

# COUNCIL OF EUROPE

## COMMITTEE OF MINISTERS

### **Resolution Res(2003)5 on Regulations on secondment<sup>1</sup> of international or national, regional or local officials to the Council of Europe**

*(Adopted by the Committee of Ministers on 22 October 2003  
at the 857th meeting of the Ministers' Deputies)*

The Committee of Ministers, under the terms of Article 16 of the Statute of the Council of Europe,

Considering that the secondment to the Council of Europe of officials from international, national, regional and local administrations would entail advantages both for the Organisation and for member states, in particular through the cross-fertilisation of ideas between such administrations and the Council of Europe, the presence on a limited-term basis of expertise not available within the Secretariat, and the opportunity for such officials to learn in depth about the activities and functioning of the Council of Europe;

Considering that Resolution (92) 26, on the adoption of the regulations on placement of national officials at the disposal of the Council of Europe, has to be changed with a view to including officials from international organisations and should be updated at the same time;

The Staff Committee, having been consulted in accordance with Article 6, paragraph 1, of Appendix I to the Staff Regulations;

On the proposal of the Secretary General,

Resolves as follows:

#### **I. General rules**

1.a. The present regulations lay down the conditions for the secondment of international, national, regional and local officials to the Council of Europe ("seconded officials"). Excluded from the scope of the present regulations are:

- i. staff members seconded to the Council of Europe pursuant to Articles 12, paragraph 3, and 20 of the Staff Regulations;
- ii. experts called for brief consultations who are covered by the rules concerning travel and subsistence expenses of government experts and other persons chargeable to the Council of Europe budgets;
- iii. persons outside the Secretariat who are covered by the Regulations on contracts with consultants.

b. The rules and regulations applicable to staff shall apply to seconded officials as specified hereafter.

2. Seconded officials shall remain in paid employment in an international, national, regional or local administration throughout the period of secondment, and shall receive no salary from the Council of Europe.

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<sup>1</sup> Secondment for the purposes of this Resolution is the placement at the disposal of the Council of Europe of an international, national, regional or local official who continues to be employed by his or her organisation or administration and is therefore to be differentiated from secondment as provided for in Articles 12§3 and 20 of the Staff Regulations.

3. National seconded officials shall be nationals of a member state of the Council of Europe.
4. While on secondment with the Council of Europe, seconded officials shall neither receive nor seek instructions in connection with the performance of their duties from any government, authority, organisation or person outside the Council of Europe.

## **II. Implementation of secondment to the Organisation**

5. The Secretary General shall communicate to the Permanent Representatives of the member states and eventually to the Secretariats General of international Organisations information as to the number and type of seconded officials that the Council of Europe would like to have placed at its disposal, asking them if they wish to make detailed proposals in writing.
6. On the basis of the proposals received and within the framework of the relevant appropriations allocated under the annual budget, the Secretary General shall make the requisite appointments, which shall take account of the specific needs of the Council of Europe departments, the qualifications of the candidates and the need to ensure a balanced geographical representation between the member states.
7. Secondment shall be effected by an agreement between the Secretary General and the Permanent Representative of the member state concerned or the General Secretariat of the international organisation. This agreement shall specify the following matters:
  - the grade and function occupied by the seconded official in the administration to which he or she belongs (Article 13 below);
  - the likely period of secondment (Articles 8 and 9 below);
  - the duties to be entrusted to the seconded official and the Council of Europe official to whom he or she shall be answerable (Articles 10 and 12 below);
  - the place of residence of the seconded official prior to his or her secondment to the Council and the place of assignment, namely the place in which the Council of Europe department to which he or she is to be assigned is located (Articles 20, 23. e, 24 and 25 below);
  - a certificate of social and medical cover (Article 15 below);
  - the amount of the displacement allowance to be paid to the seconded official or, alternatively, a stipulation that such allowance is not to be paid (Article 23a. and e. below);
  - an assurance that the administration concerned as well as the seconded official have been informed of, and accept, the conditions provided for under the present regulations;
  - any special agreement varying the seconded official's obligation to serve on a full-time basis (Article 9 below).

## **III. Period of secondment**

8. The initial period of secondment must be at least three months and not more than two years. Secondment may be prolonged or renewed, but the total periods of secondment for any one seconded official may in no circumstances exceed three years, except in cases of special derogation granted by the Secretary General.
9. Seconded officials shall serve on a full-time basis throughout the period of secondment, save in the event of a special derogation by the Secretary General.

#### **IV. Duties to be performed**

10. Seconded officials shall assist the Secretariat of the Council of Europe and carry out the duties entrusted to them in the context of a pre-determined work programme or job description.

Seconded officials may work in any field where their services are deemed necessary, provided that there is no conflict with the interests of the Organisation.

11. Unless special instructions to the contrary are given by the Secretary General or by the Director or Head of department to which they are assigned seconded officials may not enter into commitments on behalf of the Organisation. In no event may seconded officials enter into a financial commitment on behalf of the Organisation.

12. Seconded officials shall assist and tender advice to the Council of Europe official to whom they are assigned; they shall be answerable to that official for the performance of the tasks entrusted to them.

#### **V. Qualifications required**

13. Seconded officials must have at least three years' experience of administrative, advisory or supervisory duties in a grade equivalent to categories A or B4 to B6 at the Council of Europe.

14. Seconded officials must have a thorough knowledge of one of the Council's official languages and, where necessary for the performance of their duties, a satisfactory knowledge of the other.

#### **VI. Social insurance**

15. Prior to the commencement of the period of secondment, the administration in question shall certify to the Council of Europe that throughout the relevant period the seconded official will remain subject to the social security provisions applicable to that administration and that the administration will guarantee cover for him or her and of the members of his or her accompanying family during this period, in particular for health expenses incurred, including those incurred abroad.

16. During the period of secondment the seconded official shall be affiliated by the Council of Europe to a private accident insurance scheme on the same terms as those applicable to certain categories of its temporary staff not affiliated to the French social security scheme.

#### **VII. Breaks in, or termination of, periods of secondment**

17. The Secretary General may authorise breaks in periods of secondment and shall specify the terms applicable. The displacement allowance referred to in Article 23 below shall not be payable during such breaks. The travel allowances referred to in Articles 24 and 25 below shall be payable only if the break is at the Secretary General's request.

18. The secondment of an official may be terminated by the Secretary General or the administration in question at one month's prior notice.

#### **VIII. Obligations of seconded officials**

19. Seconded officials

a. shall carry out their duties and conduct themselves solely with the interests of the Council of Europe in mind, and shall refrain from any action which might be prejudicial morally or materially to the Council of Europe;

- b.* shall abstain from any action, and in particular any public expression of opinion, which may reflect on their position as a seconded official with the Council of Europe;
- c.* shall inform the Director or Head of department to which they are assigned if, in the course of their duties, they are called on to deal with a matter which impinges on their personal interests in a manner which might affect their objectivity;
- d.* shall maintain the utmost discretion in respect of facts and information which come to their notice in, or in connection with, the performance of their duties, and may not, without the authorisation of the Secretary General, communicate in any form whatever to an unauthorised person any document or information which has not been made public; these being obligations which shall continue after their period of secondment has terminated;
- e.* may not, either on their own initiative or in collaboration with others, publish or cause to be published any text relating to the work of the Council of Europe, nor make public statements or deliver lectures on such matters, without obtaining authorisation in accordance with the applicable rules;
- f.* shall be bound by the rules on hours of work in force at the Council of Europe.
20. Seconded officials may be required to reside at their place of assignment or at no greater distance there from than is compatible with the proper performance of their duties.

#### **XIX. Leave**

- 21.a. Seconded officials are entitled to two and half working days' leave for every month of service. Officials seconded for at least one year shall, in addition, be entitled to travelling time on the conditions laid down in respect of permanent staff.
- b.* Seconded officials shall be required to use their entitlement to annual leave before the final expiry of their period of secondment.
22. Seconded officials may be granted special short periods of leave in the same way as permanent staff.

#### **X. Allowances and expenses**

##### Displacement allowance

- 23.a. Seconded officials shall, subject to paragraph d of this article, be entitled, throughout the period of secondment, to a displacement allowance. For the first two months, the displacement allowance shall be paid on the basis of rate III of the daily subsistence allowance for Council of Europe staff on official journeys to Strasbourg. Thereafter, this rate shall be reduced by 50% for seconded officials without family responsibilities and by 30% for other seconded officials<sup>2</sup>.
- b.* This allowance, which is calculated in proportion to the working time, shall be payable monthly in arrears.
- c.* It shall be payable for periods of official journeys, annual leave, special leave and holidays granted by the Council of Europe. Payment of the allowance will, however, be suspended following an absence on account of illness lasting longer than six months.

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<sup>2</sup> On the basis of the adjustment recommended by the CCR to enter into force on 1 January 2003, this "reduced" rate amounts to 2 417,40 Euros and 3 384,36 Euros respectively.

d. Notwithstanding the foregoing, the agreement referred to in Article 7 above may stipulate that this allowance shall not be paid. In any event, it shall be reduced by 75% if the place of residence prior to secondment to of the Council of Europe is less than 100 kilometres from the place of assignment.

#### Travel expenses

24. The travel and subsistence expenses incurred by seconded officials when travelling between the place of residence and the place of assignment on taking up their duties and on completion of their secondment, as well as the corresponding expenses of their dependent family members, if accompanying them to the place of assignment, shall be borne by the Council of Europe on the conditions applicable to permanent staff.

#### Removal expenses

25. Removal expenses are not refunded by the Council of Europe. However, seconded officials placed at its disposal for an initial period of one year shall also be entitled to:

- either the reimbursement every two months of their travel expenses on the basis of the pex air fare or the first class rail fare (one return fare) between their place of residence prior to secondment and their place of assignment, whichever is the least expensive;

- or a lump sum corresponding to six times the above-mentioned return fare per year of secondment, or the proportionate part thereof.

They must, at the beginning of the period of secondment, opt for one or other of these entitlements.

### **XI. Privileges and Immunities**

26. Article 18, paragraph *b* of the General Agreement on Privileges and Immunities is not applicable to seconded officials.

### **XII. Official journeys**

27. Seconded officials may be sent on an official journey only within the context of the duties assigned to them in accordance with Articles 10 and 11 above.

28. Official journey expenses shall be reimbursed to seconded officials in accordance with the rules and conditions applicable to permanent staff, on the basis of a category of daily allowance to be specified for each seconded official at the commencement of the period of secondment.

### **XIII. Final clause**

29. These regulations may be completed by implementing instructions issued by the Secretary General after consultation with the Staff Committee.

30. This resolution shall enter into force on the date of adoption and supersedes and replaces Resolution (92) 26 of 21 May 1992 adopting the regulations on the placement of national officials at the disposal of the Council of Europe.