

**DECISION OF THE ADMINISTRATIVE BOARD**

**20 November 2009**

**LAYING DOWN RULES ON THE SECONDMENT TO EMSA OF NATIONAL EXPERTS AND  
NATIONAL EXPERTS IN PROFESSIONAL TRAINING**

THE ADMINISTRATIVE BOARD OF THE EUROPEAN MARITIME SAFETY AGENCY,

Having regard to the Treaty establishing the European Community;

Having regard to the European Parliament and Council Regulation (EC) No 1406/2002<sup>1</sup>, of 27 June 2002, setting up a European Maritime Safety Agency (hereafter EMSA or the Agency);

Having regard to the Commission Decision C (2008) 6866 of 12 November 2008, laying down rules on the secondment to the Commission of National Experts and National Experts in Professional Training;

Whereas:

- (1) Seconded National Experts (SNEs) should enable the Agency to benefit from the high level of their professional knowledge and experience, in particular in areas where such expertise is not readily available.
- (2) This Decision should foster the exchange of professional experience in and knowledge of, European policies by temporarily assigning to the Agency experts from the Member States.
- (3) SNEs should be drawn from Government or State departments in Member States but may also be seconded from the administrations of Member States of the European Free Trade Area (EFTA), candidate countries, international organisations, public intergovernmental organisations (IGOs) or from third countries. The secondment of an SNE by an employer other than a national, regional or local public administration, an international organisation or an IGO should be authorised only on a case-by-case basis, once it has been ascertained that the SNEs employer is part of the public sector or is an independent university or research organisation that does not seek to make profits for redistribution.

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<sup>1</sup> OJ L 208, 5.8.2002, p.1, as amended by Regulation (EC) No 1644/2003 of the European Parliament and of the Council of 22 July 2003 (OJ L 245, 29.9.2003, p. 10) and Regulation (EC) No 724/2004 of the European Parliament and of the Council of 31 March 2004 (OJ L 129, 29.4.2004, p. 1).

- (4) The rights and obligations of SNEs set out in this Decision should safeguard that they carry out their duties solely with the interest of the Agency in mind.
- (5) In view of the temporary nature of their work and their particular status, it should be provided that SNEs should not take responsibility on behalf of the Agency for the exercise of its public law prerogatives, unless specially empowered to do so in writing by the Head of Department to which they are seconded.
- (6) It is desirable to bring their working conditions and the granting of subsistence allowances 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 Community officials in Brussels and Luxembourg.
- (8) In view of the importance of training of officials of the Member States –and where appropriate, of EFTA countries, candidate countries and IGOs– in Community Maritime Legislation related issues and EMSA working methods with regard to Marine Pollution Response and Vessel Traffic Information Systems, 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 implementing these Rules and should therefore enjoy a particularly close working relationship with EMSA.

HAS DECIDED AS FOLLOWS:

## TITLE I

### SECONDED NATIONAL EXPERTS

#### **Chapter I: General Provisions**

##### *Article 1*

##### *Scope and definitions*

1. The present rules are applicable to national experts seconded to EMSA (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 EMSA so that it can use their expertise in a particular field.

For the purpose 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 seconded national experts covered by these rules shall remain in paid employment throughout the period of secondment. The SNE employer shall also continue to be responsible for all his social rights, particularly social security and pension.
2. Notwithstanding the second subparagraph of paragraph 1, the Executive Director 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

EMSA warrant bringing in specific expertise as a temporary measure, provided that the SNEs 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 purpose of this decision, to qualify as being part of the public sector the SNEs employer must meet 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 in the interest of the service, the Executive Director may authorise the secondment of an SNE by an employer that does not meet one or more of the above criteria.

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 Human Resources Unit of EMSA with all necessary facts to enable them to assess whether the various criteria are satisfied and to take an informed decision.

The Human Resources Unit shall, if necessary, clarify the arrangements for implementing the different criteria and communicate them accordingly.

3. Except where the Executive Director grants a derogation, seconded national experts shall be nationals of a Member State of the Community or an EEA Member State or a country with which the Council has decided to open accession negotiations and which has concluded a specific arrangement with EMSA on staff secondments.
4. EMSA shall take into account geographical and gender balance and the principle of equal opportunities, in accordance with the principles set out in Article 1d and Article 27 of the Staff Regulations, when accepting SNEs into its departments.
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 purpose of this Decision, 'cost-free SNEs means SNEs for whom EMSA does not pay any of the allowances provided for in Chapter 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 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 EMSA on staff secondments, or from an IGO, as part of an agreement and/or exchange programme with EMSA.
3. In addition, the Executive Director may authorise the secondment of cost-free SNEs on a case by case basis, taking into consideration their place of origin, the Department/Unit of assignment, the geographical balance and the work to be carried out.

*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 Executive Director.
2. Applications shall be forwarded by the Permanent Representations and, where provided for in the vacancy notice, by the EFTA Secretariat, the diplomatic missions of the non-member countries whose nationals are eligible for the secondment and the administrations of the IGOs.
3. The secondment shall be implemented by an exchange of letters between the Executive Director and the Permanent Representation of the Member State concerned or, as the case may be, the EFTA Secretariat, the diplomatic missions of the non-member countries whose nationals are eligible for the secondment and the IGOs.

*Article 4*  
*Period of secondment*

1. The initial period of secondment may not be less than three months or more than two years. It may be renewed once or more, up to a period not exceeding four years. Exceptionally, at the request of the Head of Department concerned and when the interest of the service warrant it, the Executive director may authorise one or more extensions 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 24, 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(3). 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 EMSA may be seconded to the Agency another time subject to the following conditions:
  - (a) the SNE must continue to meet the conditions for secondment; and
  - (b) a period of at least six years must have elapsed between the end of the previous period of secondment and the submission of an application for a new secondment; if at the end of the previous secondment, the national expert receives a direct contract with EMSA, the six year period shall begin to run on expiry of this contract.

This provision shall not prevent EMSA from accepting the secondment of a SNE whose initial secondment has 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*  
*Tasks*

1. The seconded national expert shall assist the EMSAs' staff and carry out the duties assigned to him in the context of a predetermined work programme or job description.

2. A seconded national expert shall be excluded from any official act whereby the EMSA exercises its public law prerogatives. Nor shall he enter into a commitment on the EMSAs' behalf.
3. A seconded national expert may work in any field where his services are deemed necessary provided there is no conflict with the interests of the EMSA.

*Article 6*  
*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 EMSA in mind. He shall neither seek nor take instructions from any government, authority, organisation or person outside EMSA. He shall carry out the duties assigned to him objectively, impartially and in keeping with his duties of loyalty to EMSA.
  - b) An SNE wishing to engage in an outside activity, whether paid or unpaid, or to carry out an assignment outside EMSA, shall be subject to the EMSAs' rules on prior authorisation for officials<sup>2</sup>. The Department/Unit concerned shall consult the SNEs' employer before issuing an authorisation.
  - 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>3</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 Head of Department/Unit, 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 the Commission or which have dealings with EMSA, 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 to the principles of loyalty and impartiality.

The SNE who intends to publish, whether alone or with others, any text on a matter relating to the work of EMSA shall inform his Head of Unit in advance. Where the Head of Department/Unit is able to demonstrate that the publication is liable to seriously prejudice the legitimate interests of EMSA, he shall inform the SNE of the 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 Department/Unit shall be deemed to have had no objections.

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<sup>2</sup> Article 12b of the Staff Regulations and the provisions implementing this Article shall apply *mutatis mutandis*.

<sup>3</sup> Article 12a of the Staff Regulations and the provisions implementing this Article shall apply *mutatis mutandis*.

- g) All rights in any work done by the SNE in the performance of his duties shall be the property of EMSA.
  - 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 management in EMSA and shall be responsible to his superiors for the 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 EMSA, if it sees fit, to terminate the SNEs' secondment pursuant to Article 9(2)(c).
  3. At the end of the secondment the SNE shall continue to have a duty of loyalty to EMSA 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 and advantages.

#### *Article 7*

##### *Level, professional experience and knowledge of languages*

1. To qualify for secondment to the Agency a national expert must have at least three years full time experience of administrative, 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 of the European Communities and in the Conditions of Employment of Other Servants of the European Communities.
2. A seconded national expert must have a thorough knowledge of one Community language and a satisfactory knowledge of a second language where this is necessary for the performance of his duties.

#### *Article 8*

##### *Suspension of secondment*

1. At the written request of the SNE or his employer, and with the latter's agreement, EMSA may authorise suspensions of periods of secondment and specify the terms applicable. During such suspensions:
  - a) the subsistence allowances referred to in Article 16 shall not be payable
  - b) the travel expenses referred to in Article 19 shall be payable only if suspension is at EMSAs' request.
  - c) any reimbursement of remuneration to the national experts' employer under Article 17 shall automatically be suspended during the break.
2. The period of suspension shall not be counted in the period of secondment as defined in Article 4.

#### *Article 9*

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

1. Subject to paragraph 2, the experts' secondment may be terminated at the request of EMSA or the SNEs' employer, subject to three months' notice, or at the SNEs' request, subject to the same period of notice and with the agreement of EMSA and the SNEs' employer.

2. In exceptional circumstances the secondment may be terminated without notice:
  - a) by the SNEs' employer, if the employers' essential interests so require;
  - b) by EMSA and the employer acting jointly, at the request of the SNE addressed to both parties, if the SNEs' personal or professional interests so require;
  - c) by EMSA in the event of failure by the SNE or his employer to respect their obligations under this Decision; EMSA shall immediately inform the SNE and his employer accordingly.

## **Chapter II: Working Conditions**

### *Article 10 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 EMSA with the certificate referred to in Article 11(1) of Council regulation (EEC) No 574/72 of 21 March 1972 fixing the procedure for implementing Regulation (EEC) N° 1408/71 on the application of social security schemes to employed persons and their families moving within the Community (OJ L 74 of March 1972).
2. From the day on which their secondment begins, seconded national experts are covered by the EMSA against the risk of accident. The Agency will provide them with a copy of the terms of this cover on the day on which the expert reports to the Human Resources Unit to complete the administrative formalities of the secondment.
3. An SNE who cannot be covered by a public sickness insurance scheme may apply to have this risk insured by EMSA. The SNE shall pay half the relevant insurance premium and his contribution shall be deducted monthly from the subsistence allowances referred to in Article 16.

### *Article 11 Working Hours*

1. A seconded national expert shall be bound by the rules on hours of work in force at EMSA<sup>4</sup>.
2. An SNE shall serve on a full-time basis throughout the period of secondment. Following a duly justified request originating from the Unit/Department concerned, the Executive Director may allow an SNE to work part time, provided that the SNEs' employer agrees and that the arrangement remains compatible within the interest of the service.

### *Article 12 Sick leave*

1. The rules in force at EMSA on absence due to sickness or accident shall apply to SNEs<sup>5</sup>

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<sup>4</sup> Articles 55, 56 and 56c of the Staff Regulations and the provisions implementing these Articles shall apply mutatis mutandis.

<sup>5</sup> Articles 59 and 60 of the Staff Regulations and the provisions implementing these articles shall apply mutatis mutandis



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 16 shall be automatically suspended.

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

3. However, 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 up to the end of the duration of the secondment.

#### *Article 13*

##### *Annual and special leave*

1. With the exception of the provisions related to grade, the rules in force in EMSA on annual and special leave, applicable to officials, shall apply to SNEs<sup>6</sup>
2. Leave is subject to prior authorisation by the Head of Unit/Department to which the SNE is assigned. 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 of the SNEs employer, up to 2 days of paid special leave in a 12 month period may be granted by EMSA to visit his employer.
4. Days of annual leave not taken by the end of the secondment shall be forfeited.

#### *Article 14*

##### *Maternity leave*

1. The rules in force at EMSA on maternity leave shall apply to SNEs<sup>7</sup>. While on maternity leave the SNE shall receive the subsistence allowances referred to in Article 16.
2. Where the rules that are binding upon the SNEs' employer provide for a period of maternity leave longer than that granted by EMSA, the secondment may, at the SNEs' request, be interrupted for the period by which that leave exceeds the leave granted by EMSA.  
  
A period equivalent to the break shall be added to the end of the secondment if the interests of EMSA 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) above shall apply.

#### *Article 15*

##### *Management and control*

Management and control of leave, working time and absences shall be the responsibility of the Human Resources Unit.

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<sup>6</sup> Article 57 and 59a of Annex V of the Staff regulations and the provisions implementing these Articles shall apply mutatis mutandis.

<sup>7</sup> Article 58 of the Staff regulations and the provisions implementing this Article shall apply mutatis mutandis.

### Chapter III: Allowances and Expenses

#### Article 16 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 Belgium and Luxembourg shall be 122.97€
- 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	0,00
> 150	79,04
> 300	140,52
> 500	228,36
> 800	368,89
> 1300	579,68
> 2000	693,88

2. These subsistence allowances shall be granted under the same conditions as the expatriation allowance for officials<sup>8</sup>.
3. In the case of cost free SNEs, the exchange of letters referred to in Article 3(3) shall stipulate that these allowances will not be paid.
4. The subsistence allowances for SNEs shall be subject to the weighting set by the Council pursuant to Article 64 of the Staff Regulations.
5. 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 Human Resources Unit shall be responsible for implementing this provision and shall publish the new rate for subsistence allowances on EMSA internet.
6. These allowances are intended to cover the SNEs' living expenses in the place of secondment on a flat-rate basis and shall under no circumstances be construed as remuneration paid by EMSA.

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<sup>8</sup> Article 4 of Annex VII to the Staff Regulations and the provisions implementing this Article shall apply mutatis mutandis.

Before the secondment, the SNEs' employer shall certify to the Human Resources Unit 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 Human Resources Unit of any allowance similar to the subsistence allowances paid by EMSA and received from other sources. This amount shall be deducted from the subsistence allowances paid by EMSA. Following a duly justified request from the employer, EMSA 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 EMSA.
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 25<sup>th</sup> day of the month for SNEs starting on the first day of the same month. For SNEs starting on the 16<sup>th</sup> day of the month, this lump sum shall be paid by the 10<sup>th</sup> day of the following month. If the secondment is ended during the first 75 days, the SNE is obliged to return the amount corresponding to the remaining part of that period.
9. Subsistence allowances shall be paid no later than the 25<sup>th</sup> of each month.
10. In addition to the subsistence allowances, SNEs who during their secondment are requested to be on stand by duty or to work on shifts will be compensated with the relevant allowances for this purpose in the same way as officials and other agents. The allowances will be subject to the weighting set by the Council pursuant to Article 64 of the Staff Regulations. The allowances referred to in this paragraph are to be considered as related to the performance of their duties.

#### *Article 17*

##### *Possible reimbursement of remuneration*

1. If its' interests so require, the Agency may reimburse all or part of the net remuneration of a Seconded National Expert during the period of secondment to his or her employer under an agreement to be concluded in advance and recorded in the exchange of letters provided for in Article 3, paragraph 3.
2. The reimbursement of remuneration shall be authorised on a case-by-case basis by the Executive Director, taking into account the specific needs of the service and, in particular, the need to use SNEs from all Member States.
3. Expenses resulting from the reimbursement will be charged against the SNE allocation of the Agency.

#### *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 EMSA is located. Both places shall be identified in the exchange of letters referred to in Article 3(3).
2. If, six months before his secondment to EMSA as an SNE, a national expert already has his main residence in a place other than that in which the employers 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 EMSA<sup>9</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 this new place under the conditions laid down in paragraph 2. However, the reimbursement may not be more than the amount that would have been paid had the SNE returned to his place of origin.
4. EMSA shall not reimburse any expenses referred to in the preceding paragraphs if they have been met by the employer or any other body. The Permanent Representation concerned or, as the case may be, the EFTA Secretariat, the IGOs or diplomatic missions of non-member countries concerned shall inform the Human Resources Unit to this effect.

*Article 20*  
*Missions and mission expenses*

1. An SNE may be sent on mission subject to Article 5 of this Decision.
2. Mission expenses shall be reimbursed in accordance with the rules and conditions relating to the payment of mission expenses in force at EMSA.

*Article 21*  
*Training*

SNEs shall be entitled to attend training courses organised by EMSA. The reasonable interests of the SNE to attend, in particular in view of the SNEs' professional career after their secondment, have to be considered when deciding on permission to attend courses.

*Article 22*  
*Administrative provisions*

An SNE shall present himself to the Human Resources Unit of the Agency on the first day of his secondment to complete the relevant administrative formalities. An SNE shall take up duty either the first or the sixteenth day of the month.

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<sup>9</sup> Article 7(1) and (2) of Annex VII to the Staff regulations and the provisions implementing these Articles shall apply *mutatis mutandis*.

## TITLE II

### NATIONAL EXPERTS IN PROFESSIONAL TRAINING

#### *Article 23*

##### *General Provisions and definitions*

1. National experts on professional training (hereinafter referred to as NEPTs) are staff from the public administrations of EU or EFTA 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 EMSA on staff secondments, or from IGOs, who are admitted to EMSA for professional training purposes.
2. The provisions of Article 1(1), (3), (4) and (5) shall apply by analogy to NEPTs.

#### *Article 24*

##### *Purpose of the professional training*

1. The purpose of the professional training is:
  - to give NEPTs experience of EMSAs working methods with regard to Marine Pollution Response, Vessel Traffic Information Systems and Community Maritime Safety Legislation.
  - to enable them to gain practical experience and understanding of the day-to-day work of EMSA and to give them the opportunity to work in a multicultural environment.
  - to enable staff from the National Administrations to put into practise the knowledge they have acquired in their studies, particularly in their respective areas of responsibility.
2. For its part, EMSA:
  - benefits from the input of people who can offer a new point of view and up-to-date knowledge which will enrich the daily work of the Agency.
  - builds up a network of people with direct experience of its procedures.

#### *Article 25*

##### *Eligibility*

1. The provisions of Article 7 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 Community institutions or bodies shall not be eligible for professional traineeships.

*Article 26*  
*Selection of candidates*

1. Applications shall be forwarded by the Permanent Representations or, as the case may be, the EFTA Secretariat, administrations of non-member countries or IGOs to the Human Resources Unit of EMSA in accordance with the procedure and methods decided by the Agency.
2. After consulting senior management, the Executive Director shall decide on how many NEPTs are to be allocated to the Departments/Units for each period.

*Article 27*  
*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 only complete one professional traineeship.
2. The professional traineeships are organised twice a year, usually starting on the 1<sup>st</sup> or 16<sup>th</sup> of the months of March and October.

*Article 28*  
*Organisation of the professional training*

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

NEPTs must obey instructions given by their training advisor, their superiors in the Unit and the Executive Director.

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

*Article 29*  
*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 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 30*  
*Special cases*

Exceptionally, the Executive Director may authorise the secondment of an NEPT by way of derogation from Articles 26 and 27, for example in the case of a specific agreement on staff secondments concluded by EMSA.

*Article 31*  
*Working conditions and remuneration*

1. The following articles shall apply by analogy to NEPTs:
  - Article 5 on tasks;
  - Article 6 on rights and obligations;
  - Article 10(1) and (2) on social security;
  - Article 11 (1) on working hours;
  - Article 12 on sick leave;
  - Article 13 on annual leave and special leave;
  - Article 20 on missions and mission expenses.
2. 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 EMSA.

EMSA 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 having completed the stipulated professional training period shall complete the evaluation reports requested by Human Resources Unit 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 indicating the dates of the professional training and the Department/Unit in which it took place.

### TITLE III

#### FINAL PROVISIONS

##### *Article 33* *Entry into force*

1. This Decision shall take effect on 1 December 2009.
2. With effect from that date it shall apply to:
  - SNEs and NEPTs taking up duties
  - SNEs who are currently on secondment, with the exception of Articles 16 and 19; if their secondment is extended and if they so request, Articles 16 and 19 shall apply in place of Articles 15 to 20 of the Decision of the Administrative Board of 20 March 2007 on the rules applicable to detached national experts on secondment to EMSA.
3. SNEs who are currently on secondment and who do not wish to benefit from the provisions of Articles 16 and 19 shall continue to benefit from the provisions of Articles 15 to 20 of the Decision of the Administrative Board of 20 March 2007 on the rules applicable to detached national experts on secondment to EMSA.
4. The Decision of the Administrative Board of 20 March 2007 on the rules applicable to detached national experts on secondment to EMSA, referred to above, is hereby repealed. However, the provisions of Articles 15 to 20 of that Decision shall continue to apply in the cases referred to in paragraphs 2 and 3.
5. The provisions of the Commission Decision of 28 April 2004 introducing implementing provisions, applicable to EMSA by analogy, relating to SNE shall no longer apply.

Done at Lisbon, 20.11.2009.



Jørgen Hämmer Hansen  
Chairman of the Administrative Board