

Administrative Arrangement
between
the Federal Ministry for European and International Affairs
of the Republic of Austria
and
the Directorate-General for External Relations (RELEX)
of the European Commission

concerning the measures taken in application
of Commission Decision C (2008) 6866 of 12 November 2008
regarding cost-free seconded national experts
in the Delegations of the European Union

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The Federal Ministry for European and International Affairs of the Republic of Austria (referred to below as "Austria"), of the one part,

and

the Directorate-General of External Relations of the European Commission (referred to below as "the Commission"), of the other part,

Have agreed as follows:

- Whereas the above parties wish to promote and strengthen in the long term a partnership for the exchange and acquisition of professional experience in the Delegations of the European Union in third countries and/or in international organisations, in the fields of management of cooperation and development aid with third countries and Union policies vis-à-vis external relations under the Lisbon Treaty,
- Whereas Austria wishes to make available to the Delegations of the European Union, at no cost, staff with expertise in specific fields for the implementation of Union policies relating to external relations and development aid programmes and projects, in accordance with the rules on the secondment to the Commission of national experts (SNEs) laid down by Commission Decision C(2008) 6866 of 12 November 2008, annexed to this agreement, and subject to subsequent amendments notified by the Commission to Austria.

1. PURPOSE OF THE AGREEMENT

The purpose of this agreement is to set out the general provisions applicable to the secondment of cost-free national experts financed entirely by Austria to the Delegations of the European Union in third countries or to international organisations. Cost-free secondment takes place in accordance with Commission Decision C(2008) 6866 of 12 November 2008.

2. SECONDED NATIONAL EXPERTS

- i) Cost-free seconded national experts (hereafter referred to as "expert") must be nationals of one of the EU Member States and have at least 3 years' professional experience in posts equivalent to those in category AD as defined by the Staff Regulations of officials of the European Communities of 1 May 2004.
- ii) Experts must also have at least 3 years' professional experience in one of Austria's relevant national departments (diplomatic service or authority/body specialising in the field of external relations, the management of international cooperation and/or development aid and humanitarian aid), in Headquarters and/or in a third country of the EU, and/or in an international organisation.
- iii) The number of cost-free experts that Austria is willing to make available and the posts and places of employment considered to have priority shall be determined at the beginning of each calendar year by Austria through an exchange of letters with the Commission (DG RELEX) and updated whenever considered necessary by Austria.

3. PUBLICATION OF POSTS AND SELECTION OF EXPERTS

- i) The Commission shall send to all Member States with which it has concluded such an administrative arrangement, via their respective Permanent Representation in Brussels, once a year or in accordance with the Delegations' needs, a list of vacant cost-free SNE posts, supplying all relevant information including the profiles sought and a description of the duties involved, together with the organisation chart of the delegations;

The Commission shall also ask Austria to inform it of any secondments of cost-free national experts it can offer outside the vacancies published by the Commission. Austria's declaration of intent shall be accompanied by any documents relating to the experts concerned (CV in EU format, in French or English). Austria shall check, prior to forwarding applications, the eligibility of candidates in the light of Decision C (2008) 6866 (attached), in particular Articles 1, 4 and 8 thereof.

- ii) Austria, by means of an exchange of letters with the Commission (DG RELEX) via its Permanent Representation in Brussels, shall confirm within two months its willingness to finance the post(s) published by the Commission, and shall appoint (or confirm) a contact person in the Permanent Representation to facilitate the process.

- iii) Austria shall make a pre-selection of candidates in whatever way it considers appropriate with a view to drawing up a list to be sent to the Commission (DG RELEX) together with the candidates' CVs (in the EU format, in French or English). Austria shall check, prior to forwarding applications, the eligibility of the pre-selected candidates in the light of Decision C (2008) 6866 at annex, in particular Articles 1, 4 and 8 thereof.
- iv) The competent Commission departments shall select the experts in accordance with the procedures decided on by the Commission. Interviews shall be organised within a reasonable period following receipt of the pre-selected applications (CV in EU format in French or English) and the dates shall be communicated by the Permanent Representation of Austria, taking account of the dates of receipt of the applications sent by the Member States that have concluded such an administrative arrangement with the Commission. A representative of Austria may be present at the interview of a candidate that it put forward and may give his or her opinion, without actually taking part in the vote.
- v) The Commission shall take the final decision on the candidate to be selected for the post of cost-free SNE from among the other candidates submitted by all the Member States that have concluded such an administrative arrangement. The decision shall be made within a reasonable period following the selection interviews, taking account of the total number of interviews held for each post.
- vi) The successful candidate shall take up his or her duties after official confirmation by the Commission of the finalisation of the administrative procedure as set out in Decision C(2088) 6866 (attached) and by means of an exchange of letters between DG RELEX and the Permanent Representation in Brussels of Austria. The date on which he or she takes up duty shall be agreed on between the parties before the expert leaves to begin the secondment.

4. PROVISIONS APPLICABLE TO EXPERTS

- i) The cost-free secondment of national experts to the Delegations of the European Union shall take place in accordance with the decision attached at annex and the procedures agreed on between the parties solely by means of correspondence between the Commission (DG RELEX) and the Permanent Representation of Austria.
- ii) The duration of the cost-free secondment of national experts to the Delegations of the European Union shall be a minimum period of one year and may be extended on successive occasions for a total duration not exceeding four years.
- iii) Remuneration of experts and the allowances and other expenses provided for in Chapter III of the Rules on the secondment to the Commission of national experts (subsistence allowances, travel expenses, removal costs and accommodation and related security costs) shall be covered by Austria in accordance with its own rules and procedures.

- iv) The Commission shall make available to experts the necessary work infrastructure (office space and furniture, supplies, computer, telephone and secretarial support), shall alone determine the missions to be carried out by the experts in the interests of the service and shall cover their expenses in accordance with the Commission Decision attached.
- v) During their secondment experts shall come under the authority of the Head of Delegation in their country of employment. SNEs shall carry out their duties in accordance with the job description drawn up by the Commission and shall conduct themselves solely with the interests of the European Union in mind, in accordance with Article 7(1) of the above Decision. They shall not take instructions from Austria or any other administration or authority.
- vi) On taking up their duties, experts shall be deemed to be part of the Delegation staff.
- vii) Experts in delegations, where they have a diplomatic passport, may benefit from diplomatic status and shall receive a diplomatic title in accordance with the rules applicable in the Commission. In other cases, the Commission shall present experts to the authorities of the host country as part of the Delegation's administrative and technical staff with a view to the application of Article 37(2) of the Vienna Convention on diplomatic relations.
- viii) In the event of a crisis, any decision to evacuate EU staff and their families shall apply automatically to experts and their family.

5. ENTRY INTO FORCE AND DURATION

- i) This agreement shall enter into force on the date on which it is signed by the two parties and is concluded for four years. Its terms and conditions may be amended and its duration extended by common agreement between the parties by means of a simple exchange of letters.
- ii) Each of the parties may at any time terminate this agreement, which shall end three months after receipt by the other party of the letter terminating the agreement.

The terms of this agreement shall continue to take effect after it has ended until the agreed expiry of the secondments in progress.

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For the Directorate-General
of the European Commission

For the Federal Ministry for European and
International Affairs of the Republic of Austria

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Chargé d'Affaires a.i.

Date: 13.8.2010

Date: 12.8.2010

Annex: Commission Decision C(2008) 6866 of 12 November 2008