

DECISION
OF THE GOVERNING BOARD OF THE EUROPEAN POLICE COLLEGE
6/2006/GB
LAYING DOWN GUIDELINES
CONCERNING PART TIME SECONDMENT OF NATIONAL EXPERTS

Adopted by the Governing Board
on 13 January 2006

THE GOVERNING BOARD,

Having regard to the Council Decision 2005/681/JHA of 20 September 2005 (hereinafter referred to as “constituent instrument”) establishing a European Police College (hereinafter referred to as “CEPOL”), and in particular Article 13(5) thereof;

Having regard to the Council Decision 2003/479/EC of 16 June 2003 concerning the rules applicable to national experts and military staff on secondment to the General Secretariat of the Council (hereinafter referred to as “Council Decision”);

Having regard to the Decision of the Governing Board of CEPOL 5/2006/GB laying down general guidelines on the implementation of the Council Decision concerning seconded national experts of CEPOL;

Whereas:

- (1) The Council Decision does not foresee part time secondment, in a manner that part of the work remains done for the employer and only part for the General Secretariat of the Council.
- (2) CEPOL may also need seconded national experts for tasks, which do not justify a full time secondment.
- (3) A sending organisation may also not afford to send an expert on a full time secondment, because the expert is partly indispensable to the sending organisation and a full time secondment could not be afforded by the sending organisation for operational and/or for financial reasons.
- (4) Specific provisions should be established to minimise the risk of conflicts of interests. Amongst others the Governing Board must approve part time secondment on a case-by-case basis.
- (5) Guidelines for part time secondment are therefore desirable to recognise the specific operational conditions and needs.

HAS ADOPTED THESE GUIDELINES:

General provisions

Article 1 Subject matter

These guidelines set out the implementation of Council Decision 2003/479/EC of 16 June 2003 concerning the rules applicable to national experts and military staff on secondment to the General Secretariat of the Council (hereinafter referred to as “Council Decision”) for seconded national experts of the European Police College (hereinafter referred to as “CEPOL”) for the purpose of part time secondments to CEPOL.

Article 2
Conditions for secondment
(Article 1(3), (4) of the Council Decision)

1. Part time secondment shall only be permitted in case
 - (a) the task to be delivered by a seconded national expert (hereinafter referred to as “SNE”) does not justify a full time secondmentor
 - (b) no suitable SNE can be recruited on a full time basis.The Director determines whether these conditions are met.
2. The employment of part time SNEs shall be authorised on a case-by-case basis by the Governing Board, on a proposal from the Director, taking into account the specific needs of CEPOL.

Article 3
Period of secondment
(Article 2 of the Council Decision)

1. The overall period of secondment shall be identical to that of full time SNE.
2. The part time secondment shall be based on at least one third and not more than two thirds of the regular working time, to be verified for each calendar month of the secondment.
3. The time to be worked for CEPOL shall be delivered
 - (a) in full working days and
 - (b) basically in not more than two segments for each calendar month.

Article 4
Duties
(Article 4 of the Council Decision)

The part time SNE shall work for CEPOL only on topics not immediately related to the employer or the national government.

Article 5
Rights and obligations
(Article 5 of the Council Decision)

1. The obligation to reside at the place of secondment relates to the period the part time SNE performs duties for CEPOL.

2. The obligation not to undertake any activity for the employer, governments or any other person, private company or public body relates to the period the part time SNE performs duties for CEPOL.

Article 6

*Annual leave, special leave, holidays and maternity leave
(Articles 12 and 13 of the Council Decision)*

1. The part time SNE shall remain covered by the conditions of his/her employer regarding annual leave, special leave, holidays and maternity leave. The Director and the employer must agree on any request for leave.
2. All days of absence because of leave, special leave or holidays will be taken into consideration for the determination of the working time to be delivered to CEPOL and the employer in the same ratio as the work is shared between CEPOL and the employer.
3. The employer will provide CEPOL with a list of holidays applicable at the place where the part time SNE delivers his/her duties for his/her employer. This list shall be attached to the Exchange of Letter as referred to in Article 1(5) of the Council Decision.

Article 7

*Subsistence allowances
(Article 15 of the Council Decision)*

1. The daily subsistence allowance shall be paid to part time SNE
 - (a) for days the part time SNE performs his/her duties for CEPOL;
 - (b) for weekend days enclosed by days as referred to in subsection (a);
 - (c) for holidays which are enclosed by days as referred to in subsection (a), which are holidays for the employees of the CEPOL Secretariat or at the place where the SNE performs his/her duties for his/her employer.
2. The daily subsistence allowance shall not be paid for periods of annual leave, special leave, maternity leave and holidays apart from those holidays referred to in paragraph (1)(c).

The monthly allowance shall be paid in the same relation as the work is shared between CEPOL and the employer.

Article 8

*Additional flat-rate allowance
(Article 16 of the Council Decision)*

No additional flat-rate allowance shall be paid to part time SNE.

Article 9
Travel expenses
(Article 18 of the Council Decision)

If the place where the part time SNE performs his/her duties for his/her employer is more than 150 km from the place of secondment, the part time SNE will be reimbursed for the travel indispensable to deliver his/her duties at the place of secondment; Article 18(2) applies by analogy.

Article 10
Removal expenses
(Article 19 of the Council Decision)

No removal expenses shall be paid to part time SNE.

Final provision

Article 11
Entry into force

These guidelines shall enter into force on the day of its adoption and shall apply as of 1 January 2006.

Done at Brussels, 13 January 2006

For the Governing Board

János Feherváry
Chair of the Governing Board