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## DECISION n° 173

*of the Management Board of the European Union Agency for Railways laying down rules on the secondment to the Agency of seconded national experts and national experts in professional training*

### THE MANAGEMENT BOARD OF THE EUROPEAN UNION AGENCY FOR RAILWAYS,

Having regard to the Regulation (EU) N° 2016/796 of the European Parliament and the Council of 11 May 2016 on the European Union Agency for Railways and repealing Regulation (EC) No 881/2004<sup>1</sup> (hereinafter called “the Regulation”) and in particular Art. 69 *thereof*,

### WHEREAS

- (1) Seconded National Experts (hereinafter referred to as SNEs) should enable the European Union Agency for Railways (hereinafter referred to as ‘ERA’ ) 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 to the ERA expert from the Member States.
- (3) SNEs in principle should be drawn from Government or State departments in Member States, the states that are parties to the EEA Agreement (Iceland, Liechtenstein and Norway), candidate countries that have reached an agreement with the European Commission (hereinafter referred to as the ‘COMMISSION’) on personnel matters, and from national, regional or local public administrations or public intergovernmental organisations (IGOs). 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 ERA.

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<sup>1</sup> OJ L 138 26.5.2016, p. 1-43  
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- (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 ERA by virtue of the powers conferred upon it, unless specially empowered to do so in writing by the Executive Director of ERA to which they are seconded.
- (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 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 EU officials in Brussels and Luxembourg.
- (8) In view of the importance of training officials of the Member States – and, where appropriate, of EEA countries, candidate countries and IGOs – in EU policies and ERA's working methods, a specific legal and administrative framework for the induction and professional training of these officials, to be known as national experts in professional training (NEPTs), should be set up.
- (9) The Permanent Representations of the European Union Member States play a crucial role in actively promoting the calls for interest published by ERA. To that purpose close co-operation with the Permanent Representations will be always fostered by ERA.
- (10) Specific rules on the selection of candidate SNEs should be applied in line with the internal procedure document on the selection of SNE at ERA;
- (11) The Decision Nr 237/2009 of the Executive Director of the European Railway Agency of 5 October 2009 on the policy and the procedures governing the engagement and use of the Seconded National Experts in ERA should be repealed;

**HAS DECIDED AS FOLLOWS:****TITLE I - SECONDED NATIONAL EXPERTS****Chapter I - General provisions***Article 1 - Scope and definitions*

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

SNEs are staff employed by a national, regional or local public administration or an IGO who are seconded to ERA 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, National Safety Authorities, 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.

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 Executive Director of ERA 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 ERA, without notice, in accordance with Article 10(2)(c).

2. Notwithstanding the second subparagraph of paragraph 1, the Executive Director of ERA 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 ERA warrant bringing in specific expertise as a temporary measure, provided that the SNE's employer:

- is an independent university or research organization 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 ERA 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 ERA shall regularly report to ERA Management Board on the use of this procedure.

To this end, the Permanent Representation concerned and, where appropriate, the EFTA Secretariat, the IGOs and the diplomatic missions of the non-member countries concerned shall supply the Resources and Support Unit with all the necessary facts to enable the Executive Director to assess whether the various criteria are satisfied and to take an informed decision.

The Resources and Support Unit shall, if necessary, clarify the arrangements for implementing the different criteria and communicate them to the Permanent Representations of the EU Member States, to the EEA countries (Iceland, Liechtenstein and Norway), the candidate countries and the IGOs concerned.

3. Except where the Executive Director of ERA grants a derogation, an SNE must be a national of an EU or of one of the states that are parties to the EEA Agreement (Iceland, Liechtenstein and Norway) or a

country with which the Council has decided to open accession negotiation and which has concluded a specific agreement with the Commission on staff secondment.

4. When a secondment is being planned, ERA 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 Resources and Support Unit shall monitor compliance and, in the event of a serious imbalance at ERA or at unit levels shall propose any 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 the ERA does not pay any of the allowances provided for in Chapters III 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 state or one of the states that are parties to the EEA Agreement (Iceland, Liechtenstein and Norway), 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 an IGO, as part of an agreement and/or exchange programme with ERA.

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

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

### Article 3 - Selection procedure

1. SNEs shall be selected according to an open and transparent procedure in line with the internal procedure on the selection of SNEs at ERA.

2. Before the secondment, ERA’s Units must have been authorised to use SNEs under the budgetary procedure in force and ERA’s annual decision on the final allocation of human resources and ERA administrative expenditure.

3. The calls for interest will be posted on ERA’s website and will be forwarded to the Permanent Representations, the EEA countries (Iceland, Liechtenstein and Norway), to the diplomatic missions of non member countries whose nationals are eligible for secondment and to the IGOs in order to actively disseminate them within the respective public sectors.

The applications shall be submitted directly to ERA in line with the internal procedure on the selection of SNE at ERA.

4. The secondment shall be authorised by the Executive Director and effected by an exchange of letters between the Executive Director and the respective employer.

#### 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.

Exceptionally, at the request of the Unit concerned and where the interests of the service warrant it, the Executive Director of ERA may authorise one more extension of the secondment for a maximum of two more years at the end of the four-year period.

In cases where an SNE has been seconded as a national expert in professional training within the meaning of Article 30 during the six years preceding his secondment as an SNE, the period of the traineeship shall be deducted from the maximum period of six years provided for in the previous paragraph.2. The initial duration of the secondment shall be specified in the exchange of letters referred to in Article 3(4). Any extension of the period of secondment shall be the subject of a new exchange of letters.

3. An SNE who has already been seconded to ERA may be seconded to it another time subject to the internal rules governing the maximum length of time such persons may spend in ERA Units, 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 ERA, 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 Valenciennes, where ERA has its seat.

#### Article 6 - Tasks

1. SNEs shall assist ERA 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 ERA 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 Head of Unit 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 Head of Unit shall give the SNE clear and specific written instructions on the position to be adopted during the missions or meetings in question.

Under no circumstances may an SNE on his own represent ERA with a view to entering into commitments, whether financial or otherwise, or negotiating on its behalf.

An SNE may, however, represent ERA in legal proceedings as co-agent with a Staff Member.

4. ERA 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. ERA, 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 ERA.

For this purpose, the Unit to which the SNE is to be seconded 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 ERA to which the SNE is seconded of any change of circumstances during the secondment which could give rise to any such conflict.

The Resources and Support Unit of ERA shall keep copies of all exchanges of correspondence in the SNE's personal file.

6. Where the Unit to which an SNE is to be seconded considers that the nature of its activities requires particular security precautions, security clearance shall be obtained prior to awarding the mandate.

7. Failure on the part of the SNE to comply with his obligations arising from paragraphs 2, 3 or 5 shall entitle ERA, 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 ERA in mind. He shall neither seek nor take instructions from any government, authority, organisation or person outside ERA. He shall carry out the duties assigned to him objectively, impartially and in keeping with his duties of loyalty to the Union.

b) An SNE wishing to engage in an outside activity, whether paid or unpaid, or to carry out any assignment outside the Union shall be subject to ERA's rules on prior authorisation for officials applicable by analogy to the CEOS . The Unit concerned shall consult the SNE's employer before issuing an authorization.

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 .

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 Head of Unit and the Resources and Support Unit. The Head of Unit concerned shall 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 ERA or which have dealings with ERA, 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 the Union shall inform his Head of Unit in advance. Where the Head of Unit is able to demonstrate that the publication is liable seriously to prejudice the legitimate interests of the Union, 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 Head of Unit 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 ERA.

h) The SNE shall reside at the place of secondment or at no greater distance there from 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 ERA 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 ERA, if it sees fit, to terminate the SNE's secondment pursuant to Article 10(2)(c).

3. At the end of the secondment the SNE shall continue to have a duty of loyalty to ERA 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 ERA 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, ERA 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 ERA's request.

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 ERA 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 ERA 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 ERA 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 ERA in the event of failure by the SNE or his employer to respect their obligations under this Decision; ERA 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 ERA with the certificate referred to in Article 11(1) of Regulation of Council Regulation (EEC) No 574/723.

2. From the day on which their secondment begins, SNEs shall be covered by ERA against the risk of accident. The ERA Resources and Support Unit shall provide them with a copy of the terms of this cover on



the day on which they report to the Agency 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 ERA. 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 ERA .
2. An SNE shall serve on a full-time basis throughout the period of secondment.

Following a duly justified request originating from the Unit concerned, the Executive Director 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 department.

#### Article 13 - Sick leave

1. The rules in force at ERA on absence due to sickness or accident shall apply to SNEs .
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 ERA on annual and special leave, applicable to ERA's Staff, shall apply to SNEs .
2. Leave shall be subject to prior authorisation by the Unit 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 ERA 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 ERA on maternity leave shall apply to SNEs . 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 ERA, the secondment may, at the SNE's request, be interrupted for the period by which that leave exceeds the leave granted by ERA.

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

Day-to-day administrative and financial management such as leave, working time, absences, and payment of allowances shall be the responsibility of ERA Resources and Support Unit in close co-operation with the Unit to which the SNE is assigned.

### Chapter III - Allowances and expenses

#### Article 17 - Subsistence allowances

1. An SNE shall be entitled, throughout the period of secondment, to a daily and a monthly subsistence allowance equivalent to the amount established by the Commission each year. The amount for the monthly allowance is based on the distance between the place of residence and the place of secondment. Where this distance is no more than 150 km the SNE will not be entitled to any monthly allowance.

2. 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.

3. The subsistence allowances for SNEs seconded to ERA shall be subject to the weighting set by the Council pursuant to Article 64 of the Staff Regulations.

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 Head of the Resources and Support Unit shall be responsible for implementing this provision.

The new rate for subsistence allowances are published 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 ERA.

Before the secondment, the SNE's employer shall certify to ERA's Executive Director 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 the ERA HR Sector of any allowance similar to the subsistence allowances paid by ERA received from other sources. This amount shall be deducted from the subsistence allowances paid by ERA. Following a duly justified request from the employer, ERA may decide not to make this deduction.

6. Subsistence allowances shall be payable for every day of the week, including during periods of mission, annual leave, special leave and holidays granted by ERA.

7. 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.
8. 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 as defined by art. 5. Both places shall be identified in the exchange of letters referred to in Article 3(4).
2. If, six months before his secondment to ERA as an SNE, a national expert already has his main residence in a place other than that in which the employer's headquarters 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. SNEs other than those seconded cost-free, shall be entitled to reimbursement of the cost of their travel between their place of origin and the place of secondment, as defined in Article 18, at the beginning and end of their secondment.
2. Travel expenses shall be reimbursed in accordance with the relevant rules and conditions in force at ERA .
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. ERA shall not reimburse any expenses referred to in the preceding paragraphs if they have been met by the employer or any other body. It is the responsibility of the SNEs to inform ERA for such reimbursement from other sources.

#### 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 ERA .

### Article 21 - Training

SNEs shall be entitled to attend training courses organised by ERA if the interests of ERA 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.

### Article 22 - Administrative provisions

SNEs shall report to the Resources and Support /HR 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.

## 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 EU, any SNE may submit a complaint to either the Executive Director (against a decision that was not taken by him) or to the Management Board of ERA (against a decision adopted by the Executive Director) about an act adopted by ERA services 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. ERA 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 - NATIONAL EXPERTS IN PROFESSIONAL TRAINING

### Chapter V – National Experts in Professional Training (NEPTs)

#### Article 24 - General provisions and definitions

1. National experts in professional training (hereinafter referred to as NEPTs) are staff from the public administrations of EU or EEA Member States or, depending on the places available, of countries with which the Council has decided to open accession negotiations and which have concluded a specific agreement with the Commission on staff secondments, or from IGOs, who are admitted to ERA services for professional training purposes.
2. The provisions of Article 1(1), (3), (4) and (5) shall apply by analogy to NEPTs.

#### Article 25 - Purpose of the professional training

1. The purpose of the professional training is:

- to give NEPTs experience of ERA's working methods and policies;
  - to enable them to gain practical experience and understanding of the day-today work of ERA services and to give them the opportunity to work in a multicultural, multilingual environment;
  - to enable staff of national administrations to put into practice the knowledge they have acquired in their studies, particularly in their respective areas of responsibility.
2. For its part, ERA:
- benefits from the input of people who can offer a new point of view and up-to-date knowledge which will enrich its daily work of the institution;
  - builds up a network of people with direct experience of its procedures.

#### Article 26 - Eligibility

1. The provisions of Article 8 on professional experience and knowledge of languages shall apply by analogy to NEPTs.
2. People who have already been seconded as an SNE or worked under an employment contract in one of the Union institutions or bodies shall not be eligible for traineeships.

#### Article 27 - Selection of candidates

The procedures provided in Art. 3, 1 shall apply by analogy.

#### Article 28 - Duration of the professional training

1. The professional traineeships shall last between three and five months. The duration shall be fixed at the outset and may not be changed or extended. An NEPT may complete only one professional traineeship.
2. The professional traineeships are organised twice a year, usually starting on the 1st or 16th of the months of March and October.

#### Article 29 - Organisation of the professional training

Throughout the professional traineeship NEPTs shall be supervised by a training advisor. The training advisor must inform the Resources and Support Unit of ERA of any significant incidents during the professional traineeship (in particular absences, illness, accidents or interruption) which he knows of or has been informed of by the NEPT.

NEPTs must obey instructions given by their training advisor, their superiors in the Unit or service to which they are seconded.

NEPTs shall be allowed to attend meetings, unless they are restricted or confidential, to receive documentation and to participate in the activities of the department to which they are seconded.

### Article 30 - Suspension of the professional traineeship

At the written request of the NEPT or his employer, and with the latter's prior agreement, the Executive Director or his delegate may authorise a very brief suspension of the professional traineeship or its early termination. The NEPT may return to complete the remaining period of the professional traineeship, but only up until the end of that period. Under no circumstances may the traineeship be extended.

### Article 31 - Working conditions and remuneration

The following Articles of this decision shall apply by analogy to NEPTs:

- Article 6 on tasks;
- Article 7 on rights and obligations;
- Article 11(1) and (2) on social security;
- Article 12(1) on working hours;
- Article 13 on sick leave;
- Article 15 on annual leave and special leave;
- Article 20 on missions and mission expenses.

NEPTs shall be regarded as cost-free SNEs within the meaning of Article 2. They shall continue to be paid by their employer without any financial compensation being paid by ERA.

ERA will accept no requests for grants or fees or the reimbursement of travel or other expenses other than the reimbursement of mission expenses incurred as part of the professional traineeship.

### Article 32 - Reports and certificate of attendance

NEPTs who have completed the stipulated professional training period shall complete the evaluation reports requested by ERA at the end of their traineeship. Training advisors must also complete the relevant evaluation report.

Subject to the completion of these reports, NEPTs who have completed their professional traineeships shall receive a certificate showing the dates of the professional training and the Unit in which it took place.

## TITLE III - FINAL PROVISIONS

### Article 33 - Delegation

1. The Executive Director of ERA may delegate the powers devolved to him pursuant to this Decision to the Head of the Resources and Support Unit.

2. The Permanent Representations of Member States to the EU, EEA Secretariat, IGOs and diplomatic missions of the non-member countries to the EU concerned shall enjoy a close working relationship with ERA throughout the SNEs' secondment. All correspondence and contacts between the SNE's employer, particularly those referred to in this Decision, shall be directed to the HR Sector of ERA.

#### Article 34 – Repeal and Entry into force

1. The provisions of the Decision Nr 237/2009 of the Executive Director of the European Railway Agency of 5 October 2009 on the policy and the procedures governing the engagement and use of the Seconded National Experts in ERA shall no longer apply.

2. This Decision takes effect from the date following that of its adoption.

Done at Valenciennes, on 28 May 2018

For the Management Board

The Vice Chairperson  
Hinne GROOT