

**DECISION OF THE JOINT COMMITTEE OF THE CENTRAL EUROPEAN FREE
TRADE AGREEMENT**

No. 4/2014

National Seconded Experts

Adopted on 21 November 2014

The Joint Committee,

Having regard to the Agreement on the Amendment of and Accession to the Central European Free Trade Agreement, (hereinafter referred to as "Agreement") done in Bucharest on 19 December 2006, Annex 1 to the Agreement, Article 40.2, the Decision of the Joint Committee No.7/2007 and the Decision of the Joint Committee No. 1/2013, Article 1;

Recalling that CEFTA Structures should be actively involved in the implementation of the SEE 2020 Strategy and cooperate with other relevant regional initiatives;

Recalling the CEFTA Joint Committee's Ministerial Conclusions from 20 November 2013 acknowledge the involvement of CEFTA Structures in developing the *Integrated Growth* Pillar of the SEE Strategy 2020;

With the objective to ensure continuous and efficient functioning of the Secretariat and full implementation of the Agreement and the SEE Strategy 2020;

With a view of promoting secondment as a tool for interlinking the Secretariat and its stakeholders;

Whereas the national seconded experts should enable the Secretariat from their professional knowledge and experience;

Noting that it is highly desirable to foster the exchange of professional experience and knowledge temporarily assigning experts from the administrations of the CEFTA Parties;

Whereas this interest needs to be reconciled with limitations of the budget to be fully respected at all times;

Whereas secondment require clear definitions and rules on the appointment or recruitment procedures as well as the working conditions at the Secretariat,

Hereby introduces for the needs of the Secretariat:

Article 1

Secondments

CEFTA Parties shall second national experts (herein after called "secondee") to the CEFTA Secretariat. A secondee is an expert who is employed by national public administration from a CEFTA Party.

Article 2

Administrative and Budgetary implications

Any appointment as secondee shall depend on the administrative and financial capacity of the CEFTA Secretariat. The amount of the monthly subsistence allowance for the secondment is defined in the budget of the relevant year in which the assignment takes place. The remuneration shall be equal to all secondees irrespectively of the place of origin of the candidate.

Article 3

Rules for Secondees

National seconded experts shall follow the Rules for Secondees annexed to the Decision. Rules for Secondees are annexed to this Decision and shall form an integral part of it.

Article 4

Entry into Force

This decision was adopted by all CEFTA Parties in the presence of their representatives, except by Bosnia and Herzegovina which made a reservation regarding (completion of) its internal procedure.

This decision enters into force on the date following the date of the receipt of the written communication (notice) with which Bosnia and Herzegovina confirms to the Chair in Office, that internal procedures for the adoption of this decision have been fulfilled.

Adopted in Skopje on 21 November 2014

ANNEX to the Decision No. 4/2014

Rules for Secondees

Chapter I

General Provisions

Article 1

Scope and definitions

These Rules shall apply to national experts seconded to the CEFTA Secretariat (hereinafter referred to as "secondees").

Secondees are staff employed by national public administrations from CEFTA Parties, who are seconded to the CEFTA Secretariat so that it can use their expertise in a particular field.

The persons covered by these Rules shall have worked for their employer on a permanent for at least 12 months before their secondment and shall remain in the service of that employer through the period of secondment. The secondee'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 Director of the CEFTA Secretariat (hereinafter referred to as "Director") of any change in the secondee's situation in this regard. The secondee's employer shall also continue to be responsible for all his social rights. The termination of, or change in the secondees administrative status (permanent official or contract staff member) may lead to the termination of his secondment by the CEFTA Secretariat, without notice, in accordance with Article 8 (2)(c).

Secondees are CEFTA Secretariat officials recognised by the headquarters agreement. Their arrival in Belgium shall be communicated to the Protocol Directorate by the diplomatic mission of the sending CEFTA Party. Seconded national experts are not considered to be members of staff of the diplomatic mission. Consequently, they are not covered by the Vienna Convention on Diplomatic Relations, and may not enjoy any privileges. They only enjoy immunity from legal process for the official acts performed in the context of their function. They are included in the category of officials on an official mission.

The relation between the CEFTA Secretariat and a secondee shall not be governed by Belgian law or the law of any other national jurisdiction.

* 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 text clearly indicates otherwise.

Article 2
Selection

1. Secondees shall be selected according to an open and transparent procedure.
2. The secondments shall be tied to the chairmanship of specific CEFTA body to facilitate implementation of the relevant activities under the individual work programmes of the different structures.

Two forms of secondment shall be made available:

1. Medium term (6 to 12 months) for junior/mid-level officials to work alongside relevant Secretariat personnel on the preparation and implementation of the work programme for the specific sub-committees; this implies minimum of four (4) persons per year.

For the medium term secondment the responsible ministry shall be asked by the CEFTA Secretariat to nominate a suitable candidate based on a Terms of Reference (ToR) agreed with the CEFTA Secretariat. The selected candidate shall take up the position in Brussels from January or June of the current year depending on the individual preferences of the ministries involved.

2. Short-term (in total 4 months/man per year for mid-level/senior officials to provide specific technical inputs and to develop further their skills/expertise in particular topics related to the implementation of the work programme.

For the short-term officials the CEFTA Secretariat shall issue a call for expertise based on the needs of the overall work programme. The number of such secondments shall depend on the complexity of the work programmes and resources available. All applications shall be sent to the Secretariat directly in accordance with the instructions in the call for expertise. Letter of recommendation signed by the responsible Head of the nominating institution shall be a part of the application. The operational selection of the secondees on the ground of the received applications shall be led by Selection Committee established by the Director in the size and format suitable for the purpose of recruitment.

Article 3
Period of secondment

The period of secondment may not be less than six months and not more than one year for medium-term secondment and four months in total for short-term secondment.

Any appointment of a medium-term secondee may be for up to one year and may not be renewed.

The secondment shall start at the beginning of the respective Chairs' mandates i.e. in January of each year except in 2015 where they will start at earliest in April.

Article 4
Place of secondment

Secondees shall be seconded in Brussels, in the CEFTA Secretariat premises.

Article 5
Tasks

1. Secondees shall assist CEFTA Secretariat staff in achieving the strategic objectives adopted by the CEFTA Joint Committee. Secondees shall work under the instructions of the Director and, as the case may be, the staff they are assigned internally according to a detailed job description and avoid the risk of any conflicts of interest. During the time of their secondment, secondees shall act impartially and shall not seek or accept any instructions or directions from their employer or third parties. The employer accepts that in the written agreement concluded with the CEFTA Secretariat.
2. They may not perform middle or senior management duties, even when deputising for their immediate superior.
3. A secondee shall take part in missions or external meetings only as part of a delegation led by the CEFTA Secretariat staff or, on his own, as an observer or for information purposes.
4. In all other cases, by way of derogation from paragraph 2, the Director may give a specific mandate to the secondee to participate on his own in one or more missions or external meetings, after having ensured that there is no potential conflict of interest.
5. In such cases the Director shall give the secondee clear and specific written instructions on the position to be presented during the missions or meetings in question.

6. Under no circumstances may secondees on his own represent the CEFTA Secretariat with a view to entering into commitments, whether financial or otherwise, or negotiating on its behalf.
7. The CEFTA Secretariat shall remain solely responsible for approving the results of any tasks performed by a secondee and for signing any official documents arising from them.
8. The CEFTA Secretariat, the secondee's employer and the secondees shall ensure that there is no conflict of interest in relation to the secondees' duties while seconded to the CEFTA Secretariat.

For this purpose, the CEFTA Secretariat shall inform the secondee 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 secondee should not be assigned to those duties.

9. The employer and the secondee shall also undertake to inform the Director of any change of circumstances during the secondment which could give reason to any such conflict.
10. The CEFTA Secretariat shall keep a copy of all such exchanges in its records and shall hand it over on request.
11. Failure on the part of the secondee to comply with his obligations arising from paragraph 2, 3, or 5 shall entitle the CEFTA Secretariat, if it sees fit, to terminate the secondment of the secondee pursuant to Article 8(2)(c)

Article 6 *Rights and obligations*

During the period of secondment:

1. The secondee shall carry out his duties and conduct himself solely with the instructions of the CEFTA Secretariat. He shall neither seek nor take instructions from any government, authority, organisation or person outside the CEFTA Secretariat. He shall carry out the duties assigned to him objectively and impartially.
2. A secondee wishing to engage in an outside activity, whether paid or unpaid, or to carry out any assignment outside the CEFTA Secretariat scope of activities shall be subject to the CEFTA Secretariat's prior authorisation. The Director shall consult the secondee's employer before issuing an authorisation.

3. The secondee shall refrain from any action or behaviour which might reflect adversely upon his position and from any form of psychological or sexual harassment.
4. The secondee 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 the Director, who will take any appropriate measure and may, in particular, relieve the secondee of the responsibility in this matter.
5. The secondee shall refrain from any unauthorised disclosure of information received in line of duty, unless that information has already been made public or is accessible to the public.
6. The secondee has the right to freedom of expression, with due regard for the principles of loyalty and impartiality.
7. All rights in any work done by the secondee in the performance of his duties shall be the property of the CEFTA Secretariat.
8. Based on his professional knowledge and experience, the secondee shall assist and tender advice to the superiors in the CEFTA Secretariat to whom he is assigned and shall be responsible to his superiors for performance of the tasks entrusted to him.
9. Failure to comply with any of the provisions of paragraph 1 during the period of secondment shall entitle the CEFTA Secretariat, if it sees fit, to terminate the secondee's secondment pursuant to Article 8(2) (c).
10. The secondee shall not have any claim to employment by the CEFTA Secretariat.

Article 7

Professional experience and knowledge of languages

1. To qualify for secondment to the CEFTA Secretariat a national expert shall have at least three years work experience at an appropriate level of administrative, legal, scientific, technical, advisory or supervisory functions.
2. The secondee shall produce evidence of a thorough knowledge of English language to the extent necessary for the performance of his/her duties.

Article 8
Termination of periods of secondment

1. Subject to paragraph 2, the expert's secondment may be terminated at the request of the CEFTA Secretariat or the secondee's employer, subject to four (4) weeks' notice or at the secondee's request, subject to the same period of notice and with the agreement of the CEFTA Secretariat and the secondee's employer.
2. In exceptional circumstances the secondment may be terminated without notice:
 - a) by the secondee 's employer, if the employer's essential interests so require;
 - b) by the CEFTA Secretariat and the employer acting jointly, at the request of the secondee addressed to both parties, if the secondee's personal or professional interests so require;
 - c) by the CEFTA Secretariat in the event of failure by the secondee or his employer to respect their obligations under Decision No 2/2014; the CEFTA Secretariat shall immediately inform the secondee and his employer accordingly.

No termination indemnity shall be paid in any case.

Chapter II

Article 10
Working time

1. The working hours for the secondee shall be the same as those of the CEFTA Secretariat, 40 hours per week and eight hours per day. The secondee shall not be compensated for overtime work.
2. A secondee shall serve on a full-time basis through the period of secondment. The Director may allow the secondee to work part time, provided the secondee's employer agrees and the arrangement is compatible with the smooth running of the CEFTA Secretariat.

Article 11
Working conditions

Secondees shall be provided by the CEFTA Secretariat with adequate working conditions.

Article 12
Annual and special leave

1. Secondees shall be entitled to 2.5 days of leave per month. Leave shall be subject to prior authorisation by the Director. In the event of unauthorised absence subsistence allowance shall not be paid.
2. Days of annual leave not taken by the end of the period of secondment shall be forfeited.

Chapter III

Article 13
Subsistence allowances

1. A secondee shall be entitled, through the period of secondment, to a monthly subsistence allowance. These allowances are intended to cover secondees' living expenses in the place of secondment on a flat-rate basis and shall in no circumstances be construed as remuneration paid by the CEFTA Secretariat.
2. The Ministry and/or the secondee shall be solely responsible for sufficient social security insurance covering accidents and/or illness during the duration of the secondment. The secondee shall provide the CEFTA Secretariat with a confirmation of his health insurance coverage.
3. The secondee shall inform the Director of any allowance similar to the subsistence allowances paid by the CEFTA Secretariat received from other sources. This amount shall be deducted from the subsistence allowances paid by the CEFTA Secretariat. Following a duly justified request from the employer, the CEFTA Secretariat may decide not to make this deduction.
4. Subsistence allowances shall be payable monthly including during periods of mission, annual and special leave and holidays granted by the CEFTA Secretariat. Subsistence allowances shall be paid on the same date with CEFTA Secretariat's salaries.

5. The secondees, as well as their dependants, shall not be entitled to any other benefits, allowances or compensations besides the monthly subsistence allowance.

Article 14
Travel expenses

The secondee shall be entitled to reimbursement of the cost of their travel between their place of origin and the place of secondment at the beginning and the end of their secondment.

Article 15
Missions and mission expenses

Secondees may be sent on mission subject to Article 5. Mission expenses shall be reimbursed in accordance with the relevant rules and conditions in force at the CEFTA Secretariat.

Article 16
Training

The secondee shall not be eligible for training financed from the CEFTA Secretariat budget.

Chapter IV

Article 17
Administrative Formalities

The secondee shall arrange for his own passport, visa and other immigration and registration formalities, where necessary, at his own costs. The CEFTA Secretariat will be of assistance to the extent possible.