

**Decision of the Management Board 11/2016/MB**

**On Laying Down Rules on the Secondment to CEPOL of National  
Experts**

**Adopted by the Management Board**

**on 27 December 2016**

## THE MANAGEMENT BOARD,

Having regard to Regulation (EU) 2015/2219 of the European Parliament and of the Council of 25 November 2015 on the European Union Agency for Law Enforcement Training (CEPOL) and replacing and repealing Council Decision 2005/681/JHA<sup>1</sup>, and in particular Article 24 thereof,

Having regard to Council Decision (EU) 2015/1027 of 23 June 2015 concerning the rules applicable to experts on secondment to the General Secretariat of the Council and repealing Decision 2007/829/EC,

Having regard to the decision of the Governing Board of the European Police College laying down general guidelines on the implementation of the Council Decision concerning seconded national experts (5/25006/GB), adopted on 13 January 2006,

Having regard to the decision of the Governing Board of the European Police College laying down guidelines concerning part time secondment of national experts (6/2006/GB), adopted on 13 January 2006,

Having regard to the decision of the Director of CEPOL concerning the allowances for Seconded National Experts (001/2010), adopted on 29 January 2010,

Having regard to the Commission Decision of 12 November 2008 laying down rules on the secondment to the Commission of national experts and national experts in professional training<sup>2</sup>,

After having consulted the Staff Committee,

Whereas:

- (1) As of 2006, CEPOL has applied by analogy the Council Decisions concerning the rules applicable to national experts and military staff on secondment to the General Secretariat of the Council.
- (2) The Council Decision 2003/479/EC concerning the rules applicable to national experts and military staff on secondment to the General Secretariat of the Council<sup>3</sup> was repealed by Council Decision 2007/829/EC<sup>4</sup>.
- (3) Council Decision 2007/829/EC was repealed by Council Decision (EU) 2015/1027 of 23 June 2015.
- (4) There is the need to ensure that the rules applicable to national experts seconded to CEPOL and national experts in professional training are as much as possible aligned to the Staff Regulations of Officials and Conditions of Employment of other Servants of the European Union.
- (5) The application by analogy of the Commission rules on national experts in secondment and national experts in professional training is found to be fit-for-purpose.
- (6) There is the need to ensure that outdated rules are repealed,

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<sup>1</sup> OJ L319, 4.12.2015, p.1.

<sup>2</sup> C (2008) 6866 final.

<sup>3</sup> Council Decision of 16 June 2003 concerning the rules applicable to national experts and military staff on secondment to the General Secretariat of the Council and repealing the Decisions of 25 June 1997 and 22 March 1999, Decision 2001/41/EC and Decision 2001/496/CFSP, OJ L 160, 28.6.2003, p.72.

<sup>4</sup> OJ L 327, 13.12.2007, p.10.

HAS ADOPTED THIS DECISION:

*Article 1*

1. The Decision in annex I to the present Decision is hereby adopted.

*Article 2*

1. The Governing Board decision laying down general guidelines on the implementation of the Council Decision concerning seconded national experts (5/25006/GB), the Governing Board decision laying down guidelines concerning part time secondment of national experts (6/2006/GB), and the decision of the Director of CEPOL concerning the allowances for Seconded National Experts (001/2010), are hereby repealed.

*Article 3*

The present Decision shall take effect the day of its adoption.

Done in the Netherlands, 27 December 2016

*For the Management Board*

*<Signature on file>*

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*Mrs Frederike Everts MPA  
Chair of the Management Board*

Annex: Decision laying down rules on the secondment to CEPOL of national experts

THE MANAGEMENT BOARD,

Having regard to the Regulation (EU) 2015/2219 of the European Parliament and of the Council of 25 November 2015 on the European Union Agency for Law Enforcement Training (CEPOL) and replacing and repealing Council Decision Council Decision 2005/681/JHA<sup>5</sup>; and in particular Article 24 thereof,

Having regard to the Commission Decision of 12 November 2008 laying down rules on the secondment to the Commission of national experts and national experts in professional training<sup>6</sup>;

Whereas:

(1) Seconded national experts (SNEs) should enable CEPOL 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 experts from the administrations of the Member States to CEPOL, even for short periods. For the same reason, steps should also be taken to facilitate the use of experts drawn from the administrations of Member States of the European Free Trade Area (EFTA), candidate countries that have reached an agreement with the Commission on personnel matters, countries that have concluded a working arrangement with CEPOL and public intergovernmental organisations (IGOs).

(3) In order to ensure that the independence of CEPOL is not compromised by private interests, it should be stipulated that SNEs must come from a national, regional or local public administration or an IGO. The secondment of an SNE by an employer other than a national, regional or local public administration or an IGO should be authorised only on a case-by-case basis, once it has been ascertained that the SNE's employer is part of the public sector or is an independent university or research organisation that does not seek to make profits for redistribution.

(4) In order to avoid any conflict of interests, the rights and obligations of SNEs, as set out in this Decision, should ensure that they carry out their duties solely in the interests of CEPOL.

(5) In view of their special status, it should be stipulated that SNEs acting alone will not exercise any of the responsibilities that belong to CEPOL by virtue of the powers conferred upon it, unless specially empowered to do so in writing by the Executive Director of CEPOL.

(6) It is desirable to consolidate the Rules applicable to SNEs in a single text, preserving their specific features while also simplifying them and, in the case of working conditions and the granting of subsistence allowances, by bringing them as much as possible into line with the Staff Regulations of Officials and the Conditions of

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<sup>5</sup> OJ L 319, 4.12.2015, p.1

<sup>6</sup> C(2008) 6866 final.

Employment of Other Servants of the European Communities, but without actually assimilating SNEs to these categories.

(7) Steps should be taken to make it easier to review subsistence allowances, taking account of adjustments to the basic salaries of the staff members of CEPOL,

HAS ADOPTED THIS DECISION:

## TITLE I

### SECONDED NATIONAL EXPERTS

#### Chapter I

#### General provisions

##### *Article 1*

##### *Scope and definitions*

1. These Rules shall apply to national experts seconded to CEPOL (hereinafter referred to as SNEs or seconded national experts).

Seconded national experts are staff employed by a national, regional or local public administration or an IGO, who are seconded to CEPOL so that it can use their expertise in a particular field.

For the purposes of this Decision, the public administration means all State administrative services at central, federal and regional level, comprising ministries, government and parliament services, the courts, central banks, and the administrative services of local authorities, as well as the decentralised administrative services of the State and of such authorities.

The persons covered by these Rules must have worked for their employer on a permanent or contract basis for at least 12 months before their secondment and shall remain in the service of that employer throughout the period of secondment. Persons who have retired recently (up to 24 months prior to the period of secondment) shall also be eligible to be seconded to CEPOL.

The SNE's employer shall thus undertake to continue to pay his salary, to maintain his administrative status (permanent official or contract staff member) throughout the period of secondment and to inform the CEPOL Human Resources Sector of any change in the SNE's situation in this regard. The SNE's employer shall also continue to be responsible for all his social rights, particularly social security and pension. The termination of or change in the SNE's administrative status (permanent official or contract staff member) may lead to the termination of his secondment by CEPOL, without notice, in accordance with Article 10(2)(c).

2. Notwithstanding the second subparagraph of paragraph 1, the Executive Director of CEPOL may, on a case-by-case basis, authorise the secondment of an SNE from an employer other than a State public administration or an IGO if the interests of CEPOL

warrant bringing in specific expertise as a temporary measure, provided that the SNE's employer:

- is an independent university or research organisation which does not set out to make profits for redistribution; or
- is in fact part of the public sector.

For the purposes of this Decision, to qualify as being part of the public sector the SNE's employer must meet all the following conditions:

- it must be attached to a public administration, as defined in paragraph 1, and specifically it must have been created by legislation or regulation;
- its resources must come primarily from public funding;
- any activities in which it competes against other private or public entities on the market must represent less than half of its activities.

Exceptionally, and where justified by the interest of the service, the Executive Director of CEPOL may authorise the secondment of an SNE by an employer that does not meet one or more of the above criteria. The Executive Director of CEPOL shall regularly report to the Management Board on the use of this procedure.

To this end, the organisation concerned and, where appropriate, the EFTA Secretariat, the IGOs and the national contact points of the non-member countries concerned shall supply the CEPOL Human Resources Sector with all the necessary facts to enable the Executive Director of CEPOL to assess whether the various criteria are satisfied and to take an informed decision.

The CEPOL Human Resources Sector shall, if necessary, clarify the arrangements for implementing the different criteria and communicate them to the organisations concerned, the EFTA Secretariat and the IGOs concerned, or a country associated with a Community programme by a Council decision.

3. Except where the Executive Director of CEPOL grants a derogation, an SNE must be a national of an EU or EFTA Member State or of a country with which the Council has decided to open accession negotiations and which has concluded a specific agreement with the Commission on staff secondments or of a country with which CEPOL has concluded a cooperation agreement.

4. When a secondment is being planned, CEPOL shall ensure the geographical and gender balance and compliance with the principle of equal opportunities, in accordance with the principles set out in Article 1d and Article 27 of the Staff Regulations.

The CEPOL Human Resources Sector shall monitor compliance and, in the event of a serious imbalance, shall take the necessary corrective measures to ensure balanced representation of SNEs.

5. 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*

1. For the purposes of this Decision, “cost-free SNEs” means SNEs for whom CEPOL does not pay any of the allowances provided for in Chapters III and VI or cover any of the expenses provided for in this Decision, other than those related to the performance of their duties during their secondment.

2. Cost-free SNEs may be seconded from the public administration, as defined in Article 1(1), of an EU or EFTA Member State or a country with which the Council has decided to open accession negotiations and which has concluded a specific agreement with the Commission on staff secondments or from a country with which CEPOL has concluded a cooperation agreement, or from an IGO, as part of an agreement and/or exchange programme with CEPOL

3. In addition, the Executive Director of CEPOL may authorise the secondment of cost-free SNEs on a case-by-case basis, taking into consideration their place of origin, the Unit in question, the geographical balance and the work to be carried out.

4. Cost-free SNEs shall be taken into account in the annual decision of CEPOL on the final allocation of human resources and decentralised administrative expenditure.

## *Article 3*

### *Selection procedure*

1. SNEs shall be selected according to an open and transparent procedure, the practical details of which shall be decided by the Corporate Services Department.

2. Before the secondment, CEPOL must have been authorised to use SNEs on the basis of its Single Programming Document.

3. Applications shall be forwarded by the national units and, where provided for in the vacancy notice, by the EFTA Secretariat, the national contact points of the non-member countries whose nationals are eligible for the secondment and the administrations of the IGOs.

4. The secondment shall be authorised by the Executive Director of CEPOL and effected by signature of a contract between the Executive Director of CEPOL and the person selected to fill an SNE position. The employer of the SNE shall be kept informed on the conclusion of the contract.

## *Article 4*

### *Period of secondment*

1. The initial period of secondment may 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.

CEPOL shall introduce a relevant request to the employer concerned at least 3 months prior to the end of the initial period of secondment. Exceptionally, at the request of the Unit concerned and where the interests of the service warrant it, the Executive Director of CEPOL may authorise one or more extensions of the secondment for a maximum of two more years at the end of the four-year period.

2. The initial duration of the secondment shall be specified in the contract referred to in Article 3(4). Any extension of the period of secondment shall be the subject of a new contract.

3. An SNE who has already been seconded to CEPOL may be seconded to it another time subject to the internal rules governing the maximum length of time such persons may spend in CEPOL, 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 the new secondment; if at the end of the previous secondment the SNE received an employment contract with CEPOL, the duration of that contract or secondment shall be taken into account when calculating the six-year period referred to above.

The minimum period of six years referred to at b) shall not be required if the previous secondments lasted for less than four years, but in that case the new secondment shall not exceed the unexpired part of the four-year period, without prejudice to the possibility of extending it by up to two more years, as provided for in paragraph 1.

#### *Article 5*

##### *Place of secondment*

SNEs shall be seconded to Budapest, Hungary.

#### *Article 6*

##### *Tasks*

1. SNEs shall assist CEPOL officials or temporary staff. They may not perform middle or senior management duties, even when deputising for their immediate superior.

2. An SNE shall take part in missions or external meetings only as part of a delegation led by a CEPOL official or temporary staff member or, if on his own, as an observer or for information purposes.

3. In all other cases, by way of derogation from paragraph 2, the Executive Director of CEPOL may give a specific mandate to the SNE to participate on his own in one or more missions or external meetings, after having ensured that there is no potential conflict of interest.

In such cases the Executive Director of CEPOL shall give the SNE clear and specific instructions on the position to be adopted during the missions or meetings in question.



The Executive Director of CEPOL may delegate his power to derogate within CEPOL. Under no circumstances may an SNE on his own represent CEPOL with a view to entering into commitments, whether financial or otherwise, or negotiating on its behalf.

An SNE may, however, represent CEPOL in legal proceedings as co-agent with an official.

4. CEPOL shall remain solely responsible for approving the results of any tasks performed by an SNE and for signing any official documents arising from them.

5. CEPOL, the SNE's employer and the SNE must ensure that there is no conflict of interest in relation to the SNE's duties while seconded to CEPOL. For this purpose, CEPOL shall inform the SNE and his employer before the start of the secondment about the intended duties and ask them to confirm in writing that they do not know of any reason why the SNE should not be assigned to those duties.

The employer and the SNE shall also undertake to inform CEPOL of any change of circumstances during the secondment which could give rise to any such conflict.

CEPOL shall keep a copy of all such exchanges of correspondence in its records on request.

6. Where CEPOL considers that the nature of its activities requires particular security precautions, security clearance shall be obtained prior the start of the secondment period. Where necessary, CEPOL shall consult the Directorate-General Migration and Home Affairs.

7. Failure on the part of the SNE to comply with his obligations arising from paragraphs 2, 3 or 5 shall entitle CEPOL, if it sees fit, to terminate the secondment of the SNE pursuant to Article 10(2)(c).

## *Article 7*

### *Rights and obligations*

1. During the period of secondment:

a) The SNE shall carry out his duties and conduct himself solely with the interests of CEPOL in mind. He shall neither seek nor take instructions from any government, authority, organisation or person outside CEPOL. He shall carry out the duties assigned to him objectively, impartially and in keeping with his duties of loyalty to CEPOL.

b) An SNE wishing to engage in an outside activity, whether paid or unpaid, or to carry out any assignment outside CEPOL shall be subject to the rules on prior authorisation for officials<sup>7</sup>. CEPOL shall consult the SNE's employer before issuing an authorisation.

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<sup>7</sup> Article 12b of the Staff Regulations and the provisions implementing this Article shall apply *mutatis mutandis*.

c) The SNE shall refrain from any action or behaviour which might reflect adversely upon his position and from any form of psychological or sexual harassment<sup>8</sup>.

d) 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 he has occasion in the performance of his duties to deal with such a matter, he shall immediately inform his line manager, who will take any appropriate measure and may, in particular, relieve the SNE of responsibility in this matter.

The SNE may neither keep nor acquire, either directly or indirectly, in undertakings which are subject to the authority of CEPOL or which have dealings with CEPOL, any interests of such kind or magnitude as might impair his independence in the performance of his duties.

The SNE shall declare any gainful activity performed in a professional capacity by his spouse, as defined by the Staff Regulations.

e) 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.

f) The SNE has the right to freedom of expression, with due regard for the principles of loyalty and impartiality.

The SNE who intends to publish or cause to be published, whether alone or with others, any text on a matter relating to the work of CEPOL shall inform his line manager in advance. Where the line manager is able to demonstrate that the publication is liable seriously to prejudice the legitimate interests of CEPOL, he shall inform the SNE of his decision in writing within 30 working days of receipt of the information. If no such decision is notified within the specified period, the line manager shall be deemed to have had no objections.

g) All rights in any work done by the SNE in the performance of his duties shall be the property of CEPOL.

h) 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.

i) Based on his professional knowledge and experience, the SNE shall assist and tender advice to the superiors in CEPOL 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 CEPOL, if it sees fit, to terminate the SNE's secondment pursuant to Article 10(2)(c).

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<sup>8</sup> Article 12a of the Staff Regulations and the provisions implementing this Article shall apply mutatis mutandis.

3. At the end of the secondment the SNE shall continue to have a duty of loyalty to CEPOL and be bound by the obligation to act with integrity and discretion in the exercise of new duties assigned to him and in accepting certain posts or advantages.

#### *Article 8*

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

1. To qualify for secondment to CEPOL a national expert must have at least three years' experience of administrative, legal, 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 and the Conditions of Employment of Other Servants of the European Union.

2. The SNE must produce evidence of a thorough knowledge of one of the Union languages and a satisfactory knowledge of another Union language to the extent necessary for the performance of his duties. An SNE from a non-member country must produce evidence of a thorough knowledge of one Union language necessary for the performance of his duties.

#### *Article 9*

##### *Suspension of secondment*

1. At the written request of the SNE or his employer, and with the latter's agreement, CEPOL may authorise suspensions of periods of secondment and specify the terms applicable. During such suspensions:

- a) the subsistence allowances referred to in Article 17 shall not be payable;
- b) the travel expenses referred to in Article 19 shall be payable only if the suspension is at the request of CEPOL.

2. The period of suspension shall not be counted in the period of secondment as defined in Article 4.

#### *Article 10*

##### *Termination of periods of secondment*

1. Subject to paragraph 2, the expert's secondment may be terminated at the request of CEPOL or the SNE's employer, subject to three months' notice, or at the SNE's request, subject to the same period of notice and with the agreement of CEPOL and the SNE's employer.

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 CEPOL and the employer acting jointly, at the request of the SNE addressed to both parties, if the SNE's personal or professional interests so require;

c) by CEPOL in the event of failure by the SNE or his employer to respect their obligations under this Decision; CEPOL shall immediately inform the SNE and his employer accordingly.

## **Chapter II**

### **Working conditions**

#### *Article 11*

##### *Social security*

1. Before the period of secondment begins, the national public administration or IGO from which the SNE is to be seconded shall certify that he will remain, throughout the period of secondment, subject to the social security legislation applicable to the public administration that employs him and is responsible for expenses incurred abroad. To this end, the SNE's employer shall provide CEPOL with a relevant certificate in line with the rules set out in Regulation (EC) No 987/2009<sup>9</sup>.

2. From the day on which their secondment begins, SNEs shall be covered by the CEPOL against the risk of accident. CEPOL shall provide them with a copy of the terms of this cover on the day on which they report to the CEPOL Human Resources Sector to complete the administrative formalities related to the secondment.

3. A SNE who cannot be covered by a public sickness insurance scheme may apply to have this risk insured by CEPOL. The SNE shall pay half the relevant insurance premium and his contribution shall be deducted monthly from the subsistence allowances referred to in Article 17.

#### *Article 12*

##### *Working hours*

1. The working hours for SNEs shall be the same as those in force at CEPOL<sup>10</sup>.

2. An SNE shall serve on a full-time basis throughout the period of secondment. Following a duly justified request originating from the SNE, the Executive Director of CEPOL may allow an SNE to work part time, provided the SNE's employer agrees and the arrangement is compatible with the smooth running of the service.

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<sup>9</sup> OJ L 284, 30.10.2009, p.1.

<sup>10</sup> Articles 55, 56 and 56c of the Staff Regulations and the provisions implementing these Articles shall apply mutatis mutandis.

### *Article 13*

#### *Sick leave*

1. The rules in force at CEPOL on absence due to sickness or accident shall apply to SNEs<sup>11</sup>.
2. Where the period of sick leave exceeds three months or the length of time worked by the SNE, whichever is longer, the subsistence allowances referred to in Article 17 shall be automatically suspended. Sick leave may not extend beyond the duration of the secondment of the person concerned.
3. SNEs who are the victim of a work-related injury which occurs during the secondment shall continue to receive the subsistence allowances in full throughout the period during which they are unfit for work. These allowances shall not, however, be paid beyond the end of the period of secondment.

### *Article 14*

#### *Annual and special leave*

1. With the exception of the provisions relating to grade, the rules in force at CEPOL on annual and special leave, applicable to the staff of CEPOL, shall apply to SNEs<sup>12</sup>.
2. Leave shall be subject to prior authorisation by the department to which the SNE is seconded. In the event of unauthorised absence within the meaning of Article 60 of the Staff Regulations, subsistence allowances shall not be paid.
3. Upon a duly justified request from the SNE's employer, the SNE may be granted up to two days of special leave by CEPOL in a 12-month period to visit his employer.
4. Days of annual leave not taken by the end of the period of secondment shall be forfeited.

### *Article 15*

#### *Maternity leave*

1. The rules in force at CEPOL on maternity leave shall apply to SNEs<sup>13</sup>. While on maternity leave the SNE shall receive the subsistence allowances referred to in Article 17.
2. Where the rules that are binding upon the SNE's employer provide for a period of maternity leave longer than that granted by CEPOL, the secondment may, at the SNE's request, be interrupted for the period by which that leave exceeds the leave granted by CEPOL.

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<sup>11</sup> Articles 59 and 60 of the Staff Regulations and the provisions implementing these Articles shall apply *mutatis mutandis*.

<sup>12</sup> Articles 57 and 59a of and Annex V to the Staff Regulations and the provisions implementing these Articles shall apply *mutatis mutandis*.

<sup>13</sup> Article 58 of the Staff Regulations and the provisions implementing this Article shall apply *mutatis mutandis*.

A period equivalent to the break may be added to the end of the secondment if the interests of CEPOL 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*

For SNEs seconded to locations other than Budapest, day-to-day administrative and financial management, such as the calculation and payment of subsistence allowances and travel allowances, shall be the responsibility of the CEPOL Human Resources Sector.

### **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 and a monthly subsistence allowance.

On the date of entry into force of this Decision:

- the daily subsistence allowance for Budapest shall be €131,76;
- the monthly subsistence allowance shall be paid in accordance with the following table:

Distance between place of origin and place of secondment (km)	Amount in €
0-150	0
>150	84,69
>300	150,56
>500	244,68
>800	395,25
>1300	621,10
>2000	743,46

2. These subsistence allowances shall be granted under the same conditions as the expatriation allowance for CEPOL staff<sup>14</sup>.

3. In the case of cost-free SNEs, the exchange of letters referred to in Article 3(4) shall stipulate that these allowances will not be paid.

4. The adjustments to remuneration adopted by the Council pursuant to Article 65 of the Staff Regulations shall apply automatically to the subsistence allowances in the month following their adoption. The Directorate-General for Personnel and Administration shall be responsible for implementing this provision and shall publish the new rate for subsistence allowances on the Commission's internet site.

5. These allowances are intended to cover SNEs' living expenses in the place of secondment on a flat-rate basis and shall in no circumstances be construed as remuneration paid by CEPOL.

Before the secondment, the SNE's employer shall certify to the CEPOL that during the secondment it will maintain the level of remuneration the SNE was receiving at the time of his secondment.

The SNE shall inform CEPOL of any allowance similar to the subsistence allowances paid by CEPOL received from other sources. This amount shall be deducted from the subsistence allowances paid by CEPOL. Following a duly justified request from the employer, CEPOL may decide not to make this deduction.

7. Subsistence allowances shall be payable for every day of the week, including during periods of mission, annual leave, special leave and holidays granted by CEPOL 8. 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 25th day of the month for SNEs starting on the first day of the same month. For SNEs starting on the 16th day of the month, this lump sum shall be paid by the 10th 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.

9. Subsistence allowances shall be paid no later than the 25th day of each month.

#### *Article 18*

##### *Place of origin*

1. For the purposes of this Decision, "place of origin" means the place where the SNE performed his duties for his employer at the time of his secondment. The place of secondment shall be the place where CEPOL is seconded is located. Both places shall be identified in the contract referred to in Article 3(4).

2. If, six months before his secondment to CEPOL as an SNE, a national expert already has his main residence in a place other than that in which the employer's headquarters

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<sup>14</sup> Article 4 of Annex VII to the Staff Regulations and the provisions implementing this Article shall apply *mutatis mutandis*.

is located, the place of origin shall be deemed to be whichever of the places is closer to the place of secondment.

#### *Article 19*

##### *Travel expenses*

1. An SNE, if not seconded on a cost-free basis, shall be entitled, for himself, to the reimbursement of the cost of his travel between his place of origin and the place of secondment, as defined in Article 18, at the beginning and end of his secondment.
2. Travel expenses shall be reimbursed in accordance with the relevant rules and conditions in force at CEPOL<sup>15</sup>.
3. By way of derogation from paragraph 1, an SNE who proves that he will be assigned to a place other than his place of origin at the end of the secondment shall be entitled to reimbursement of the travel expenses to that new place under the conditions laid down in paragraph 2. However, this reimbursement may not be more than the amount that would have been paid had the SNE returned to his place of origin.
4. CEPOL shall not reimburse any expenses referred to in the preceding paragraphs if they have been met by the employer or any other body. The institutions concerned or, as the case may be, the EFTA Secretariat, IGOs or national contact points of the non-member countries concerned shall inform CEPOL to this effect.

#### *Article 20*

##### *Missions and mission expenses*

1. SNEs may be sent on mission subject to Article 6.
2. Mission expenses shall be reimbursed in accordance with the relevant rules and conditions in force at CEPOL<sup>16</sup>.

#### *Article 21*

##### *Training*

SNEs shall be entitled to attend training courses organised by CEPOL if the interests of CEPOL warrant it. The interests of the SNE, in particular with a view to his reinstatement into his original administration after the secondment, may be considered when a decision is taken on whether to allow him to attend a training course.

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<sup>15</sup> Article 7(1) and (2) of Annex VII to the Staff Regulations and the provisions implementing these Articles shall apply *mutatis mutandis*.

<sup>16</sup> Articles 11 and 12 of Annex VII to the Staff Regulations and the provisions implementing these Articles shall apply *mutatis mutandis*.



## *Article 22*

### *Administrative provisions*

1. SNEs shall report to the CEPOL Human Resources Sector on the first day of secondment to complete the requisite administrative formalities. They shall take up duty on either the first or the sixteenth day of the month.
2. SNEs seconded to places other than Budapest shall report to the CEPOL Human Resources Sector.

## **Chapter IV**

### **Complaints**

#### *Article 23*

Without prejudice to the possibilities for instituting proceedings after taking up his position, under the conditions and time limits laid down in Article 263 of the Treaty on the Functioning of the European Union, any SNE may submit a complaint to the Executive Director of CEPOL under the Staff Regulations about an act adopted by CEPOL under this Decision which adversely affects him, with the exception of 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 Executive Director of CEPOL shall notify the person concerned of his 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.

## **TITLE II**

### **FINAL PROVISIONS**

#### *Article 24*

##### *Delegation*

1. The Executive Director of CEPOL may delegate the powers devolved to him pursuant to this Decision to one or more persons of his choice within CEPOL.
2. The national units, EFTA Secretariat, IGOs and the national contact points of the non-member countries concerned shall enjoy a close working relationship with CEPOL throughout the SNEs' secondment.

*Article 25*

*Entry into application*

1. This Decision shall apply as of on 1 January 2017. The last sentence of the first subparagraph of Article 4(1) shall apply from 31 December 2016.
2. With effect from that date it shall apply to:
  - SNEs taking up duty as of 1 January 2017.
3. Existing secondments the duration of which is expected to end in 2017 shall continue to be subject to the allowance scheme as laid down in Council Decision (EU) 2015/1027<sup>17</sup>.

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<sup>17</sup> OJ L 163, 30.6.2015, p. 40.