

**RULES GOVERNING THE SECONDMENT OF NATIONAL EXPERTS
TO THE EUROPEAN PARLIAMENT
BUREAU DECISION
OF 22 NOVEMBER 2021**

THE BUREAU OF THE EUROPEAN PARLIAMENT,

- having regard to Rule 25(2) of the European Parliament's Rules of procedure,

Whereas

- (1) It is desirable to foster the exchange of professional expertise in European policies by temporarily assigning to Parliament experts from the public authorities of the Member States.
- (2) Seconded national experts (hereinafter, 'SNEs') should enable the Parliament to benefit from the high level of their expertise in European policies, in particular in areas where such expertise is not readily available to Parliament.
- (3) SNEs should primarily be drawn from the national Parliaments of the Member States of the European Union (hereinafter 'Member States'), but they may also be drawn from a national, regional or local public authority, or a body treated as such a public authority, in the Member States, in the EFTA member countries that form part of the European Economic Area (hereinafter, 'EFTA Member States'), in the countries that have applied for accession to the European Union (hereinafter, 'applicant countries') or in third countries. SNEs may also be drawn from a public international 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, SNEs should 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 ADOPTED THE FOLLOWING DECISION:

Part 1: General provisions

Article 1

Scope and definitions

1. These Rules shall apply to national experts seconded to Parliament by a national, regional or local public authority, or a body treated as a public authority, in the Member States, in the EFTA Member States, in applicant countries or in third countries. These Rules shall also apply to experts seconded to Parliament from a public international organisation.
2. These Rules shall also apply to experts employed by non-profit-making research bodies or institutions whose secondment to Parliament has been authorised on an exceptional basis by the Secretary-General of Parliament, after consulting the Joint Committee. Such secondments shall be restricted to cases where the interests of Parliament justify temporary provision of specific knowledge to the institution.
3. For the purposes of the present Rules, SNEs shall mean staff employed by a public international organisation, a national, regional or local public authority, or a body treated as a public authority in the Member States, in the EFTA Member States, in applicant countries or in third countries who are seconded to Parliament.
4. For the purposes of the present Rules, cost-free SNEs shall mean experts for whom Parliament shall neither pay the allowances provided for in Article 17(1) and (2) of these Rules, nor reimburse the travel expenses referred to in Article 19 of these Rules.

Article 2

Administrative status of SNEs

1. SNEs shall remain in the service of their employers throughout the period of their secondment to Parliament.
2. SNEs' employers shall undertake to continue to pay their salaries, to maintain their administrative status throughout the period of secondment and to inform the Directorate-General for Personnel of any change in SNEs' situation in this regard. SNEs' employers shall also continue to be responsible for all their social rights, particularly social security and pension. The termination of or change in SNEs' administrative status may lead to the termination of their secondment by Parliament, without notice, in accordance with Article 10 of these rules.

Article 3

Conditions governing eligibility for secondment

1. SNEs must be nationals of a Member State, of an EFTA Member State or of an applicant country, save where the Secretary-General of Parliament grants a derogation.
2. 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. The SNE's

employer shall provide Parliament, prior to the secondment, with a certificate outlining the duties performed by the SNE over the previous 12 months.

3. SNEs must have a thorough knowledge of one of the official languages of the European Union and a satisfactory knowledge of another official language of the European Union to the extent necessary for the performance of their duties. SNEs from third countries must have a thorough knowledge of one official language of the European Union to the extent necessary for the performance of their duties.

Article 4

Administrative procedure for secondment

1. 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.
2. Secondment shall be agreed following 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 EFTA Member States and with the appropriate diplomatic missions in the case of applicant countries or other third countries.
3. A copy of these Rules shall be attached to the exchange of letters.
4. Cost-free SNEs may be seconded from a public authority of a Member State, an EFTA Member State, an applicant country or an international organisation. They may be seconded also 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.
5. National civil servants may be seconded as cost-free SNEs for a maximum period of four years also 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 paragraph shall also apply to cost-free SNEs seconded from EFTA Member States, applicant countries or third countries.

Article 5

Period of secondment

1. The initial period of secondment shall 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 authorise, on an exceptional basis, 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 4(2) of these Rules. 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.
4. 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 6
Place of secondment

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

Article 7
Duties

1. SNEs shall carry out the tasks assigned to them and assist Parliament's officials and temporary staff.
2. SNEs shall take part in missions or external meetings only if accompanying a Parliament's 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 based on a specific remit issued to the SNE and after having established that there is no potential conflict of interest. Under no circumstances shall SNEs 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 SNEs and for signing any official documents resulting therefrom.
4. In order to avoid any conflict of interest or appearance of such conflict in relation to SNEs' duties whilst seconded to Parliament, the service to which SNEs are to be assigned shall inform them and their employer in good time about the SNEs' proposed duties and shall ask SNEs and their employer to confirm in writing that they do not know of any reason why the SNEs should not be assigned to those duties. The SNEs shall be asked, in particular, to declare any potential conflict between their family circumstances and their 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 SNEs or their close family members.

Employers and SNEs shall undertake to declare to the director-general of the service to which SNEs are assigned any change of circumstances during the secondment that might give rise to any such conflict or appearance of conflict.

The service to which SNEs are 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 SNEs to comply with their obligations arising under the provisions of paragraphs 2, 3 or 4 shall entitle Parliament to terminate the secondment, without notice, pursuant to Article 10 of these Rules.

Article 8 *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 or behaviour, including 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 their line manager within Parliament;
 - (d) SNEs shall refrain from any form of psychological or sexual harassment, as defined in Article 12a of the Staff Regulations of officials of the EU (hereinafter, 'the Staff Regulations');
 - (e) SNEs wishing to engage in an outside activity, whether paid or unpaid, or to carry out any assignment outside the European Union, shall be subject to the provisions on prior authorisation laid down in Article 12b of the Staff Regulations and in Parliament's rules on prior authorisation for officials. The Appointing Authority shall consult the SNE's employer before issuing an authorisation;
 - (f) SNEs shall declare any gainful activity performed in a professional capacity by their spouse, as required by Article 13 of the Staff Regulations;
 - (g) SNEs shall have the right to freedom of expression, with due respect to the principles of loyalty and impartiality.

SNEs who intend to publish or cause to be published, whether alone or with others, any matter dealing with the work of the Union shall, in accordance with the conditions and rules in force at Parliament, inform the Appointing Authority within Parliament in advance. Where that authority is able to demonstrate that the matter is liable seriously to prejudice the legitimate interests of the Union, it will 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 authority shall be deemed to have no objection;

- (h) all rights related to any work carried out by SNEs in the performance of their duties shall be the property of Parliament;
 - (i) SNEs shall reside at the place of secondment or at no greater distance therefrom that is compatible with the proper performance of their activities;
 - (j) 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;
 - (k) During their secondment, SNEs shall neither seek nor accept instructions from their employers or from any national government, authority, organisation or person outside Parliament. They shall not provide any services to their employers or governments or to any other persons, private companies or public authorities;
 - (l) SNEs shall not, without permission from the Secretary General of Parliament disclose on any grounds whatever, in any legal proceedings, information of which they have knowledge by reason of their secondment. Permission shall be refused only where Parliament's interests so require and such refusal would not entail criminal consequences as far as the SNE is concerned. SNEs shall continue to be bound by this obligation after leaving the service
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. SNEs shall be subject to the security rules in force at Parliament;
4. SNEs shall immediately notify their line manager in writing if, in the course of the secondment, they become aware of facts that give rise to a presumption of the existence of:
- (a) possible illegal activity, including fraud or corruption, detrimental to the interests of the Union; or
 - (b) conduct relating to the discharge of professional duties which may constitute a serious failure to comply with the obligations of officials of the Union or of experts.
5. Failure to comply with any of the provisions of paragraphs 1 to 4 during the period of secondment shall entitle Parliament to terminate an SNE's secondment without notice pursuant to Article 10(2)(c) of these Rules.
6. 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 the end of their last period of secondment, SNEs shall inform the Appointing Authority without delay of any work or duties which they are required to perform for their current employers that may give rise to a conflict of interest in connection with the duties performed whilst seconded to Parliament.

Article 9
Suspension of secondment

1. The Secretary-General of Parliament may authorise suspensions in periods of secondment and specify the terms applicable, after consulting the directorate-general concerned. During such breaks:
 - (a) the allowances referred to in Article 17 of these Rules shall not be paid;
 - (b) the expenses referred to in Article 19 of these Rules shall be reimbursed only if the suspension occurs at Parliament's request.
2. Parliament shall inform the SNE's Office of the Permanent Representative or employer, as the case may be.
3. In the case of a suspension of secondment, the ending date of the secondment shall not change.

Article 10
Termination of secondments

1. 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.
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 their obligations under these Rules.

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

Part 2: Working conditions

Article 11
Social security

1. Before the secondment begins, the SNE's employer shall certify to Parliament that the SNE will remain, throughout the period of secondment, subject to the social security legislation applicable to the employer 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 12

Request for reasonable accommodation

1. Article 1d(4) of the Staff Regulations and Parliament's internal rules implementing it shall apply *mutatis mutandis* to SNEs.
2. According to Article 1d(4) of the Staff Regulations, "reasonable accommodation", in relation to the essential functions of the job, shall mean appropriate measures, where needed, to enable a person with a disability to have access to, participate in, or advance in employment, or to undergo training, unless such measures would impose a disproportionate burden on the employer.
3. Nonetheless, successful candidates who have stated that they are in need of reasonable accommodation, shall not be required to undergo the medical examination provided for in Article 2(1) of the internal rules implementing Article 1d(4) of the Staff Regulations, and points 8.1 and 10.1 of the Guidelines for application of the internal rules implementing Article 1d(4) of the Staff Regulations. They shall, instead, be called to an interview with one of Parliament's medical officers.

Article 13

Working hours

1. Working hours for SNEs shall be those in force for Parliament staff.
2. SNEs shall work full time throughout their secondment. On the basis of a duly substantiated request from the directorate-general in which an SNE is assigned, the Director-General for Personnel may authorise part-time working by an SNE, subject to agreement by their employer, provided that this is compatible with Parliament's interests. In such cases, Article 15(6) of these rules shall apply.
3. The internal rules on arrangements for half-time working on medical grounds applicable to Parliament staff shall apply *mutatis mutandis* to SNEs.
4. In cases where part-time working is authorised, SNEs must work at least half the normal working hours each month.
5. The rules on telework applicable to Parliament staff shall apply *mutatis mutandis* to SNEs.

Article 14

Sick leave

1. SNEs absent from work for reasons of sickness or accident shall notify the absence to their line manager as soon as possible, stating their present address. They shall be

required to produce a medical certificate if the absence lasts more than three days and they may be required to undergo a medical examination arranged by Parliament.

2. If, over a period of 12 months, an SNE has been on sick leave without a medical certificate for a total of more than 12 days, the SNE shall be required to produce a medical certificate to justify any further absence for reasons of sickness.
3. If the 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 17(1) and (2) of these Rules shall be suspended. This provision shall not apply in the event of sickness linked to pregnancy and in the case of SNEs who are victims of a work-related accident whilst on secondment.

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

Article 15 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 of annual leave per calendar year.
2. Leave shall be subject to prior authorisation by the SNE's line manager in Parliament. In the event of unauthorised absence, subsistence allowances provided for in Article 17 shall not be paid.
3. The rules on special leave applicable to Parliament staff shall apply *mutatis mutandis* to SNEs.
4. In addition to the special leave referred to in paragraph 3, up to two days of paid special leave per 12-month period may be granted by Parliament on the basis of a duly substantiated request from the SNE's employer. Requests shall be considered on a case-by-case basis.
5. 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.
6. Where an SNE is working part-time, the amount of annual leave shall be reduced accordingly.
7. No payment shall be made in lieu of annual leave not taken by the end of the period of secondment.

Article 16 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 Article 17 of these Rules.
2. In the event of a multiple or premature birth, or the birth of a child with a disability, the maternity leave entitlement shall be extended to 24 weeks. A birth shall be regarded as premature if it occurs before the end of the thirty-fourth week of pregnancy.

3. At the end of the period of maternity leave, and based on 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 *mutatis mutandis* to the SNE.
4. Where the relevant rules applied by the SNE's employer grant a longer period of maternity leave, the secondment shall be suspended 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.
5. Alternatively, an SNE may apply for a suspension in the secondment that covers the whole of the period granted for maternity leave. In such cases, the second subparagraph of paragraph 4 shall apply.

Part 3: Allowances and expenses

Article 17 Subsistence allowances

1. Unless their employer decides otherwise, and if the distance between their place of residence as determined in accordance with Article 18 of these Rules and the place of secondment is more than 150 km, SNEs shall be entitled, throughout their secondment, to a daily subsistence allowance of EUR 144.36. However, if the distance between the place of residence as determined in accordance with Article 18 of these Rules and the place of secondment is 150 km or less, the daily allowance shall be 25 % of that figure, i.e. EUR 36.09.
2. An additional monthly allowance shall be paid to SNEs in accordance to the following table:

Geographical distance between place of residence and place of secondment (km)	Amount in EUR
0 – 150	0
> 150	92.81
> 300	164.95
> 500	268.08
> 800	433.05
> 1 300	680.49
> 2 000	814.55

3. Subsistence allowances shall be paid for periods covered by missions, annual leave, special leave, holidays and maternity leave granted by Parliament.
4. When SNEs take up their duties, they shall receive an advance equivalent to 75 days of their 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 European Union in the three working places of Parliament.
7. Subsistence allowances shall be paid monthly.

Article 18

Place of residence

1. For the purpose of these Rules, the place of residence shall be considered the place where the SNE has performed their duties for their employer immediately prior to secondment. The place of secondment shall be considered 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 4 of these Rules.
2. If an SNE already has their principal residence in a place different from that in which the employer's head office is located, on a date six months before their secondment as an SNE, the place of residence shall be deemed to be whichever of the two is closer to the place of secondment.
3. For the purposes of this Article, circumstances arising from services performed 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.

Article 19

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, at the beginning and at the end of their secondment, provided that those expenses are not defrayed by their employer or any other body.

The SNE's employer shall declare any such payments or reimbursements to the Directorate-General for Personnel, or certify that no such payments or reimbursements have been made.

2. Travel expenses shall be reimbursed in accordance with the relevant rules and conditions applicable to Parliament staff.
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 secondment 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 SNEs are entitled should they return to their place of residence.

Article 20
Missions and mission expenses

1. SNEs may be sent on mission subject to the provisions of Article 7 of these Rules.
2. Mission expenses shall be reimbursed in accordance with the relevant rules and conditions in force at Parliament.

Article 21
Training

SNEs are entitled to attend training courses organised by Parliament, whenever possible, according to the provisions set out in the internal rules on learning and development for staff of the European Parliament. The reasonable interest of the SNE in attending such courses, in particular in the light of their professional career following secondment, shall be considered when a decision is taken as to whether to authorise attendance.

Article 22
Administrative provisions

SNEs shall report to the competent service of the Directorate-General for Personnel on the first day of their secondment 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.

Part 4: Short-term secondments

Article 23
Scope and general provisions

1. Parliament may receive into its services national civil servants seconded from public authorities in the Member States, the EFTA Member States, applicant countries and third countries for short-term secondments.
2. Such secondments shall be agreed 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 their secondment, to a daily subsistence allowance of EUR 144.36 if the distance between their place of residence, determined in accordance with Article 17 of these Rules, and the place of secondment is greater than 150 km, and of EUR 36.09 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(1) and (2), 2, 3, 4(2) and (3), 6, 7, 8, 10(2), 11(1), 13(1), 14, 15, 19, 20 and 22 of these Rules shall apply, *mutatis mutandis*, to national civil servants seconded under the terms of this Article.

Part 5: Final provisions

Article 24 *Complaints*

Without prejudice to the possibilities for instituting proceedings after taking up their position, under the conditions and time limits laid down in Article 263 of the Treaty on the Functioning of the European Union (TFEU), SNEs may submit a complaint to the Secretary-General of Parliament about an act adopted by Parliament under these Rules which adversely affects them, with the exception of those acts which are direct consequences of decisions taken by their employer.

The complaint must be lodged within three 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 SNE will be informed of the Secretary-General's 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.

Article 25 *Data protection*

Any personal data generated in connection with the secondment of national experts shall be processed pursuant to Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by Union institutions and bodies, offices and agencies, and on the free movement of such data. Any personal data shall be processed only for the purpose and in the framework of these Rules.

Article 26 *Entry into force*

1. These Rules shall enter into force on 1 December 2021 and replace the Bureau Decision of 4 May 2009.
2. These Rules shall apply to all secondments and extensions of secondments agreed after their entry into force, except Articles 13, 15 and 16, which shall also apply to all secondments agreed before their entry into force.
3. SNEs who are on secondment when these Rules enter into force and who do not wish to benefit from the provisions of Articles 17 to 19 of these Rules shall continue to benefit from the provisions of Articles 15 to 18 of the Bureau Decision of 4 May 2009.