



COMMUNITY FISHERIES CONTROL AGENCY

**DECISION NO 09-I-07**  
**OF THE ADMINISTRATIVE BOARD**  
**OF THE COMMUNITY FISHERIES CONTROL AGENCY**  
**of 19 March 2009**  
**concerning the Revised Rules for Seconded National Experts**

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THE ADMINISTRATIVE BOARD OF THE COMMUNITY FISHERIES CONTROL AGENCY

Having regard to the Treaty establishing the European Community,

Having regard to Council Regulation (EC) No 768/2005 of 26 April 2005 establishing a Community Fisheries Control Agency (hereinafter referred to as "CFCA"), and in particular Article 19(3) thereof,

Having regard to Commission Decision C (2008) 6866 of 12 November 2008 laying down the rules on the secondment to the Commission of national experts and national experts in professional training,

Whereas:

1. The Secondment of National Experts (hereinafter referred to as 'SNEs' or 'seconded national experts') should enable the CFCA to benefit from the high level of professional knowledge and experience of those experts, 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 CFCA experts from the Member States.
3. In order to ensure that the CFCA independence 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. The rights and obligations of SNEs set out in this Decision should ensure that they carry out their duties solely with the interest of the CFCA 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 CFCA for the exercise of its public law prerogatives.
6. It is necessary to set out all the relevant conditions of employment of SNEs, which should be applicable regardless of the origin of the budgetary appropriations used to cover the expenditure,

HAS DECIDED AS FOLLOWS:

## Chapter I

### General provisions

#### *Article 1* *Scope and definitions*

1. These Rules shall apply to national experts seconded to the CFCA.

Seconded national experts are staff employed by a national, regional or local public administration or an IGO, who are seconded to the CFCA 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.

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 Head of Unit Resources 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 the CFCA, without notice, in accordance with Article 10(2)(c).

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 the CFCA 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 may authorise the secondment of an SNE by an employer that does not meet one or more of the above criteria. The Executive Director shall regularly report to the Administrative 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 CFCA 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 Executive Director shall, if necessary, clarify the arrangements for implementing the different criteria and communicate them to the Permanent Representations of the EU Member States, 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 grants a derogation, an SNE must be a national 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 CFCA on staff secondments.
4. When a secondment is being planned, the CFCA 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 CFCA shall monitor compliance and, in the event of a serious imbalance at CFCA, 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 the CFCA 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 the CFCA on staff secondments, or from an IGO, as part of an agreement and/or exchange programme with the CFCA.

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 Unit in question, the geographical balance and the work to be carried out.
4. Cost-free SNEs shall be taken into account within the limits of the staff policy plan and the annual budget adopted by the Administrative Board.

*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. Before the secondment, the Executive Director must have been authorised to use SNEs under the PDB procedure within the limits of the staff policy plan and the annual budget adopted by the Administrative Board.
3. 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.
4. The secondment shall be authorised by the Executive Director and effected 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. National experts may not be seconded for an initial period of less than three months or more than two years. They may be seconded on a part-time basis, with a minimum of 10 working days per month.  

The initial period may be renewed once or more, up to a total period not exceeding four years. Exceptionally, where the interests 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.
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 the CFCA may be seconded to it another time subject to the internal rules governing the maximum length of time such persons may spend in the 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 the CFCA, the duration of that contract or secondment shall be taken into account when calculating the six-year period referred to above.
4. 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 may be seconded to any place of employment of CFCA staff.

*Article 6*  
*Tasks*

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

The Executive Director may delegate his power to derogate among the Heads of Unit.

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

An SNE may, however, represent the CFCA in legal proceedings as co-agent with a CFCA staff member.

4. The CFCA 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. The Units concerned, 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 the CFCA.



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 the Executive Director of any change of circumstances during the secondment which could give rise to any such conflict.

The Unit to which the SNE is seconded shall keep a copy of all such exchanges of correspondence in its records and shall hand it over to the Head of Unit Resources on request.

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 recruitment. Where necessary, the Unit concerned shall consult the Local Security Officer.
7. Failure on the part of the SNE to comply with his obligations arising from paragraphs 2, 3 or 5 shall entitle the CFCA, 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 the CFCA in mind. He shall neither seek nor take instructions from any government, authority, organisation or person outside the CFCA. He shall carry out the duties assigned to him objectively, impartially and in keeping with his duties of loyalty to the CFCA.
  - b) An SNE wishing to engage in an outside activity, whether paid or unpaid, or to carry out any assignment outside the CFCA shall be subject to the rules on prior authorisation for CFCA staff<sup>1</sup>. The Unit concerned shall consult the SNE's 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>2</sup>.

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<sup>1</sup> Article 12b of the Staff Regulations, Article 11 of the CEOS and the provisions implementing these Articles shall apply mutatis mutandis.

<sup>2</sup> Article 12a of the Staff Regulations, Article 11 of the CEOS and the provisions implementing these Articles shall apply mutatis mutandis.

- 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, 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 CFCA or which have dealings with the CFCA, 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 and Conditions of Employment of other Servants.

- 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 CFCA 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 CFCA, 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 the CFCA.
- 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 the CFCA 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 the CFCA, 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 the CFCA 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 the CFCA 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 Communities.
2. The SNE must produce evidence of a thorough knowledge of one of the Community languages and a satisfactory knowledge of another Community 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 Community 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, the CFCA 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 CFCA'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 the CFCA 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 the CFCA 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 the CFCA 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 the CFCA in the event of failure by the SNE or his employer to respect their obligations under this Decision; the CFCA 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 the CFCA with the certificate referred to in Article 11(1) of Council Regulation (EEC) No 574/72<sup>3</sup>.
2. From the day on which their secondment begins, SNEs shall be covered by the CFCA against the risk of accident. The CFCA shall provide them with a copy of the terms of this cover on the day on which they report to the Resources Unit 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 the CFCA. 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 the CFCA<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 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 Unit.

#### *Article 13 Sick leave*

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

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<sup>3</sup> OJ L 74, 27.3.1972, p. 1.

<sup>4</sup> Decision of the Executive Director No 2007/016 relating to the working hours of the CFCA; Decision of the CFCA Executive Director No 2008/038 relating to working hour of certain categories of staff on mission.

<sup>5</sup> Articles 59 and 60 of the Staff Regulations, Article 16 of the CEOS and the provisions implementing these Articles shall apply mutatis mutandis.

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 the CFCA on annual and special leave, applicable to CFCA staff, shall apply to SNEs<sup>6</sup>.
2. Leave shall be subject to prior authorisation by the Unit to which the SNE is seconded. In the event of unauthorised absence, 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 the CFCA 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 the CFCA 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 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 the CFCA, the secondment may, at the SNE's request, be interrupted for the period by which that leave exceeds the leave granted by the CFCA.
3. A period equivalent to the break may be added to the end of the secondment if the interests of the CFCA warrant it.
4. 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.

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<sup>6</sup> Articles 57 and 59a of and Annex V to the Staff Regulations, Article 16 of the CEOS and the provisions implementing these Articles shall apply mutatis mutandis.

<sup>7</sup> Article 58 of the Staff Regulations and Article 16 of the CEOS and the provisions implementing these Articles shall apply mutatis mutandis.

*Article 16*  
*Management and control*

Management and control of leave and working time shall be subject to the same rules as apply to other staff at CFCA and shall be the responsibility of the Resources Unit.

**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<sup>8</sup>. Where distance between the place of deemed residence and the place of secondment is 150 km or less, the daily allowance shall be 30,75 EUR; where the distance is more than 150 km, the daily allowance shall be 122,97 EUR.

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	79,04
> 300	140,52
> 500	228,36
> 800	368,89
> 1300	579,68
> 2000	693,88

2. Seconded National Experts who during the three years ending six months before the secondment did habitually reside or carry on their main occupation at a distance of 100 km or less from the place of secondment shall receive a daily allowance reduced by 50 %. If the distance is between 101 and 150 km from the place of secondment, he shall receive a daily allowance reduced by 25 %.

<sup>8</sup> The subsistence allowances for SNEs seconded to an EU Member State other than Belgium or Luxembourg shall be subject to the weighting set by the Council pursuant to Article 64 of the Staff Regulations.

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. 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 Resources Unit shall be responsible for implementing this provision and shall consult the new rate for subsistence allowances published on the Commission's internet site.
4. 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 the CFCA.

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

5. Subsistence allowances shall be payable for every day of the week, including during periods of mission, annual leave, special leave and holidays granted by the CFCA.
6. 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.
7. 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 the Unit to which the SNE is seconded is located. Both places shall be identified in the exchange of letters referred to in Article 3(4).
2. If, six months before his secondment to the CFCA 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 the CFCA<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 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. The CFCA 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, IGOs or diplomatic missions of the non-member countries concerned shall inform the CFCA 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 the CFCA<sup>10</sup>.

*Article 21*  
*Training*

SNEs shall be entitled to attend training courses organised by the CFCA if the interests of the CFCA 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>9</sup> Article 7(1) and (2) of Annex VII to the Staff Regulations, Article 22 of the CEOS and the provisions implementing these Articles shall apply mutatis mutandis.

<sup>10</sup> Articles 11 and 12 of Annex VII to the Staff Regulations, Article 22 of the CEOs and the provisions implementing these Articles shall apply mutatis mutandis.

## **Chapter IV**

### **Complaints**

#### *Article 22*

1. Without prejudice to the possibilities for instituting proceedings after taking up his position, under the conditions and time limits laid down in Article 230 of the EC Treaty, any SNE may submit a complaint to the Resources Unit responsible for complaints and requests under the Staff Regulations and Conditions of employment of other Servants about an act adopted by the CFCA services under this Decision which adversely affects him, with the exception of decisions which are direct consequences of decisions taken by his employer.
2. 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 Head of Unit Resources 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.

## **CHAPTER V**

### **Administrative and budgetary provisions**

#### *Article 23*

##### *Administrative provisions*

1. SNEs shall report to the Head of Unit Resources 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. Secondment shall be implemented by a contract between the CFCA and the employer. The contract shall indicate the names of the individuals authorised to lay down detailed arrangements for secondment under these rules. Any letter extending, breaking or terminating the period of secondment shall be sent by the Unit Resources. An SNE shall present himself to the Resources Unit on the first day of his secondment to complete the relevant administrative formalities.

#### *Article 24*

##### *Authorisation and settlement of expenditure*

1. Within the limits of the budgetary allocations and applicable delegations, the Resources Unit shall act as authorising unit for appropriations for subsistence allowances, travel and mission expenses and, where appropriate, reimbursement of other expenses incurred under these rules.

2. Expenses incurred under these rules shall be paid monthly in arrears by the Resources Unit.
3. Payments shall be made in Euro.

## CHAPTER VI

### FINAL PROVISIONS

#### *Article 25 Delegation*

1. The Head of Unit Resources may delegate the powers devolved to him pursuant to this Decision to one or more persons of his choice within the Resources Unit.
2. The Permanent Representations, EFTA Secretariat, IGOs and diplomatic missions of the non-member countries concerned shall enjoy a close working relationship with the CFCA throughout the SNEs' secondment. All correspondence and contacts between the SNE's employer, particularly those referred to in this Decision, shall be made via the Member State's Permanent Representation, the EFTA Secretariat, the IGOs and the diplomatic missions of the non-member countries concerned.

#### *Article 26 Entry into force*

1. This Decision shall take effect on the day of its signature.
2. With effect from that date it shall apply to SNEs taking up duty.
3. The CFCA may decide to apply provisions laid down in the Decision on the rules for Seconded National Experts adopted by the Administrative Board on 16 October 2008 (AB Decision 08-II-7(1)) to the vacancies published before the entry into force of the present Decision.

#### *Article 27 Provisional measure*

The decision on the rules for Seconded National Experts adopted by the Administrative Board on 16 October 2008 (AB Decision 08-II-7(1)) is repealed. However, the relevant provisions of AB Decision 08-II-7(1) shall continue to apply in the cases referred to in Article 26 paragraph 3.

Done in Vigo on 19 March 2009

Serge Beslier  
Chairman of the Administrative Board

