

BOARD DECISION
OF 18 JULY 2007
CONCERNING THE RULES APPLICABLE TO NATIONAL EXPERTS ON
SECONDMENT TO THE EUROPEAN UNION SATELLITE CENTRE

THE BOARD OF THE EUROPEAN UNION SATELLITE CENTRE,

Having regard to the Council Joint Action of 20 July 2001 on the establishment of a European Union Satellite Centre, as amended by Council Joint Action 2006/998/CFSP of 21 December 2006, and in particular Article 17 (3) thereof,

Whereas:

- (1) Seconded national experts (hereinafter referred to as SNEs) should enable the European Union Satellite Centre (hereinafter referred to as “the Centre”) to benefit from the high level of their knowledge and professional experience, in particular where such expertise is not readily available.
- (2) SNEs should foster the exchange of professional experience and knowledge in the field of satellite imagery analysis by temporarily assigning to the Centre experts from member states,

HAS DECIDED AS FOLLOWS:

Article 1

Scope

1. These Rules are applicable to national experts (hereinafter referred to as SNEs) seconded to the European Union Satellite Centre (“The Centre”) by a Member State.
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. SNEs shall be recruited on the broadest possible basis from among nationals of the Member States. The Member States and the Centre shall cooperate to ensure, as far as possible, a balance between men and women and observe the principle of equal opportunities.
4. Secondment shall be effected by an Exchange of Letters between the Director of the Centre and the Permanent Representation of the Member State concerned. A copy of these rules shall be attached to the Exchange of Letters.
5. SNEs should be drawn from governments, ministries or governmental agencies of Member States, national regional or local public authorities or the private sector.

Article 2
Qualification

1. To qualify for secondment to the Centre SNEs must have at least three years of relevant professional experience. The employer from which the SNE is seconded shall supply the Centre before the secondment with a statement of the SNE's employment over the previous twelve months.
2. SNEs must have a thorough knowledge of one official language of the European Union and a satisfactory knowledge of a second one.
3. SNEs must have a security clearance equivalent to at least SECRET UE pursuant to Council Decision 2001/264/EC¹ that shall be obtained before the start of the secondment.

Article 3
Place of secondment

The place of secondment shall be at the seat of the Centre. SNEs may undertake missions and detachments under the same terms the Centre applies to its agents.

Article 4
Period of secondment

1. Except for secondments in the event of crisis pursuant to Article 17 (2) of Council Joint Action 2001/555/CFSP as amended by Council Joint Action 2006/998/CFSP, the period of secondment may normally not be less than six months nor exceed three years and may be renewed successively up to a total period not exceeding four 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(4). The same procedure shall apply in the case of a renewal of the period of secondment.

¹ OJ L 101, 11.4.2001, p. 1

Article 5

Duties

1. SNEs shall carry out the tasks assigned to them by the Director in full respect of the relevant provisions of the Centre's Staff Regulations and the Centre's operational procedures.
2. Unless a special mandate has been granted under the authority of the Director, SNEs may not commit the Centre externally.
3. The Centre shall retain sole responsibility for approving the results of tasks performed by the SNE and for signing any official documents arising from such task.
4. Every effort must be made by the SNEs' employers and by the SNEs themselves to avoid any conflict of interest in relation to the experts' duties while seconded to the Centre. SNEs shall be asked in particular to declare any potential conflict between their family circumstances (such as professional activities of close family members or any important financial interests of their own, or of close family members) and the proposed duties while on secondment. The employer and the SNE shall undertake to notify without undue delay the Centre 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, 4 and 5, the Centre may terminate the secondment of the SNE under the terms of Article 7.

Article 6

Rights and obligations

1. During the period of secondment
 - i) SNEs shall carry out their duties and shall conduct themselves solely with the interest of the Centre in mind. They shall neither seek nor take instructions from any government, authority, organisation or person outside the Centre. SNEs shall carry out their duties objectively, impartially and in keeping with their duties of loyalty to the Centre. SNEs shall not undertake any activities for their employer, for governments or for other persons, private companies or public bodies;
 - ii) SNEs shall refrain from any action or behaviour which might reflect adversely upon their position;
 - iii) SNEs 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 their Head of Division immediately who shall take any appropriate measure and may, in particular, relieve the SNE from responsibility in this matter;
 - iv) the SNE 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 SNE who intends to publish or cause to be published, whether alone or with others, any matter dealing with the work for the Centre shall inform the Director in advance. Where the Director considers that the matter is liable to prejudice the legitimate interests of the Centre, the Director shall inform the SNE that a publication is not authorised;
 - vi) all rights in any work done by SNEs in the performance of their duties shall be the property of the Centre;
 - vii) SNEs shall reside at the place of secondment or at no greater distance there from as is compatible with the proper performance of their duties;
 - viii) SNEs shall be subject to the security rules in force in the Centre.
2. Failure to comply with any of the provisions of paragraph 1 shall entitle the Centre to terminate the secondment of the expert pursuant to article 7 (2).
 3. After termination of the secondment, the SNE shall continue to be bound by the duty to behave with integrity and discretion in all matters concerning the Centre.

Article 7

Termination of secondment

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

Article 8

Working conditions

The working conditions for SNEs, 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 Centre's agents.

Article 9

Social security

1. Before the beginning of the period of secondment, the employers of the SNE shall certify to the Centre that the SNE will remain subject to the social security legislation applicable to the SNE throughout the period of secondment and will assume responsibility for expenses incurred abroad.
2. From the day on which their secondment begins, SNEs shall be covered by the Centre 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 SNEs from their place of origin to the place of employment to take up their duties will be reimbursed by the Centre on the same basis as that provided for by the Centre's Staff Regulations for missions.
2. Travel costs at the end of the period of secondment will be reimbursed in the same manner.
3. Where SNEs are seconded to the Centre for a period of at least 2 years and decides to remove their belongings from the place of origin to the place of employment within 3 months of the starting date of secondment, the Centre will cover part of their removal expenses up to a maximum of € 5 000. This sum will be payable on production of estimates, receipts and invoices proving that the SNEs have actually removed their personal belongings to the place of employment. The same reimbursement will apply at the end of the secondment if the SNEs remove their belongings back to their country of origin.
4. The Centre reserves the right to refuse the reimbursement of the removal expenses if the SNEs or their employer terminate the secondment within less than one year.

Article 11

Subsistence allowance

1. SNEs shall be entitled throughout the period of secondment to a daily subsistence allowance the amount of which shall be set each year by the Board on proposal by the Director.
2. The subsistence allowance shall be payable for periods of mission, annual leave, special leave and holidays granted by the Centre.
3. The daily allowance shall be paid in the last working week of each month.

Article 12

Entry into force

This decision enters into force on 18 July 2007.
