

EMA/85885/2025
Executive Director

Decision of the Executive Director

On rules governing the secondment of national experts to the EMA

THE EXECUTIVE DIRECTOR

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) It is highly desirable to foster the exchange of professional experience in and knowledge of, European policies by temporarily assigning to the Agency experts from the administrations of the Member States of the European Union (EU). For the same reason, SNEs should also be available from the Member States of the European Free Trade Area (EFTA), candidate countries and public intergovernmental organisations (IGOs).
- (3) In order to ensure that the Agency's 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 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) In order to avoid any conflict of interests, the rights and obligations of SNEs set out in this Decision should ensure that they carry out their duties solely in the interests of the Agency.
- (5) In view of their special status, it should be stipulated that SNEs acting alone will not exercise any of the responsibilities that belong to the Agency by virtue of the powers conferred upon it, unless specially empowered to do so in writing by the Executive Director.
- (6) It is desirable to simplify the rules on working conditions and allowances applicable to SNEs by bringing them as much as possible in line with the Staff Regulations of Officials and the Conditions



of Employment of Other Servants of the European Union, but without actually assimilating SNEs to these categories.

- (7) Steps should be taken to make it easier to review daily and monthly allowances, taking account of changes in the basic salaries of European Union officials in Brussels and Luxembourg.

HAS DECIDED AS FOLLOWS:

Article 1 Scope and definitions

1. These Rules are applicable to national experts seconded to the Agency, hereinafter referred to as Seconded National Experts ("SNEs").

SNEs are staff employed by a national, regional or local public administration or an IGO, who are seconded to the Agency 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.

2. The persons covered by these Rules should have worked for their employer on a permanent or contract basis, for at least 12 months, save for duly justified exceptions, 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 Agency of any change 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 Agency, without notice, in accordance with Article 10(2) (c).

3. Notwithstanding the second subparagraph of paragraph 1, the Executive Director may authorise the secondment of an SNE from an employer other than a State public administration or an IGO if the interests of the Agency 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, on a case-by-case basis, authorise the secondment of an SNE by an employer that does not meet one or more of the above criteria.

4. Except where the Executive Director grants a derogation, an SNE must be a national of an EU or EFTA Member State or a candidate country as decided by the Council. The Agency shall take account of geographical and gender balance and the principle of equal opportunities.
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 whose secondment does not entail any costs borne by the Agency.
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 candidate country as decided by the Council, or from an IGO, as part of an agreement and/or exchange programme with the Agency.
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 needs of service, the geographical balance and the work to be carried out.
4. Cost-free SNEs shall be taken into account in the final allocation of human resources when establishing the Agency's budget.

Article 3 Call for expression of interests

1. The calls for expression of interests for SNEs are published on the Agency's website. Applications can be sent by interested candidates by submitting an application in the EMA job portal, Jobs@EMA.europa.eu.
2. Secondment shall be effected by an exchange of letters between the Executive Director and the employer. A copy of the rules applicable to national experts on secondment to the Agency shall be attached to the exchange of letters.

Article 4 Period of secondment

1. The initial period of secondment must not be less than six months or more than two years. It may be renewed once or more, up to a total period not exceeding four years. Exceptionally, at the request of the Division or Task Force concerned and 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 period of secondment shall be fixed at the outset in the exchange of letters provided for in Article 3(2). The same procedure shall apply in the case of a renewal of the period of secondment.

3. An SNE who has already been seconded to the Agency may be seconded to it a second time subject to any relevant internal rules laying down maximum periods during which such persons may be present in the Agency's Divisions or Task Forces, 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 a new secondment; if at the end of the first secondment, the SNE received an employment contract with the Agency, the duration of that contract or secondment shall be taken into account when calculating the six-year period referred to above.

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

1. The place of secondment shall be the place where the Agency has its seat.
2. The Agency may decide to second an SNE remotely, if compatible with the interest of the service, meaning that the place of secondment for the SNE will be outside of the location of the Agency. In these conditions the Article 7(1i), Article 11(3), Article 17, Article 20 and Article 21 shall not apply.
3. An SNE seconded remotely may occasionally be requested to attend the Agency's headquarters in person, if the interests of the service so require.¹ In such incidences, written confirmation of the Head of Division or Task Force is required. The SNE shall follow the provision of the Guide to missions and authorised travel in force at the Agency.²

Article 6 Duties

1. SNEs shall assist the Agency's temporary agents, performing the tasks assigned to them based on their professional knowledge and experience. They may not perform middle or senior management duties, even when deputising for their immediate superior.
2. SNEs shall take part in missions or external meetings only if accompanying a temporary agent or acting alone as an observer or for information purposes.

However, the Executive Director may give a specific mandate for one or more missions to an SNE after having ensured that there is no potential conflict of interest. The Executive Director may delegate this prerogative to the Head of Division or the Head of Task Force of the SNE concerned. In such cases the SNE shall receive clear written instructions from the Executive Director or Head of Division or Task Forces on the position to be adopted during the missions or meetings in question. Under no circumstances may an SNE on his own represent the Agency

¹ For remote SNE's the place of employment for the purpose of the implementation of the mission rules is the place of secondment

² Articles 11 and 12 of Annex VII to the Staff Regulations and the provisions implementing these Articles shall apply *mutatis mutandis*.

with a view to entering into commitments, whether financial or otherwise, or negotiating on its behalf.

An SNE may however represent the Agency in legal proceedings as co-agent with a temporary agent and may as such act on his behalf.

3. The Agency shall remain solely responsible for approving the results of any tasks performed by an SNE and for signing any official documents arising from them.
4. The Divisions or Task Forces concerned in the Agency, the SNE's employer and the SNE must ensure that there is no conflict of interest or appearance of such conflict in relation to the SNE's duties while seconded to the Agency.

For this purpose, the Division or Task Force to which it is intended to assign the SNE shall provide the SNE and the employer with full information about the intended duties a reasonable time before the start of the secondment, and shall ask the SNE and the employer to confirm in writing that they do not know of any reason why the SNE should not be assigned to those duties. This is of particular importance in the case of an SNE engaged on a part-time basis. No conflict between the duties assigned at EMA and the duties they will continue to carry out for their employer shall exist. The SNE shall also be asked to declare any potential conflict between his family circumstances and the proposed duties while on secondment. In particular, he shall declare the professional activities of the household members or any financial interests of his own, or of those persons.

The employer and the SNE shall be asked to undertake to declare any change of circumstances during the secondment which could give rise to any such conflict, or appearance of conflict, to the Administration and Corporate Management Division of the Agency.

The Administration and Corporate Management Division shall keep all such exchanges of correspondence in its records and shall produce it to the Executive Director on request.

5. Where the Executive Director considers that the nature of the Agency's activities requires particular security precautions, security clearance shall be obtained prior to recruitment.
6. Failure on the part of the SNE to comply with his obligations arising under the provisions of paragraphs 2, 3 or 4 shall entitle the Agency, if it sees fit, to terminate the secondment of the SNE under the terms of Article 10.

Article 7 Rights and obligations

1. During the period of secondment:
 - a) The SNE shall carry out his duties and shall conduct himself solely with the interests of the Agency in mind. He shall neither seek nor take instructions from any government, authority, organisation or person outside the Agency. He shall carry out the duties assigned to him objectively, impartially and in keeping with his duties of loyalty to the Agency.
 - b) The SNE wishing to engage in an outside activity, whether paid or unpaid, or to carry out any assignment outside the Agency shall be subject to the Agency's rules on prior

authorisation for outside activities for temporary agents³. The Agency 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 harassment⁴.
- 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 it falls in the performance of his duties to deal with such a matter, he shall inform his Head of Division or Task Force immediately who shall take any appropriate measure, and may, in particular, relieve the SNE from responsibility in this matter.
- e) The SNE will be required to make a new public declaration of interest upon starting their secondment. The SNE may neither keep nor acquire, either directly or indirectly, in undertakings which are subject to the authority of the Agency or which have dealings with the Agency, any interests might impair his independence in the performance of his duties. The SNE should adhere to all policies and decisions relating to staff members that apply to them by analogy on the handling of competing interests in force at the Agency. An SNE cannot simultaneously serve as a national expert and as a member of any Committee, Working Party, Advisory Body, or any other external working group established under the EMA's umbrella (auspices).
- f) The SNE shall refrain from any unauthorised disclosure of information received in the line of duty and i after the termination of secondment, unless that information has already been made public or is accessible to the public. On taking up duty, the SNE shall sign a declaration of confidentiality.
- g) The SNE has the right to freedom of expression, with due respect to the principles of loyalty and impartiality. The SNE who intends to publish or causes to be published, whether alone, or with others, any matter dealing with the work of the Agency shall inform his Head of Division or Task Force in advance. Where the Head of Division or Task Force is able to demonstrate that the matter is liable seriously to prejudice the legitimate interests of the Agency, the Head of Division or Task Force shall inform the SNE of its 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 Division or Task Force shall be deemed to have had no objections.
- h) All rights in any work done by the SNE in the performance of his duties shall be the property of the Agency.
- i) 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.e. continental Netherlands); SNEs to which Article 5.2 applies are exempt from this obligation.

³ Article 12b of the Staff Regulations and the provisions implementing this Article shall apply mutatis mutandis.

⁴ Article 12a of the Staff Regulations and the provisions implementing this Article shall apply mutatis mutandis.

- j) Based on his professional knowledge and experience, the SNE shall assist and tender advice to the superiors in the Agency 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 Agency, if it sees fit, to terminate the secondment of an SNE pursuant to Article 10.
- 3. After termination of the secondment, an SNE shall continue to have a duty of loyalty to the Agency 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 appointments or benefits.

Upon leaving, during the time period equivalent to the length of the secondment or within two years whichever is the shorter period, SNEs are requested to inform EMA of any occupational activity, paid or unpaid, they engage in. The SNE's are also requested to inform their employer that released them to EMA about this new occupational activity.⁵ Returning to their current employer or taking up employment at a European institution or body in the meaning of the Treaty on European Union and/or the Staff Regulations does not trigger the obligation to inform the Agency. Within 30 working days from the date of the SNE's request for engaging in an occupational activity, the Agency will communicate any objection or concerns to the SNE regarding his/her request. No reaction from the Agency after 30 working days implies tacit agreement to the occupational activity stated in the request.

Article 8 Professional experience and knowledge of languages

- 1. To qualify for secondment to the Agency an SNE must have at least three years' experience of administrative, scientific, legal, 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 Union and in the Conditions of Employment of Other Servants of the European Union.
- 2. An SNE must have a thorough knowledge of English (the Agency's official language), and a satisfactory knowledge of a second language, 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 Agency may authorise suspensions of periods of secondment and specify the terms applicable. The Agency may also ask for a suspension of the secondment in the interest of the service. During such suspensions:
 - a) the subsistence allowances referred to in Article 17 shall not be payable;

⁵ For completeness, if the SNE's employer that seconded the SNE to EMA requests this information from the Agency, it will be released in accordance with Article 9 of Regulation (EU) 2018/1725 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data.

- b) the expenses referred to in Article 20 shall be payable only if the suspension is at the Agency'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 secondment may be terminated at the request of the Agency or of the SNE's employer, on the party concerned giving three months' notice to the other party. It may also be terminated on giving the same notice at the SNE's request, subject to the agreement of the Agency 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 Agency and the employer acting jointly, on request by the SNE to both parties, if the SNE's personal or professional interests so require;
 - c) by the Agency in the event of a failure by the SNE or his employer to respect his obligations under this Decision.

In the event of termination under point (c), the Agency shall immediately inform the SNE and his employer accordingly.

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 to the Agency that he will remain, throughout the period of secondment, subject to the social security legislation applicable to the public administration that employs him and will assume responsibility for expenses incurred abroad⁶.
- 2. Before the period of secondment begins, the SNE's employer shall provide the Agency with the certificate referred to in Article 11(1) of Council Regulation (EC) No 987/2009 of the European Parliament and of the Council if applicable.
- 3. From the day on which their secondment begins, SNEs shall be covered by the Agency against the risk of accident. Each accident should be communicated to the Agency without delay and no later than two working days.⁷

Article 12 Working hours

- 1. The working hours for SNEs shall be the same as those determined in the rules on hours of work in force at the Agency⁸.

⁶ The SNE shall arrange for a certificate of entitlement to healthcare in the Netherlands by using the relevant [forms](#) for posted workers. An information note will be sent with the initial exchange of letters.

⁷ The copy of the insurance summary and procedure to follow can be found [here](#) under Accident insurance at the Agency's microsite

⁸ Articles 55 to 56c of the Staff Regulations and the provisions implementing these Articles, as appropriate, mutatis mutandis.

2. The SNE shall serve on a full-time basis throughout the period of secondment. Following a duly justified request originating from the Division or Task Force to which the SNE is assigned and subject to compatibility with the interests of the Agency, the Executive Director may authorise the use of part-time working by an SNE after agreement by her or his employer. In this case the SNE shall be entitled, during the period of secondment, to a percentage of the daily subsistence allowance corresponding to the percentage of the time worked, as laid out in Article 17. The amount of annual leave shall also be reduced accordingly.

Article 13 Sick leave

1. The rules in force at the Agency on absence due to sickness or accident shall apply to SNEs⁹.
2. Where the period of sick leave exceeds three months or it exceeds the period of service performed by the SNE, whichever is longer, the allowances referred to in Article 17 shall be automatically suspended. This provision shall not apply in the event of illness linked to pregnancy.

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 allowance in full throughout the period during which they are unfit for work. These allowances shall not, however, be paid beyond the end of the secondment.

Article 14 Annual and special leave

1. With exception of the provisions relating to grade, the rules in force at the Agency on annual leave, special leave and supplementary home leave, applicable to temporary agents, shall apply to SNEs.⁶
2. Leave is subject to prior authorisation by the service to which the SNE is assigned. In case of unauthorised leave within the meaning of Article 60 of the Staff Regulations, 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 paid special leave in a 12-month period to visit his employer.
4. SNE's seconded remotely under Art.5.2. are not entitled to supplementary home leave.
5. Days of annual leave not taken by the end of the secondment shall be forfeited.

Article 15 Maternity, parental and family leave

1. The rules in force at the Agency on maternity leave shall apply to SNEs¹⁰. While on maternity leave the SNE shall receive the subsistence allowances as set out in Article 17.

⁹ Articles 59 and 60 of the Staff Regulations and the provisions implementing these Articles shall apply mutatis mutandis.

⁶ Articles 57 and 59a of and the Annex V to the Staff Regulations and the provisions implementing these Articles shall apply mutatis mutandis.

¹⁰ Article 58 of the Staff Regulations and the provisions implementing this Article shall apply mutatis mutandis.

2. Where the relevant rules binding the employer of the SNE provide for a period of maternity leave longer than that granted by the Agency or parental leave or family leave granted by the employer, the secondment may, at the SNE's request, be suspended and the provisions of Article 9 shall be applied for the period exceeding that granted by the Agency.

A period equivalent to the suspension shall be added to the end of the secondment if the interests of the Agency warrant it.

3. An SNE may, as an alternative, apply for a suspension in the secondment to cover the sum of the periods allowed for maternity, parental or family leave granted by the employer. In that case, the second subparagraph of paragraph 2 shall apply.
4. The rules in force at the Agency on parental and family leave shall not apply to SNEs.

Article 16 Management and control

Management and control of leave, working time and absences shall be the responsibility of the line manager of the organisational entity to which the SNE is assigned.

Article 17 Subsistence allowances

1. SNEs 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 shall be €195.37 per calendar day of the secondment;
- the monthly subsistence allowance shall be paid for each month of the secondment in accordance with the following table:

Distance between the place of origin and the place of secondment (km)	Amount in EUR
0 – 150	0
> 150	125.58
> 300	223.26
> 500	362.83
> 800	586.10
> 1300	921.02

> 2000

1,102.46

2. These subsistence allowances shall be granted under the same conditions as the expatriation allowance for statutory staff members ¹¹.
3. In the case of cost-free SNEs, the exchange of letters referred to in Article 3(2) shall stipulate that the allowances and expenses referred to in this article and articles 18 and 20, shall not be paid.
4. In case where SNEs are seconded remotely, and their place of secondment remains at their place of origin outside of the location of the Agency, the subsistence allowance shall not be paid.
5. The daily subsistence allowances shall be payable for every day of the week and the monthly subsistence allowance shall be paid for every full month of the secondment, including during periods of mission, annual leave, special leave and holidays granted by the Agency, unless otherwise indicated.

The adjustments to remuneration adopted by the Council pursuant to Article 65 of the Staff Regulations shall apply automatically to the subsistence allowance in the month following their adoption.¹²

The subsistence allowances shall be subject to weighting (i.e. correction coefficient) set by the Council pursuant to Article 64 of the Staff Regulations applicable to the Netherlands.

The adjustment of the subsistence allowances shall apply automatically in the next month from the official update of remuneration and weighting, without a retrospective effect.

The Administration and Corporate Management Division of the Agency shall be responsible for implementing this provision and shall publish the new rates for subsistence allowances on the Agency's intranet.

6. When the SNEs start the secondment, the first 75 days of the subsistence allowances to which they are 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 last 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 will be paid by the 15th day of the following month. If the secondment is ended during the first 75 days, the SNEs shall return the amount corresponding to the remainder of that period.
7. The SNEs shall inform the Administration and Corporate Management Division of the Agency of any similar payments received from other sources, for instance from a SNE's employer. Any such amounts shall be deducted from the corresponding allowance paid by the Agency pursuant to paragraph 1.

¹¹ Article 4 of Annex VII of the Staff Regulations and the provisions implementing this article shall apply *mutatis mutandis*.

¹² deferred parts of the salary update with the effective date

8. The daily and monthly subsistence allowances are intended to cover on a flat rate basis the living expenses of SNEs in the place of secondment and shall in no circumstances be construed as remuneration paid by the Agency. SNEs benefit from the application of the provisions of Article 18(1)¹³ of the Agency's Seat Agreement¹⁴. The daily and monthly allowances shall be paid by the 15th day of each month.

Article 18 Possible reimbursement of remuneration to the SNEs' employer

1. If its interests so require, the Agency may reimburse to the SNEs' employer all or part of the SNE's gross remuneration during the period of secondment under an agreement to be concluded in advance of the secondment and recorded in the exchange of letters provided for in Article 3(2).

The reimbursement of remuneration is subject to the budget allocation approved by the Agency in view of seconding the SNEs to strengthen the Agency's contribution to the mission of public and animal health in the European Union.

2. The gross remuneration reimbursable by the Agency to the SNEs' employer (hereinafter referred to as 'a salary refund') shall constitute the SNE's gross salary, allowances, employer and employee social security costs and taxation. Any optional or other administrative costs¹⁵ related to an SNE's remuneration shall not be reimbursed by the Agency.
3. The reimbursement of gross remuneration is subject to the maximum monthly reimbursement ceiling defined as the total cost of the monthly basic salary of a temporary agent at grade AD12 step 1. On the date of entry into force of this Decision, the maximum monthly reimbursement ceiling shall correspond to the amount of €14,178.56.
4. The adjustments to remuneration adopted by the Council pursuant to Article 65 of the Staff Regulations shall apply automatically to the reimbursement ceiling in the month following their adoption.¹⁶

The adjustment of the reimbursement ceiling shall apply automatically in the next month from the official update of remuneration and weighting, without a retrospective effect.

The reimbursement ceiling shall be applied pro-rata in case when the agreed working time of a SNE is on a part-time basis (i.e. less than 100%).

The Administration and Corporate Management Division of the Agency shall be responsible for implementing this provision and shall publish the revised ceiling on the Agency's intranet and inform the SNEs' employer.

¹³ "any emoluments, allowances and other payment that are paid by the Agency to the seconded national experts shall be exempt from taxation in the host State."

¹⁴ [wetten.nl - Regeling - Verdrag tussen het Koninkrijk der Nederlanden en het Europees Geneesmiddelenbureau betreffende de vestiging van het Europees Geneesmiddelenbureau - BWBV0006741](#)

¹⁵ e.g. payroll maintenance, administrative overhead costs

¹⁶ deferred parts of the salary update with the effective date

5. The reimbursement of remuneration shall be based on and shall not exceed the gross remuneration declared by the SNE's employer in the duly signed Expenses and Allowance Declaration from the Employer. In the event of any changes to the gross remuneration, an amended declaration shall be provided electronically to SNEfinancial@ema.europa.eu in a timely manner.
6. Should reimbursement of remuneration be agreed between the parties, the employer shall invoice the Agency on a monthly basis following the completion of each month of the secondment. Such invoices shall be sent exclusively via e-mail to SNEfinancial@ema.europa.eu no later than sixty days after the month for which the remuneration shall be reimbursed.
7. Invoices for reimbursement of SNE remuneration shall be exclusive of VAT and duties. The Agency is a decentralised agency of the European Union and as such it is exempt from VAT and duties, pursuant to Article 3 and 4 of the Protocol on Privileges and Immunities (PPI) of the European Union of 8 April 1965 (Protocol 7). The PPI is applicable in all the Member States. Furthermore, the Agency does not have an economic activity and therefore it is not taxable under Article 9 of Council Directive 2006/112/EC on the common system of value added tax (VAT).
8. Expenses resulting from the reimbursement shall be charged against the SNE allocation of the Agency's general budget.

Article 19 Place of origin and place of secondment

1. For the purposes of this Decision, the place of origin shall be the place where the SNE performed his duties for his employer at the time of the start of his secondment. The place of secondment shall be the place where the Agency is located, except for Article 5(2) (where the SNE is seconded remotely)¹⁷. Both places shall be identified in the exchange of letters mentioned in Article 3(2).
2. If, on a date six months before his secondment to the Agency as an SNE, a national expert already has his main residence in a place other than where the employer is located, the place of origin shall be deemed to be whichever of the places is closer to the place of secondment.

Article 20 Travel expenses

1. SNEs other than those seconded cost-free, shall be entitled to a flat-rate payment towards the cost of their travel between their place of origin and the place of secondment, as defined in Article 19, at the beginning and end of their secondment. This entitlement is also granted for the SNE's spouse and/or dependants living in the same household as the SNE and changing the place of residence.
2. The flat-rate payment shall be based on the kilometric distance in accordance with the relevant rules and conditions in force at the Agency¹⁸.

¹⁷ For remote SNE's the place of employment for the purpose of the implementation of the mission rules is the place of secondment.

¹⁸ Article 7(1) and (2) of Annex VII to the Staff Regulations and the provisions implementing these Articles shall apply mutatis mutandis.

3. By way of derogation from paragraph 1, SNEs who prove that they have changed the place at which they will be primarily employed after the end of the secondment shall be entitled to reimbursement of the travel expenses to that place under the conditions laid down in paragraph 2. However, the reimbursement may not involve the payment of a sum higher than that to which he is entitled in case of return to the place of origin.
4. The Agency shall not reimburse any expenses referred to in the preceding paragraphs where they have actually been met or reimbursed by the employer or any other body. For this purpose the SNE shall declare any such payments or reimbursements to the Agency.

Article 21 Missions

1. SNEs may be sent on mission (duty travel) subject to Article 6¹⁹ of this decision.
2. All mission arrangements and conditions shall follow the established processes, tools and rules in force at the Agency such as the Guide to missions and authorised travel ²⁰.

Article 22 European Schools

The Agency will cover registration and attendance fees for the SNE's dependent children²¹ attending the primary or secondary establishments of any of the two European Schools located in the Netherlands.²² There is no provision to cover the expenses for school transport, nursery/crèche, preschool or afterschool childcare, school trips or any other costs.

Article 23 Training

SNEs shall be entitled to attend training courses organised by the Agency, if the interests of the Agency warrant it. The reasonable interests of the SNE in attending, in particular in the light of his reintegration into his original administration following secondment, shall be considered when a decision is taken on whether to permit attendance.

Article 24 Administrative Arrangements

The SNE shall report to the Agency's Administration and Corporate Management Division on the first day of the secondment to complete the relevant administrative formalities. He shall take up duty on either the first or the sixteenth day of the month.

Article 25 Complaints

Without prejudice to the possibilities for instituting proceedings after taking up his position, under the conditions and time limits laid down in Article 263 of the Treaty on the Functioning of the European Union, any SNE may submit to the Executive Director of the Agency a complaint against an act under

¹⁹ For remote SNE's the place of employment for the purpose of the implementation of the mission rules is the place of secondment.

²⁰ Articles 11 and 12 of Annex VII to the Staff Regulations and the provisions implementing these Articles shall apply *mutatis mutandis*.

²¹ 'Dependent children' means the legitimate, natural or adopted children of an SNE, or of his/her spouse, who is actually maintained by the SNE within the meaning of Article 2.2 of Annex VII of the Staff Regulations. Documentary proof may be required.

²² Class P1 and onwards at [European School Bergen](#) or [European School of The Hague](#)

this Decision by the Agency, adversely affecting him, with the exception of decisions which are direct consequences of decisions taken by his employer.

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 Executive Director 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.

Article 26 Entry into force

1. This Decision shall take effect on 01 October 2025
2. With effect from that date it shall apply to SNEs taking up duty.
3. Any SNE contracts that have been concluded and signed prior the entry into force of those rules and those SNEs who are currently on secondment and have acquired the eligibility to receive daily subsistence allowance and full monthly allowance will keep the right until the end of secondment at EMA. Any SNE's contracts that have been concluded and signed prior the entry into force of those rules will not be affected with the established ceiling for reimbursement until the end of secondment at EMA.
4. The Decision of the Executive Director of 30 November 2022 (EMA/194397/2022) on rules governing the secondment of national experts to the EMA is hereby repealed.

Amsterdam,

Emer Cooke
Executive Director