

**Resolution CM/Res(2012)2
establishing Regulations for secondments to the Council of Europe**

*(Adopted by the Committee of Ministers on 15 February 2012
at the 1134th 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 secondments to the Council of Europe entail advantages for the Organisation, for member States and for other international organisations, in particular through the cross-fertilisation of ideas and the presence on a limited-term basis of expertise;

Considering that persons seconded to the Council of Europe should have the tools to manage projects effectively and the right to exercise hierarchical authority within well-defined limits;

Considering that Resolution Res(2003)5 on the Regulations on the secondment of international or national, regional or local officials to the Council of Europe should be amended;

On the proposal of the Secretary General, the Staff Committee having been consulted in accordance with Article 6, paragraph 1, of the Regulations on Staff Participation (Appendix I to the Staff Regulations);

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, as well as other persons sent by member States in accordance with their national legislation, to the Council of Europe ("seconded officials").

b. Excluded from the scope of the present Regulations are:

i. staff members recruited to the Council of Europe pursuant to Article 12, paragraph 3, of the Staff Regulations (whereby the Secretary General seeks to secure the services, for a limited time period, of civil servants and specialists);

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 hired as consultants.

c. The rules and regulations applicable to staff shall apply to seconded officials only as specified hereafter. These Regulations may not be interpreted as conferring the status of staff members on seconded officials.

2. Seconded officials shall remain in employment or be paid by the member State from which he/she is seconded throughout the period of secondment, and shall receive no salary from the Council of Europe.

3. National seconded officials shall be nationals of a member State of the Council of Europe and, in case of partial agreements, nationals of a member State of the Council of Europe or of the partial agreement concerned.¹

¹ In the case of partial agreements, provided that the agreement referred to in Article 7 of the present Regulations stipulates that the seconded official is entitled to the relocation allowance and/or to related expenses, these expenses are at the charge of the budget of the partial agreement concerned.

4. 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. 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 or, as the case may be, to the Heads of international organisations, information as to the number and type of officials that the Council of Europe would like to have seconded to it, asking them if they wish to make detailed proposals in writing.

6. On the basis of the proposals received from the Permanent Representatives of the member States or, as the case may be, the Heads of international organisations and within the 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 gender balance, as well as a balanced geographical representation between the member States.

7.a. Secondment shall be effected by an agreement between the Secretary General and the Permanent Representative of the member State concerned or the Head of the international organisation. Upon a request of the Permanent Representative of the member State concerned, such an agreement may also be concluded with a person duly authorised under the national law of that State to represent the sending authority or institution. This agreement shall specify the following matters:

- the grade and function occupied by the seconded official in his or her employment in the administration to which he or she belongs (Article 14 below);
- the 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 11, 12 and 13 below);
- the place of residence of the seconded official prior to his or her secondment to the Council of Europe and the organisational and geographical details of the assignment at the Council of Europe (Articles 20 and 23 below);
- a certificate of social and medical cover (Article 16 b below);
- whether the relocation allowance and/or related expenses shall be paid to the seconded official or, alternatively, a stipulation that the relocation allowance and/or related expenses are not to be paid (Article 23 below);
- an assurance that the employer 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 10 below).

b. The Council of Europe shall provide advice and information to the seconded official as regards the practical arrangements in relation to his/her secondment to the Organisation.

III. Period of secondment

8. The period of secondment must be at least four months and not more than two years. Secondment may be prolonged or renewed, but the total duration of one secondment period for any one seconded official may not exceed three years, except in cases of derogation granted by the Secretary General.

9. Any secondment shall terminate if the seconded official is no longer in employment or paid by the member State from which he/she was seconded.

10. Seconded officials shall serve on a full-time basis throughout the period of secondment, save in the event of a derogation by the Secretary General.

IV. Duties to be performed

11. 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.

12. a. Seconded officials may enter into commitments on behalf of the Organisation by delegation by the Secretary General or by Heads of the Major Administrative Entities and exercise hierarchical authority to the extent necessary for the purpose of carrying out the duties entrusted to them.

b. Seconded officials may enter into financial commitments on behalf of the Organisation within the framework of a specific delegation by the Secretary General or by Heads of the Major Administrative Entities.

13. Seconded officials shall have their performance assessed under the rules and regulations on appraisal at the Council of Europe. Appraisal reports shall be taken into account when deciding upon extension or renewal of the secondment. Seconded officials may conduct appraisals under the rules and regulations on appraisal at the Council of Europe, to the extent that this is necessary for the purpose of any general management tasks entrusted to them.

V. Qualifications required

14. 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. They may be asked to undergo specific training if considered necessary by the hierarchical superiors they are answerable to.

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

VI. Social insurance

16.a The Council of Europe shall not be liable for providing the seconded official and the members of his or her family with social and medical cover.

b. 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 administration will guarantee social and medical cover for the seconded official.²

c. During the period of secondment the seconded official shall be affiliated by the Council of Europe to a private accident insurance scheme.

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

17. The Secretary General may grant breaks in periods of secondment and shall specify the terms applicable. The relocation allowance referred to in Article 23 a of the present Regulations shall not be payable during such breaks. The expenses referred to in Article 23 b and c of the present Regulations shall be covered 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 Permanent Representative of the member State or the Head of the international organisation concerned at two month's prior notice.

VIII. Obligations of seconded officials

19. Seconded officials:

² The seconded official shall certify that any members of his or her family accompanying him or her to his or her Council of Europe duty station benefit from social and medical cover.

- 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 Head of the Major Administrative Entity 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 is not public; these obligations 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 rules and regulations applicable at the Council of Europe;
 - f. shall be bound by the rules and regulations on hierarchical authority, loyalty and integrity, working time, prevention of fraud and corruption, protection of human dignity, secondary activities, management of alcohol-related risks, use of premises and facilities, use of information technology equipment, access to the personal administrative file and mediation applicable at the Council of Europe;
 - g. shall be bound by the rules and regulations on appraisal and on financial obligations applicable at the Council of Europe;
 - h. the Secretary General may terminate the secondment with one month's prior notice in case of a violation of the present Regulations, including the rules and regulations applicable at the Council of Europe referred to in the present Regulations.
20. Seconded officials may be required to reside at their place of assignment or at no greater distance therefrom than is compatible with the proper performance of their duties.

IX. Leave

- 21. a. Seconded officials are entitled to leave in accordance with the rules and regulations applicable to permanent staff members of the Council of Europe. Officials seconded for at least one year shall, in addition, be entitled to travelling time in accordance with the rules and regulations applicable to permanent staff members of the Council of Europe.
 - b. Any further entitlements, eventually accruing under the seconded officials' employment, shall be credited separately by their employer, and shall be used only after the period of secondment has been completed.
 - c. Seconded officials shall be required to use their entitlement to 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 members of the Council of Europe.

X. Expenses

23. Provided that the agreement referred to in Article 7 of the present Regulations stipulates that the seconded official shall be entitled to the relocation allowance and/or related expenses:
- a. Seconded officials shall be entitled, throughout the period of secondment, to a relocation allowance.
 - i. For the first two months, the relocation allowance shall be paid on the basis of 88.65% of the single rate of the daily subsistence allowance for Council of Europe staff members 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.

ii. The relocation allowance, which is calculated in proportion to the working time, shall be payable monthly in arrears.

iii. The relocation allowance shall be payable for periods of official journeys, annual leave, special leave and holidays granted by the Council of Europe. Payment of the relocation allowance will, however, be suspended following an absence on account of illness lasting longer than six months.

iv. The relocation allowance shall be reduced by 75% if the seconded official's place of residence prior to secondment to the Council of Europe is less than 100 kilometres from the place of assignment.

b. 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 conditions applicable to permanent staff members.

c. Removal expenses are not refunded by the Council of Europe. However, officials seconded for an initial minimum 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.

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

XI. Privileges and Immunities

24. Article 18, with the exception of paragraph b, of the General Agreement on Privileges and Immunities of 2 September 1949 is applicable to seconded officials.

XII. Official journeys

25. Seconded officials may be sent on an official journey only in the context of the duties assigned to them in accordance with Articles 11 of the present Regulations.

26. Official journey expenses shall be reimbursed to seconded officials in accordance with the rules and regulations applicable to permanent staff members of the Council of Europe.

XIII. Final clause

27. The present Regulations may be completed by implementing rules issued by the Secretary General after consultation with the Staff Committee.

28. This resolution shall enter into force on the date of adoption and supersedes and replaces Resolution Res(2003)5 on Regulations on secondment of international or national, regional or local officials to the Council of Europe.

29. The provisions of this resolution are applicable to any agreement between the Secretary General and a Permanent Representative of a member State or a Head of an international organisation concluded before the entry into force of this resolution insofar as they were contained in Resolution Res(2003)5. This resolution may be made fully applicable to such agreements by addendum to the agreement.