, or 50% if they have habitually resided or carried on their main occupation at a distance between 51 and 150 km from the place of secondment.

For the purpose of this paragraph, circumstances arising from work done by SNEs for a State other than that of the place of secondment, or for an international organisation, shall not be taken into account.

6. When the SNE starts the secondment, the first 75 days of the subsistence allowances to which he is entitled shall be advanced in the form of a lump sum and the allowances shall not be paid during the corresponding period. This lump sum shall be paid by the last day of the month for SNEs starting on the first day of the same month. For SNEs starting on the 16<sup>th</sup> day of the month, this lump sum will be paid by the 15<sup>th</sup> day of the following month. If the secondment is ended during the first 75 days, the SNE shall return the amount corresponding to the remainder of that period.
7. The SNE shall inform Administration of any similar payments received from other sources. Any such amounts shall be deducted from the corresponding allowance paid by the EMEA pursuant to paragraph 1.
8. Daily and monthly allowances shall be reviewed each year without retroactive effect taking account of changes in the basic salaries of Community officials at Brussels and Luxembourg.
9. The daily and monthly allowances are intended to cover on a flat rate basis the living expenses of SNEs in the place of secondment, and shall in no circumstances be construed as remuneration paid by the EMEA.
10. The daily and monthly allowances shall be paid by the 15th day of each month.

#### *Article 18*

##### *Additional flat-rate allowance*

1. Unless the deemed residence of the SNE is 150 km or less from the place of secondment, he shall, where appropriate, receive an additional flat-rate allowance equal to the difference between the gross annual salary, less family allowances, paid by his employer plus the daily and monthly subsistence allowances paid by the EMEA and the basic salary payable to an official in step 1 of Grade AD6 or AST4, depending on the function group to which he is assimilated. For this purpose, the SNE shall produce salary statements for the twelve months preceding the secondment.
2. The SNE whose request has been accepted shall provide Administration with the relevant salary statement from the employer on a monthly basis. The additional flat-rate allowance will be paid retroactively after receipt of the salary certificate. If the request made by an SNE is accepted, the payment of the flat-rate allowance will start from the date of the request.
3. These allowances shall be reviewed once a year without retroactive effect on the basis of the adaptation of the basic salaries of Community officials.

*Article 19*  
*Possible reimbursement of remuneration*

1. If its interests so require, the EMEA may reimburse all or part of the gross remuneration of an SNE during the period of secondment to his employer under an agreement to be concluded in advance and recorded in the exchange of letters provided for in Article 1(5).
2. The reimbursement of remuneration shall be authorised on a case-by-case basis by the Executive Director, taking into account the specific needs of the Service and, in particular, the need to use SNEs from all Member States.
3. Expenses resulting from the reimbursement shall be charged against the SNE allocation of EMEA's general budget.

*Article 20*  
*Deemed residence*

1. For the purposes of this Decision, the deemed residence shall be the place where the SNE has performed his duties for the employer immediately prior to the secondment. The place of secondment shall be the place where the EMEA is located. Both places shall be identified in the exchange of letters mentioned in Article 1(5).
2. If, on a date six months before his secondment to the EMEA as an SNE, a national expert is already working or living in a place different from that in which the employer's head office is located, the residence shall be deemed whichever of the places is closer to the place of secondment.
3. The deemed residence shall be considered to be the place of secondment in the following cases:
  - (a) where, during the three years ending six months before the start of the secondment, either the SNE's habitual residence or his main occupation was at a place situated 150 km or less from the place of secondment; or
  - (b) where at the time of the EMEA's request for the secondment, the place of secondment is the principal residence of the SNE's spouse or of any of his dependent children; for this purpose, residence at 150 km or less from the place of secondment is to be treated as residence at that place.
4. Circumstances arising from work done by the SNE for a State other than that of the place of secondment, or for an international organisation, shall not be taken into account for the purpose of paragraph 3 (a).

*Article 21*  
*Travel expenses*

1. An SNE whose deemed residence is more than 150 km from the place of secondment shall be entitled to reimbursement of travel expenses in accordance with the following rules:
  - (a) He shall be entitled on his own account:

- (i) from the deemed residence to the place of secondment at the beginning of the period of secondment;
    - (ii) from the place of secondment to the deemed residence at the end of the period of secondment;
  - (b) He shall be entitled in respect of his spouse and dependent children, provided that they live with him and that the removal is to be reimbursed by the EMEA in accordance with Article 22:
    - (i) at the beginning of the secondment, on removal from the deemed residence to the place of secondment;
    - (ii) at the end of the secondment, from the place of secondment to the deemed residence.
2. Unless the journey is made by air, the amount reimbursed shall be a flat rate, 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 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.
3. By way of derogation from paragraph 1, SNEs who prove that they have changed the place at which they will be primarily employed after the end of the secondment shall be entitled to reimbursement of the travel expenses to that place up to the limits set out in paragraphs 1 and 2. The reimbursement may not involve the payment of a sum higher than that to which he is entitled in case of return to the deemed residence.
4. If the SNE has effected his removal from his deemed residence to his place of secondment, he shall be entitled each year to a flat-rate payment equal to the cost of a return journey from his place of secondment to his deemed residence for himself, his spouse and any dependent children on the basis of the conditions in force at the EMEA.
5. The EMEA 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 EMEA.

*Article 22*  
*Removal expenses*

1. Unless the second subparagraph of Article 17(5) applies, an SNE may remove his personal effects from the deemed residence to the place of secondment, at the EMEA's expense and after obtaining its prior authorisation, pursuant to the rules in force at the time concerning reimbursement of removal costs if the following conditions are met:
- (a) the SNE's initial period of secondment must be for two years;

- (b) the SNE's deemed 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) the authorisation must be requested at least two months before the intended date of removal;
  - (e) the removal costs are not being met by the employer: in the event of partial reimbursement by the employer, an equal amount shall be deducted from the reimbursement payable by the EMEA;
  - (f) the SNE must produce originals of estimates, receipts and invoices to the EMEA and a certificate from the employer, either confirming that the employer is not reimbursing removal costs or stating what part of the costs the employer is paying.
2. Subject to paragraphs (3) and (4), where the removal to the place of secondment has been reimbursed by the EMEA, the SNE shall be entitled at the end of the secondment, after prior authorisation, to reimbursement of removal costs from the place of secondment to the deemed residence, pursuant to any internal rules in force at the time concerning reimbursement of removal costs, subject to the conditions set out in points (d), (e) and (f) of paragraph 1, and to the following further conditions:
- (a) the removal must not take place earlier than three months before the end of the secondment;
  - (b) the removal must be completed within six months following the end of the secondment.
3. An SNE whose secondment is terminated at his request or at the employer's request within two years from the start of the secondment shall not be entitled to reimbursement of removal costs to the deemed residence. An SNE who has not obtained payment of removal expenses by the EMEA is entitled to receive the additional flat-rate allowance mentioned in Article 18.
4. Where the SNE proves that the place where he will pursue his main occupation after secondment has changed, removal costs to that new place may be reimbursed, but only up to the amount which would have been paid in the case of removal to the deemed residence.

*Article 23*  
*Missions and mission expenses*

1. An SNE may be sent on mission subject to Article 6.
2. Mission expenses shall be reimbursed in accordance with the rules and conditions relating to the payment of mission expenses in force at the EMEA.

*Article 24*  
*Training*

SNEs shall be entitled to attend training courses organised by the EMEA, if the interests of the EMEA warrant it. The reasonable interests of the SNE in attending, in particular in the light of the SNE's professional career following secondment, shall be considered when a decision is taken on whether to permit attendance.

*Article 25*  
*Administrative provisions*

The SNE shall report to EMEA's Administration Unit on the first day of the secondment to complete the relevant administrative formalities. He shall take up duty on either the first or the sixteenth day of the month.

## **Chapter IV**

### **Information Courses**

*Article 26*  
*Admission to information courses*

*Not applicable to EMEA*

## **Chapter V**

### **Complaints**

*Article 27*

Any SNE seconded for more than 6 months may submit to the Executive Director of the EMEA a complaint against an act under this Decision by the Agency, adversely affecting him except 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 EMEA shall notify the person concerned of its 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.<sup>3</sup>

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<sup>3</sup> However, this Article does not prevent a SNE from bringing an action against the initial decision, under the conditions laid down in Article 230 of EC Treaty.

## **Chapter VI**

### **SNEs paid from Research appropriations**

*Article 28 - Not applicable to EMEA*

*Article 29 - Not applicable to EMEA*

## **Chapter VII**

### **SNEs seconded to EMEA delegations**

*Article 30 - Not applicable to EMEA*

*Article 31 - Not applicable to EMEA*

*Article 32 - Not applicable to EMEA*

## **Chapter VIII**

### **Final Provisions**

*Article 33*

These Rules shall enter into force on 01 October 2008 and replace the rules applicable to national experts on secondment adopted by Executive Director Decision of 19 December 1995, as last amended by Executive Director Decision of 01 April 2008.

Done in London, 01 October 2008

Thomas Lönngren  
*Executive Director*