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ΕΥΡΩΠΑΙΚΟ ΕΛΕΓΚΤΙΚΟ ΣΥΝΕΔΡΙΟ
EUROPEAN COURT OF AUDITORS
COUR DES COMPTES EUROPÉENNE
CÚIRT INIÚCHÓIRÍ NA HEORPA



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DHR002165EN03-10PP-D 44-10.TR

Decision No 44-2010 of the European Court of Auditors on the conditions for the secondment of Court officials

THE COURT OF AUDITORS,

HAVING REGARD TO the Treaty on the Functioning of the European Union, and in particular Article 287 thereof;

HAVING REGARD TO the Staff Regulations of Officials of the European Communities, and in particular Articles 37 to 39 thereof;

HAVING REGARD TO Decision No 18-2010 of 2 March 2010 of the Court of Auditors laying down rules applicable to seconded national experts;

HAVING REGARD TO Decision No 30-2003 of 12 June 2003 on the secondment of officials of the European Court of Auditors to the Supreme National Audit Institutions;

WHEREAS:

- (1) It is desirable to promote exchanges of experience and professional knowledge by temporarily seconding Court officials to national administrations;
- (2) The conditions for seconding Court officials to national institutions need to be amended to bring them into line with the conditions for the secondment of national experts (SNEs);
- (3) The rules governing the various types of secondment that can be granted to Court officials need to be reiterated;

HAS DECIDED:

CHAPTER I: GENERAL PROVISIONS

Article 1

Definitions

1. Officials may be seconded either in the interest of service or at their own request.

2. Officials may be seconded in the interests of the service:
 - to serve temporarily in a post outside their institution;
 - to temporarily carry out duties in a Private Office in an institution, or in one of the political groups of the European Parliament or the Committee of the Regions, or in a group in the European Economic and Social Committee.
3. Officials may be seconded at their own request:
 - to be placed at the disposal of another institution of the European Union;
 - to be placed at the disposal of an organisation devoted to furthering the Community's interests or cooperating closely with the European institutions.
4. Except in cases where the secondment does not involve any financial cost for the Court of Auditors, Court officials may only be seconded to a national administration in the interests of the service and solely as part of an exchange with an official from the national administration concerned.

Article 2

Scope

Secondment shall be open only to officials in category AD who have been serving with the Court for at least three years and who, on reinstatement, will be able to serve for at least a further five years.

On duly justified grounds, the Appointing Authority may decide to derogate from this Article.

CHAPTER II: SECONDMENT IN THE INTERESTS OF THE SERVICE

Article 3

Secondment to a national administration

Where officials are seconded to a national administration, they shall be allowed to perform only administrative activities with a view to exchanging experience and professional knowledge.

Article 4

Duration

1. The decision on secondment in the interests of the service and on the length of this secondment shall be taken by the Appointing Authority after consulting the official concerned.
2. The duration of the secondment in the interests of the service shall be between one and two years, and may be extended on successive occasions up to a total period of secondment which shall not exceed four years.
Nevertheless, once the four years of secondment have been completed, in exceptional cases where the interests of the service continue to justify the official's secondment, the Appointing Authority may authorise the secondment to be extended one or more times up to a maximum duration of two additional years.

3. The Appointing Authority may terminate a secondment at any time if the interests of the service so require.
4. At the end of every six months after his secondment, the official concerned may request that the secondment be terminated. This decision shall be taken by the Appointing Authority.

Article 5

Reinstatement and career development

1. Upon expiry of their secondment, officials shall be reinstated at once in the post they formerly occupied.
2. Seconded officials shall retain their right to advancement to a higher step and eligibility for promotion.
3. Seconded officials shall continue to be covered by the periodical reporting exercise provided for in Article 43 of the Staff Regulations. Reports shall be prepared by the appropriate assessor, as laid down in the Court's own general implementing rules

Article 6

Remuneration

1. When officials receive remuneration from the organisation to which they have been seconded, and where this remuneration is lower than the remuneration corresponding to their administrative position weighted at the rate fixed for their place of secondment, the difference is covered by the Court.
2. When officials do not receive any remuneration from the organisation to which they have been seconded, they shall then receive from the Court the full amount of remuneration corresponding to their administrative position weighted at the rate fixed for their place of secondment.

Article 7

Allowances and financial entitlements

1. Seconded officials shall receive a daily subsistence allowance in accordance with the conditions laid down in Article 10 of Annex VII to the Staff Regulations.
2. Seconded officials may, prior to their departure, apply for a removal to the place of their secondment, in accordance with the conditions laid down in Article 9 of Annex VII to the Staff Regulations.
3. Seconded officials shall be entitled to an installation allowance, in accordance with the conditions laid down in Article 5 of Annex VII to the Staff Regulations.
4. The seconded officials' financial entitlements, apart from the allowances referred to in paragraphs 1 to 3 of this Article, and in particular the expatriation or foreign residence allowance, shall be calculated on the basis of their place of secondment.

5. The provisions of this Article shall not apply to officials whose place of secondment is less than 100 km away from their normal place of employment or from their place of residence. In such cases, officials shall be regarded as not having left their place of employment and shall not receive any supplementary allowances.

Article 8

Travel expenses

1. Seconded officials shall be entitled to reimbursement of travel expenses for themselves, their spouse and dependants at the beginning and end of their period of secondment to and from the place where the body to which they are seconded is located. Travel expenses shall be reimbursed on the conditions provided for in Article 7 of Annex VII to the Staff Regulations.
2. Seconded officials shall also be entitled to reimbursement of annual travel expenses in accordance with the conditions laid down in Article 8 of Annex VII to the Staff Regulations. Where officials have applied for a removal to their place of secondment, they shall be reimbursed their annual travel expenses from their place of secondment.
3. Notwithstanding Article 7(1)(b) of Annex VII to the Staff Regulations, seconded officials terminating their service with the Court shall be entitled to reimbursement of their travel expenses from their place of secondment to their place of origin.
4. The provisions of this Article shall not apply to officials whose place of secondment is less than 100 km away from their normal place of employment or from their place of residence. In such cases, officials shall be regarded as not having left their place of employment.

Article 9

Social security contributions

Seconded officials shall continue to pay contributions to the pension scheme on the basis of the salary for active employment they received from the Court for their grade and step. *They may ask to continue to enjoy the benefits of the Joint Sickness Insurance Scheme, in which case they shall pay the relevant contributions on the same conditions as applied before their secondment.*

Article 10

Missions

Seconded officials may be sent on mission by the host body. Such missions shall be paid for by the host body.

CHAPTER III: SECONDMENT ON REQUEST

Article 11

Duration

1. Decisions on secondment and on the length of such secondment shall be taken by the Appointing Authority after consulting the officials concerned.
2. The minimum duration of secondment at the request of an official shall be one year.

3. Within six months of the beginning of their secondment, the officials concerned may request that the secondment be terminated. Once this six-month period is over, the secondment cannot be terminated until the date specified in the secondment decision taken by the Appointing Authority.

Article 12

Reinstatement and career development

1. Where seconded officials have requested, within six months of the start of their secondment, that their secondment be terminated, they shall be reinstated in the post they formerly occupied. Once this six-month period is over, their former post shall become vacant.
2. When their secondment ends, officials must be reinstated in the first post corresponding to their grade which falls vacant in their function group provided that they satisfy the requirements for that post. If they decline the post offered to them they shall retain their right to reinstatement when the next vacancy corresponding to their grade occurs in their function group, subject to the same proviso. If they decline a second time, they may be required to resign after the Joint Committee has been consulted. Until effectively reinstated they shall continue to be on secondment but unpaid.
3. During their period of secondment, the officials shall retain their right to advancement to a higher step.

Article 13

Contributions

During their secondment, officials shall continue to pay contributions to the pension scheme on the basis of the salary they received from the Court prior to their secondment. However, officials on secondment who acquire pension rights in the body to which they are seconded shall cease to be affiliated to the pension scheme of the Court for the duration of the secondment.

CHAPTER IV: ADMINISTRATIVE PROVISIONS

Article 14

Entry into force

This Decision cancels and replaces Decision No 30-2003 on the secondment of officials of the European Court of Auditors to the Supreme National Audit Institutions.

Done at Luxembourg, 15. VI. 2010

For the Court of Auditors



Vítor Caldeira, President