

EUROPEAN ORGANISATION FOR THE SAFETY OF AIR NAVIGATION

“EUROCONTROL”

– Measures of the Permanent Commission –

MEASURE N° 13/190

approving amendments to the “Rules applicable to national officials or similar on mission to the Agency to participate in the performance of EUROCONTROL’s tasks”

THE PERMANENT COMMISSION FOR THE SAFETY OF AIR NAVIGATION:

Having regard to the EUROCONTROL International Convention relating to Co-operation for the Safety of Air Navigation of 13 December 1960, as amended by the Protocol signed at Brussels on 12 February 1981, and in particular Articles 6.1(b) and 7.3 thereof;

Having regard to Decision N°72 of the Permanent Commission of 9 December 1997 on early implementation of certain provisions in the revised Convention, in particular on the establishment of a provisional Council;

On a proposal of the Provisional Council,

TAKES THE FOLLOWING MEASURE:

Article 1

The amendments to the “Rules applicable to national officials or similar on mission to the Agency to participate in the performance of EUROCONTROL’s tasks” which include, inter alia, “Specific provisions applicable to States’ Liaison Officers (SLOs)” annexed to the Rules (Annex 1) are hereby approved.

Done at Brussels on 16.5.2013



P. HENTTU
President of the Commission

RULES APPLICABLE TO NATIONAL OFFICIALS OR SIMILAR
SENT ON MISSION TO THE AGENCY TO PARTICIPATE
IN THE PERFORMANCE OF EUROCONTROL'S TASKS

CHAPTER 1

GENERAL PROVISIONS

Article 1

For the purposes of these Rules, a "national official" or similar (hereafter "the national official") shall be taken to mean an official, whether civilian or military, from a public or semi-public authority in a Member State, sent on mission to the EUROCONTROL Agency with the agreement of his national authority and the Organisation in connection with the tasks covered by paragraphs 1 and 2 of Article 2 of the amended Convention and by the provisions of Decision No. 71 of the Permanent Commission dated 9.12.97.

The term "national official" shall also apply to servants of bodies, public or private, responsible in the Member States for air navigation services or other related services.

By decision of the Director General, the term "national official" may also apply to an official or servant of a non-member State participating in ECAC (European Civil Aviation Conference) or which has concluded an agreement as provided for in Article 2.3 of the amended Convention.

National officials appointed by the Director General as "States Liaison Officers" shall be subject to all provisions of these Rules, as implemented, supplemented or derogated by the Annex to the present Rules.

Article 2

1. Such missions at the Agency must not, in principle, be for a period of less than one week, save where derogations are granted by the Director General in exceptional cases, such as the installation of Agency equipment, technical acceptance tests, participation in the technical development of a project or the preparation of real-time and model-based simulations and experiments. No such derogation shall be permitted in the case of working meetings held for the purposes of an exchange of views. The duration of a mission may not exceed one year, unless the Director General rules otherwise by a duly substantiated special decision.
2. A mission may be terminated at any time if the interests of the Agency or the home authority so require, or for any other duly justified cause.

Article 3

National officials shall exercise the greatest discretion with regard to all facts and information coming to their knowledge in the course of their mission at the Agency.

Article 4

National officials shall not be covered by the Staff Regulations governing Officials of the EUROCONTROL Agency, by the General Conditions of Employment **or by the service regulations governing other categories of staff**. They shall continue to be entirely subject to their home authority for the purposes, inter alia, of remuneration and social security (including pensions and sickness and accident insurance).

Article 5

For the purposes of these Rules, the national official's place of origin shall be taken to be his latest place of employment; his place of assignment shall be determined by the Director General according to the characteristics of the mission. The national official shall be required to produce a certificate defining his relationship to his home authority and his place of origin.

Article 6

National officials may in principle be sent by the Agency on interim missions away from their place of assignment only in exceptional, duly justified cases.

Article 7

The unit in which a national official performs his tasks shall ensure that all necessary facilities for work (offices, furniture, machines, etc.) are available.

CHAPTER 2

REIMBURSEMENT OF EXPENSES

Article 8

National officials shall be entitled, subject to the limits laid down in these Rules, to reimbursement of travel expenses and to payment of a flat-rate allowance, accommodation allowance and where appropriate an interim mission allowance. Payment of such expenses shall normally be made monthly in arrears by the Agency on receipt of supporting documents or individual claims forms duly completed and signed by the budget-holder authorised to sign, subject to the conditions set out below.

Article 9

Periods covered

1. Days/nights spent at the place of assignment shall mean actual working days and nights spent there, as well as Saturdays, Sundays and Agency holidays, sick leave and special leave granted by the home authority not exceeding three consecutive days.
2. Reimbursements provided for in Articles 10 and 11 shall not be granted in respect of the following:
 - any period during which the Agency's offices are closed for five or more consecutive days unless, in exceptional cases, the national official is required to work in the interests of the service;

- Saturdays and Sundays preceding or included in periods of leave;
- a Saturday immediately following a period of leave;
- any period of illness elsewhere than in the place of assignment;

- periods of sick leave at the place of assignment after the third day of absence, unless covered by a medical certificate;
- periods of sick leave after five consecutive days, unless evidence is furnished that the person concerned cannot return to the home country;
- As regards leave days, a contribution towards accommodation expenses necessarily incurred at the place of assignment may be granted, on production of supporting documents, within the limits of the flat-rate allowance referred to in Article 10 below.

Article 10

Flat-rate allowance (meals, drinks, etc.)

For each day spent at the place of assignment, a flat-rate allowance shall be paid equal to the flat-rate allowance for Agency officials provided for in the Agency Missions Guide. The flat-rate allowance shall cover all of the national official's expenses at the place of assignment (meals, drinks, local and private telephone calls, washing and ironing costs, etc.).

The allowance shall be calculated as follows:

- EUR 12 for lunch (or EUR 18 in the case of a non-EUROCONTROL establishment)
- EUR 25 for the evening meal;
- a further EUR 25 per night spent at the place of assignment within the meaning of Article 9 above.

Lunch allowances shall be paid if the national official is still present at the place of assignment at 2 p.m.

Article 11

Accommodation allowance

1. The national official shall in principle be obliged to select a hotel from the EUROCONTROL Hotel Directory. These hotels shall bill EUROCONTROL direct for the nights spent at the hotel (including breakfast).
If, for personal reasons, he wishes to book his hotel and pay the bill himself, he shall be reimbursed up to the net amount the Missions Office would have paid for the least costly hotel chosen from the Directory.

2. If he fails to submit his bill, he shall be paid a flat-rate sum of EUR 50, subject to the conditions relating to presence at the place of assignment provided for in Article 9.

Article 12

Travel expenses

The national official shall be entitled to reimbursement of travel expenses between his place of origin and place of assignment, except where these are defrayed by his home authority:

- at the beginning and end of his mission at the Agency,
- in respect of one trip to his home country after each full month on mission at the Agency,
- in the case of special leave requiring him to travel to his home country.

The payment of travel expenses will be made under the conditions provided for in the Agency Missions Guide.

If the place of origin is located at a distance of 40 km or less from the place of assignment, the national official shall be reimbursed daily travel expenses (return from place of employment to the EUROCONTROL site) and a daily allowance of EUR 12 for each day of attendance.

Article 13

Interim mission expenses

A national official authorised to travel on interim mission as provided in Article 6 shall still be entitled to reimbursement of accommodation expenses necessarily incurred at the place of his/her main mission, in accordance with the principles of the Missions Guide.

Where the place of interim mission is different from the place of origin, the national official shall also be entitled, on production of documentary evidence, to reimbursement of accommodation expenses and travel expenses as well as the allowances provided for in Article 11 above.

All the other provisions set out in the Missions Guide shall apply *mutatis mutandis*, unless otherwise provided for by these Rules.

Article 14

Exceptions

In exceptional cases, the Director General of the Agency may, on production of documentary evidence, authorise the reimbursement of extraordinary expenses which a national official requires to incur by reason of his assignment on mission to the Agency or special instructions he has received, for which the provisions set out above are inadequate.

Article 15

Claims arising out of physical, non-physical or material damage incurred by the national official during travel to or from, or at the place of assignment, may not be brought against the Agency unless the damage can be imputed to the latter. National officials using their own cars shall remain fully liable for any accidents to the cars or to third parties; they must have third party insurance cover.

CHAPTER 3

FINAL PROVISIONS

Article 16

The Commission approved, on, the present Rules. ^{(1) (2) (3)}

⁽¹⁾ These rules, approved provisionally by the Committee of Management at its 147th Session (on 23.5.86), and definitively at its 153rd Session (on 10.12.87), entered into force on 1 June 1986. They were amended by the Committee of Management (Articles 2.1 and 5) with effect from 1.5.94 and, on a proposal from the Provisional Council, by the Permanent Commission (Articles 1 and 2.1) with effect from 1.1.98.

⁽²⁾ See GS.2/App./PC/00-19 of 20.6.00

⁽³⁾ To be complemented with the references of the new approval

ANNEX TO THE RULES APPLICABLE TO NATIONAL OFFICIALS OR SIMILAR
ON MISSION TO THE AGENCY TO PARTICIPATE IN THE PERFORMANCE
OF EUROCONTROL'S TASKS

SPECIFIC PROVISIONS APPLICABLE TO
STATES LIAISON OFFICERS (SLOs)

CHAPTER 1

GENERAL PROVISIONS

Article 1

Duration of the secondment

For the application of Article 2, paragraph 1 of the Rules, SLOs shall be seconded to the Agency for a period up to two years, which may be renewed upon request of their home authorities. Requests for renewal shall be subject to approval by the Director General.

Article 2

Mandate given to SLOs

The secondment agreement between the EUROCONTROL Agency and the home authority shall specify the extent and scope of the mandate given by the State to their representatives. The mandate shall clearly state the SLO's tasks and the scope of his participation in EUROCONTROL's activities. Any additional tasks entrusted to an SLO shall be set out in a written mandate issued by the State, which shall be communicated to the Director General before any such tasks are performed.

Article 3

Interim missions without expenses

Expenses in respect of interim missions shall not be borne by the Agency if:

1. an SLO is sent on an interim mission at his place of assignment;
2. the interim mission is performed at the request of his home authority and takes place away from his place of assignment;

SLOs shall retain their entitlement to the accommodation allowance and the flat-rate allowance at their place of assignment.

Article 4

Teleworking in Brussels

SLOs may telework on an ad hoc basis from their home at their place of assignment. They must provide a contact telephone number at which they may be reached immediately. The limit shall be 30 working days per year. Teleworking shall be considered as normal working days for the purposes of payment of the accommodation allowance and the flat-rate allowance referred to in Article 8 of the Rules.

Article 5

Home country teleworking

In order to maintain contact with their home authority, SLOs shall be entitled to telework on an ad hoc basis from their country of origin, and to a maximum of ten working days per month in their home authority. The limit shall be 36 working days per year. Home country teleworking shall be considered as normal working days for the purposes of payment of the flat-rate, travel and accommodation allowances referred to in Article 8 of the Rules.

Article 6

Part-time working

By way of derogation from Article 4 of the Rules, if it is in the combined interest of the Agency and the home authority, an SLO may work part time as defined in section 1 of Rule of Application No 36, applicable by analogy to SLOs.

The reimbursement of expenses provided for in Article 10 of the Rules shall be reduced in line with the percentage working time applicable.

Article 7

Leave

SLOs shall be entitled to annual leave of no more than thirty working days per calendar year. The annual leave shall be granted by their national administrations and evidence shall be provided to the Agency.

During annual leave days, SLOs shall retain their entitlement to the reimbursement of the travel expenses referred to in Article 12 of the Rules, as well as the accommodation and flat-rate allowances at their place of assignment, if the annual leave period does not exceed 10 working days.

CHAPTER 2

SOCIAL BENEFITS

Article 8

Sickness insurance

By way of derogation from Article 4 of the Rules, SLOs, their spouses and children shall be entitled to a private insurance scheme in order to partially or fully recover the medical expenses incurred. The private insurance scheme shall be selected by the Agency and its cost shall be borne by the Agency for the period of secondment.

Unmarried partners of SLOs shall be treated as spouses for the purposes of sickness insurance in cases where the first three conditions set out in Article 1(2)(c) of Rule of Application No. 7 are met.

Article 9

European schools

The Agency shall facilitate SLO applications to the European schools in Brussels, but shall not provide any kind of financial aid; the entire cost of attendance of the European schools and any related expense shall be borne solely by the SLOs.

Article 10

French course

During the secondment, SLOs shall be entitled to a French course of up to one year; French courses may be provided by the Agency or may be outsourced. The cost of such courses shall be borne by the Agency.