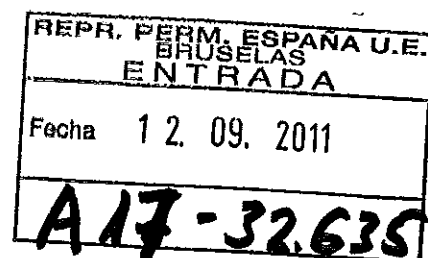




European Ombudsman

Ref.:022501

P. Nikiforos Diamandouros  
European Ombudsman



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M. Luis Planas Puchades  
Ambassadeur  
Représentation Permanente de l'Espagne auprès  
de l'Union européenne  
Boulevard du Regent, 52  
1000 BRUXELLES  
BELGIQUE

Strasbourg, 09/09/2011

Re.: Seconded national officials

Your Excellency,

As European Ombudsman, I am entrusted with the task of investigating complaints submitted by European citizens against EU institutions and bodies. In this context, I receive numerous complaints from all the Member States and my teams of legal officers deal with them on a daily basis.

In order for me and my services to (a) get better acquainted with important issues and the administrative cultures prevailing at national level, and (b) to exchange best practices and to develop solid cooperation in dealing with complaints, my predecessor and I established the European Network of Ombudsmen. The Network comprises ombudsmen from all 27 Member States and has proven to be a particularly effective instrument in promoting those goals.

As a further step in the same direction, I have decided to welcome seconded national officials (SNOs) into my legal teams. I am persuaded that such an eventuality would prove to be mutually beneficial. SNOs will derive valuable insights about the EU institutions and bodies that are subject to my inquiries and my colleagues will, in turn, get first hand information as regards best practices in the national administrations.

SNOs working in my Office continue to be employed and paid by their institution of origin and, in addition, receive a daily subsistence allowance amounting to EUR 130 per calendar day paid by the European Ombudsman. Detailed information about these conditions of employment can be found in the enclosed documents.

I would be grateful if your services could assist me in identifying suitable candidates and in guiding me through the necessary practical arrangements, once I have made my selection. The first step in this process would be for your office to identify a maximum of two interested candidates who, in your view, would be suitable for the job in question. To assist you in



this task, I enclose a copy of the relevant call for expression of interest issued by my office.

I greatly appreciate your cooperation in this matter, remain at your disposal for any additional information or clarification you may require, and look forward to receiving your recommendations.

Yours sincerely,

P. Nikiforos Diamandouros

Enclosures:

- Call for expression of interest n° OMB/05/2011
- Rules applicable to the secondment of officials and agents from international, national, regional and local public administrations and bodies to the European Ombudsman + amendment of 25.07.2011



European Ombudsman

P. Nikiforos Diamandouros  
European Ombudsman

## Call for expression of interest N° OMB/05/2011, for the selection of Seconded national officials

The European Ombudsman has decided to address to the Member States' Representations in Brussels a call for expression of interest open to officials of their national regional or local civil services, who would like to be seconded to the European Ombudsman's Office. According to the rules on "*Seconded national Officials*" (SNO) adopted by the European Ombudsman on 15 January 2004, the person(s) selected may be seconded to the European Ombudsman's Office for a period of one year renewable up to a maximum of three years.

### 1. Place of assignment

The SNO will be assigned to the European Ombudsman's offices in Strasbourg or Brussels. The person selected might be asked to go on mission to working places of other institutions and may also be called upon to go on mission to countries in or outside the European Union.

### 2. Equal opportunity employer

The European Ombudsman is an equal-opportunity employer who encourages applications from qualified men and women. He does not discriminate on the basis of, among others, age, disability, race, religion, or sexual orientation.

### 3. Nature of functions

- Legal work involving the analysis of complaints submitted to the European Ombudsman;
- drafting notes and proposing decisions for the European Ombudsman's signature, as well as other legal documents relating to his inquiries and correspondence with citizens;
- contributing to the drafting of the European Ombudsman's annual report;
- assisting the European Ombudsman in the preparation of his external activities or representing the institution at certain public events.



## 4. Eligibility

The procedure is open to candidates who, on the closing date for applications, fulfil the following conditions:

### General conditions

- Candidates must be nationals of one of the Member States of the European Union;
- candidates shall remain employed in their institution or service of origin;
- candidates shall have been employed by their current employer for at least one year.

### Specific conditions

#### Professional experience

Three years of professional experience of administrative, advisory or supervisory duties in an international, national, regional or local public administration or body.

#### Qualifications

A level of education which corresponds to completed university studies attested to by a diploma in the legal domain.

#### Knowledge

- a good general knowledge of European affairs;
- a thorough knowledge of European Union law, including public administrative law, as well as of the case-law of the EU courts;
- knowledge of two official languages of the European Union. A thorough knowledge of English is required in order to facilitate the daily work of the office and the drafting of legal texts in this language. The knowledge of further official languages would be an advantage.

#### Skills

- excellent legal skills;
- very good writing and communication skills;
- an ability to adapt to an international and multicultural environment;
- ability to cope effectively with a changing environment;
- ability to work in a team;
- commitment to a culture of service towards citizens and institutions;
- strong organisational skills.



## 5. Submission of applications

Application files<sup>1</sup> must refer to call for expression of interest N° OMB/05/2011 and must include:

- A letter stating the reasons for applying;
- A copy of the applicant's curriculum vitae, including his/her contact details;
- Copies of diplomas;
- Copies of documents proving professional experience (if applicable), clearly indicating the starting and finishing dates and the exact nature of the duties carried out, and establishing that candidates possess the experience and the knowledge required;

Applications from civil servants interested in being seconded must be sent to the Permanent Representation of their Member State in Brussels. The Permanent Representation will convey to the European Ombudsman's Office a **maximum of two suitable applications before 31/10/2011**. After conducting the necessary selection, the European Ombudsman will inform the Permanent Representation and the applicants concerned of the selection he has made.

Strasbourg,

- 9 SEP. 2011

P. Nikiforos Diamandouros

<sup>1</sup> The processing of personal data by the European Ombudsman is governed by Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data, OJ 2001 L 8, p. 1. By submitting an application for a post within the European Ombudsman's Office, the applicant is understood, in the sense of Article 5(d) of the Regulation, to have given his/her consent to the processing of the personal data contained in the application and the supporting documents enclosed therewith. The personal data in question are collected by the European Ombudsman's Office for the sole purpose of the present selection procedure. Applicants have a right to access and to rectify their own personal data kept by the European Ombudsman's Office.

Personal data concerning unsuccessful applicants shall be destroyed two years after the selection was finalised. Applications handed in for the present selection procedure shall not be taken into consideration for future selections.

Personal data concerning the successful applicant shall be kept by the European Ombudsman's Office and might be transferred to other Community institutions for administrative purposes.

# THE EUROPEAN OMBUDSMAN

  
P. NIKIFOROS DIAMANDOUROS

**RULES APPLICABLE TO THE SECONDMENT OF OFFICIALS AND AGENTS  
FROM INTERNATIONAL, NATIONAL, REGIONAL AND LOCAL PUBLIC  
ADMINISTRATIONS AND BODIES TO THE EUROPEAN OMBUDSMAN**

**AND**

**TO THE SECONDMENT OF EUROPEAN OMBUDSMAN OFFICIALS AND OF  
TEMPORARY AGENTS TO INTERNATIONAL, NATIONAL, REGIONAL AND  
LOCAL PUBLIC ADMINISTRATIONS AND BODIES**

## THE EUROPEAN OMBUDSMAN

**HAVING REGARD TO** Article 11 points 1 and 4 and to Article 14 of the European  
Ombudsman's statute<sup>1</sup>

**AFTER** consulting the Joint Committee

**WHEREAS** it is in the interest of the European Ombudsman to ensure  
greater collaboration and close working relationships  
between the European Ombudsman's services and those of  
the national or regional or local Ombudsmen from the  
Member States and candidate States

**WHEREAS** it can be also of interest to strengthen the co-operation with  
international organisations of the Ombudsmen's world and  
eventually to develop exchanges of information and  
experience within the world network of Ombudsmen

**HAS DECIDED**

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<sup>1</sup> European Parliament decision of 9 March 1994 on the regulations and general conditions governing the performance of the European Ombudsman's duties, OJ L 113, 04.05.1994, page 15.

## **CHAPTER I: SCOPE OF THE RULES**

### **Article 1 – Scope and Definition**

The Rules under Chapter II shall apply to officials and other agents (referred to below as "SNO"s) seconded to the Secretariat of the European Ombudsman by international, national, regional or local public administrations or bodies.

The rules under Chapter III shall apply to European Ombudsman officials and temporary agents engaged for an indefinite period seconded to international, national, regional or local public administrations or bodies.

Officials of the European Ombudsman seconded within the meaning of these rules shall maintain their status of "active employment" foreseen in article 35 (a) of the staff regulations for officials during their temporary assignment. Temporary agents of the EO seconded according with such rules shall also retain their administrative status.

## **CHAPTER II: RULES GOVERNING SECONDMENT OF NATIONAL OFFICIALS AND AGENTS FROM INTERNATIONAL, NATIONAL, REGIONAL AND LOCAL PUBLIC ADMINISTRATIONS AND BODIES TO THE EUROPEAN OMBUDSMAN**

### ***Section A: General provisions of employment***

#### **Article 2 - Conditions of secondment**

1. Except where the European Ombudsman grants a derogation, SNOs must be nationals of a Community Member State or of a state which has applied for accession, on condition that the accession process has been launched and has not been discontinued.

Derogations shall not be required for SNOs from countries belonging to the European liaison network of Ombudsmen.

When admitting SNOs, account shall be taken of geographical and gender balance and equality of opportunity.

2. In order to be admitted as an SNO in the European Ombudsman, SNOs shall remain employed in their administration of origin throughout the period of secondment. At the time of secondment, their current employer shall have employed the SNO for at least one year.
3. Secondment shall be implemented by an exchange of letters between the European Ombudsman and the responsible person from the international, national, regional or local public administration or body concerned.
4. Persons employed in the private sector cannot be seconded to the European Ombudsman.

5. SNOs shall be required to submit a declaration of honour stating that they are aware of, and will comply with, the duties and obligations foreseen in Articles 7 and 8 of the present rules.

**Article 3 - Basic conditions for professional experience and knowledge of languages in order to qualify for secondment**

1. To qualify for secondment to the European Ombudsman SNOs must have at least three years' full time experience of administrative, advisory or supervisory duties in an international, national, regional or local public administration or body.
2. SNOs from a Member State must have a thorough knowledge of one official EU language, and a satisfactory knowledge of a second official EU language. SNOs from a non-Member country must have a thorough knowledge of at least one official EU language. For operational reasons, knowledge of English or French is required.

**Article 4 - Period of secondment**

1. The period of secondment may be not less than one month and not more than one year; it may be renewed successively up to a total period not exceeding three years. The secondment shall commence on either the first or the sixteenth day of the month.
2. The proposed period of secondment shall be fixed at the outset in the exchange of letters provided for in Article 2, paragraph 3. The same procedure shall apply in the case of a renewal of the period of secondment.
3. SNOs who have already been seconded to the European Ombudsman may be permitted to serve on a new secondment, subject to the following conditions:
  - a. the SNO continues to fulfil the conditions of eligibility for secondment.
  - b. a period of at least three years must have elapsed between the end of the previous period of secondment and the new secondment; if at the end of the first secondment, the SNO remains within the European Ombudsman on the basis of a different, contractual arrangement, the three-year period shall begin to run from the expiry of that contract.

**Article 5 - Place of secondment**

1. The place of secondment may be one of the working places of the European Ombudsman, namely Brussels or Strasbourg.
2. The place of secondment shall be specified in the exchange of letters provided for in Article 2, paragraph 3.



### **Article 6 - Place of recruitment**

1. For the purpose of these Rules, the place of recruitment shall be the place where SNOs performed their duties prior to secondment.
2. If, on recruitment, SNOs are already on secondment on behalf of their employer in a place different from their usual place of work, the place of recruitment shall be either the last place of secondment or the usual place of work, whichever of the two is closer to the place of secondment as defined in Article 5(1).
3. The place of recruitment shall be specified in the exchange of letters provided for in Article 2, paragraph 3.

### ***Section B: Duties, rights and obligations***

#### **Article 7 - Duties**

1. SNOs shall assist European Ombudsman's staff and carry out the duties assigned to them in the context of a predetermined job description. They shall carry out their duties solely with the interest of the Communities in mind and shall neither seek nor take instructions from their employers.
2. SNOs shall take part in missions, or meetings other than service meetings, only:
  - if accompanying a European Ombudsman's member of staff, or
  - as an observer or for information purposes.

Under no circumstances, may SNOs on their own represent the European Ombudsman with a view to entering into commitments (financial or otherwise) or negotiating on his behalf.
3. The European Ombudsman shall remain solely responsible for approving the results of any tasks performed by SNOs and for signing any official documents arising from them.

#### **Article 8 – Rights and obligations**

1. The provisions of Articles 11 to 22 of the Staff Regulations concerning the rights and obligations of officials shall apply by analogy.
2. SNOs shall be subject to the code of Good Administrative Behaviour proposed by the European Ombudsman and adopted by the European Parliament.
3. SNOs shall comply with all internal rules in force within the European Ombudsman's office.
4. SNOs who so request, will be evaluated in their work in accordance with the applicable regulations in force in the EO's office.

## ***Section C: Working conditions***

### **Article 9 - Working hours**

1. SNOs shall be bound by the rules on working hours in force in the European Ombudsman's office.
2. SNOs shall serve on a full-time basis throughout the period of secondment. However, after having considered the dully justified reasons of the SNO and subject to compatibility with the interests of the service, the European Ombudsman may authorise part-time working by SNOs, following agreement by their employer. In this case, the amount of annual leave and daily allowances will be reduced in accordance with Article 11, paragraph 5, and Article 12, paragraph 3.

### **Article 10 - Interruptions in periods of secondment**

1. The European Ombudsman may authorise interruptions in periods of secondment and specify the terms applicable. During such interruptions:
  - (a) the daily subsistence allowance referred to in Article 12 shall not be payable;
  - (b) the travel expenses referred to in Article 13 shall be payable only if the interruption is at the Ombudsman's request.
2. A decision on an interruption in the period of secondment shall be taken by either the European Ombudsman or by the SNO's employer after an exchange of letters as provided in Article 2, paragraph 3.
3. The secondment may be extended for a period equal to the period of interruption, with the agreement of all parties concerned.

### **Article 11 - Sick leave, annual leave, special leave, public holidays and maternity leave**

1. The provisions of Articles 57 to 61 of the Staff Regulations, except Article 59, paragraph 1, 4th subparagraph, concerning leave and public holidays, shall apply by analogy.
2. However, the period of paid sick leave provided for in Article 59 of the Staff Regulations shall not exceed one month or a period equivalent to that already worked by the SNO, where the latter is longer. Such leave may not extend beyond the duration of the secondment of the person concerned.

At the end of the above periods the allowances referred to in Article 12, paragraph 1, shall be automatically suspended.

3. However, SNOs who are the victim of an occupational accident which occurs during the secondment shall continue to receive the allowance in full throughout the period during which they are unfit for work up to the end of the duration of the secondment.
4. Provisions in the Staff Regulations concerning days of leave which refer to travelling time, age and category are not applicable to SNOs.
5. For part-time work, annual leave is reduced accordingly.
6. Where the national legislation of the SNO's employer grants a longer period of maternity leave than the period provided for in the Staff Regulations, an interruption in the secondment shall be applied for the period exceeding that granted by the European Ombudsman.

A period equivalent to the interruption may be added to the end of the secondment if the interests of the European Ombudsman warrant it and the person in question so wishes.
7. SNOs may, as an alternative, apply for an interruption in the secondment to cover the whole of the period taken for maternity leave. Such an interruption shall likewise be subject to the provisions of paragraph 6, second subparagraph, of this Article.
8. Management and control of leave, working time and absences shall be the responsibility of the European Ombudsman's services.
9. Days of annual leave not taken by the end of the secondment shall not be reimbursable.

#### *Section D : Allowances and expenses*

##### **Article 12 - Subsistence allowances**

1. SNOs shall be entitled, throughout the period of secondment, to a daily subsistence allowance, except where their employer determines otherwise. This allowance, of € 100, - per calendar day, shall be paid monthly in arrears.
2. No daily allowance shall be paid to SNOs,
  - a) if the place of recruitment is the same as the place of secondment,
  - b) if at the time of recruitment the SNO's spouse resides at the place of secondment and
  - c) in any case where the secondment does not imply a change in the place of residence.
3. For part-time work the daily allowance shall be reduced proportionately.
4. On taking up their duties, SNOs shall receive the equivalent of 30 days' subsistence allowance paid in advance.

Once this payment has been made, there shall be no further entitlement to allowances for the corresponding period.

If SNOs definitively end their secondment with the Ombudsman before the expiry of the period taken into account for calculating the advance payment, that portion of the payment made to SNOs corresponding to the period not spent on secondment shall be recoverable.

5. The amount of the subsistence allowance for SNOs shall be subject to periodic revision, carried out on the initiative of the Head of the Administration and Finance and subject to approval by the European Ombudsman.

### **Article 13 - Travel expenses**

1. SNOs may, on a decision by the European Ombudsman, receive reimbursement of their own travel expenses, if they are not already covered by their employer.
  - From the place of recruitment to the place of secondment at the beginning of the period of secondment;
  - From the place of secondment to the place of recruitment at the end of the period of secondment.
2. The amount reimbursed shall be based on the cost of the second-class rail fare where the single journey does not exceed 500 km. Where the journey exceeds 500 km or the standard route involves a sea crossing, payment shall be based on the cost of a reduced-price (PEX or APEX) air ticket.

Tickets and boarding cards must be submitted. If SNOs have travelled by car they must submit a declaration of honour.

### **Article 14 - Missions and mission expenses**

If SNOs are sent on mission, they shall be reimbursed mission expenses in accordance with the rules and conditions relating to the payment of mission expenses in force at the European Ombudsman.

During their missions SNOs shall continue to receive the total amount of the daily allowances referred to in Article 12.

## ***Section E: Training***

### **Article 15 - Training**

SNOs may be authorised by the Ombudsman to attend professional training courses organised for the European Ombudsman's staff.

## *Section F: Social security*

### **Article 16 - Social security**

Throughout the period of secondment, SNOs will remain subject to the social security legislation applicable in their administration of origin.

Prior to secondment, the SNO's employer shall certify to the European Ombudsman that the SNO will be covered by the social security regime applicable to that civil service and that the employer will assume responsibility for expenses incurred abroad.

## *Section G: Termination of secondment*

### **Article 17 - Termination of periods of secondment**

1. Periods of secondment may be terminated before the foreseen date on the basis of duly justified grounds either from the European Ombudsman or from the SNO's employer.

Periods of secondment may also be terminated before the foreseen date at the SNO's request, subject to the prior agreement of his/her employer and the European Ombudsman.

2. Failure to comply with the provisions of Article 7, paragraphs 1 and 2, and Article 8 may cause the European Ombudsman to terminate the secondment.
3. The European Ombudsman shall take a decision on termination of secondment before the foreseen date after an exchange of letters as provided in Article 2, paragraph 3, with one month notice. This period may be shorter if special circumstances justify it.

## **CHAPTER III RULES GOVERNING THE SECONDMENT OF EUROPEAN OMBUDSMAN OFFICIALS AND AGENTS TO NATIONAL, REGIONAL, LOCAL AND INTERNATIONAL ADMINISTRATIONS**

### **Article 18 - Secondment of officials and agents of the European Ombudsman**

Officials of the European Ombudsman and temporary agents engaged for an indefinite period may, on a decision of the European Ombudsman, be seconded to a national or regional

Ombudsman's Office or similar body. This secondment shall take place with the agreement of the official or agent concerned.

Should particular reasons and the interest of the service so determine, they may also be seconded to another public body of the national, regional or local administrations of the Member States or the candidate countries, as well as to international organisations whose work is related to the Ombudsman's activities.

#### **Article 19 - Conditions of secondment**

1. These Rules shall apply to European Ombudsman officials and other agents in categories A and B.
2. At the time of secondment
  - the official must have been employed for at least one year by the European Ombudsman and he/she must have been established as an official.
  - temporary agents must have been employed for at least one year and their probationary periods must have been completed.

#### **Article 20 - Administrative and financial position**

1. Officials and agents seconded in accordance with Article 18 above shall remain subject to the Staff Regulations of Officials of the European Communities and to the Conditions of Employment of Other Servants. They shall retain their administrative assignment, rights to advancement and eligibility for promotion. The place of employment shall remain that on which the official or agent carried out his or her duties on the day before the secondment commenced.
2. During the secondment, management and control of working time and absences shall be the responsibility of the host administration.

Any application for annual or special leave authorised by the host administration shall be transmitted to the European Ombudsman.

At the end of the secondment, a list of the days of leave taken and of any other absence shall be submitted to the competent service of the European Ombudsman.
3. At the end of the secondment, an evaluation report of the official or agent shall be submitted by the host administration to the European Ombudsman. This report will be taken into account during the establishment of the annual staff report relevant to the period of secondment.
4. The European Ombudsman shall continue to pay the official's salary. If justified, he may grant a subsistence allowance equal to two-thirds of the long-term mission allowance laid down for the place of secondment. The travelling expenses incurred at

the beginning and end of the secondment shall be reimbursed in accordance with article 13 of the present rules.

However the subsistence allowance shall not be granted

- if the place of secondment is the same as the place of employment,
  - if at the time of the secondment the spouse of the official or agent reside at the place of secondment and
  - in any case where the secondment does not imply a change in the place of residence.
5. The temporarily assigned official or agent may not receive any salary, allowance or other financial compensation from the host administration without prior permission of the European Ombudsman.

#### **Article 21 - Period of secondment**

1. The duration of secondments shall be subject to a maximum of twelve months with no possibility of extension.
2. Interruptions in periods of secondment may be authorised on the basis of a duly motivated request either from the European Ombudsman or of the host administration.

During such interruptions the daily subsistence allowance, referred to in Article 20, paragraph 4, shall not be payable.

The secondment may be extended for a period equal to the period of interruption, with the agreement of all parties concerned.

In that case the travel expenses as referred to in Article 20, paragraph 4, shall be payable by the Administration having asked for the interruption.

3. An official or agent may not commence a further secondment within five years of the date of completion of a previous secondment.

#### **Article 22 - Termination of the secondment**

1. Periods of secondment may be terminated before the foreseen date at the request of any of the parties concerned.
2. With one-month notice the European Ombudsman shall take a decision on termination of the secondment before the foreseen date. This period may be shorter if special circumstances justify it.
3. At the end of the secondment the official or agent shall at once reassume the functions of his post in the EO's office.

## CHAPTER IV FINAL PROVISIONS

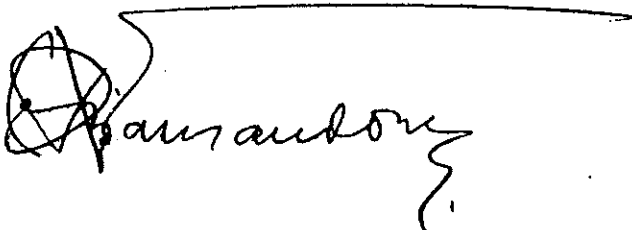
### Article 23 - Appeals and recovery of payments

1. Article 85 of the Staff regulations for officials of the European communities, concerning recovery of payments, shall apply.
2. Title VII of the Staff Regulations, concerning appeals, shall also apply by analogy to disputes arising from the implementation of these Rules.

### Article 24

1. These Rules shall enter into force on 1 February 2004

Signed in Strasbourg on: 15-01-2004

A handwritten signature in dark ink, appearing to read 'P. Nikiforos Diamandouros', is written over a horizontal line. The signature is stylized and cursive.

P. Nikiforos DIAMANDOUROS



P. Nikiforos Diamandouros  
European Ombudsman

## Decision

### Amendment to the rules on SNOs

#### The European Ombudsman,

Having regard to the rules applicable to the secondment of officials and agents from international, national, regional and local public administrations and bodies to the European Ombudsman of 15 January 2004;

Considering that the subsistence allowance foreseen under article 12 needs to be adapted to the current cost of living and to the place of assignment of the Seconded National Officials (SNOs);

**has decided as follows:**

#### Sole Article

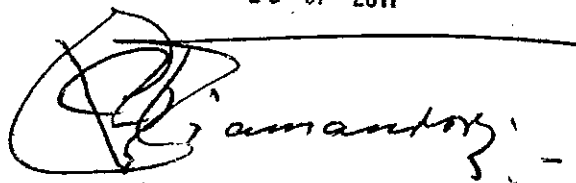
Article 12.1 of the rules applicable to the secondment of officials and agents from international, national, regional and local public administrations and bodies to the European Ombudsman of 15 January 2004 shall be amended as follows:

*"SNOs shall be entitled, throughout the period of secondment, to a daily subsistence allowance, except where their employer determines otherwise. This allowance, of EUR 130 per calendar day for an assignment in Brussels, shall be paid monthly in arrears.*

*This subsistence allowance for SNOs assigned to Strasbourg shall be subject to the weighting set by the Council pursuant to Article 64 of the Staff Regulations of officials of the European Union*

*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."*

Strasbourg, 25 -07- 2011



P. Nikiforos Diamandouros