



Administrative Decision – ECDC/AD/2024/02

Administrative Decision on Rules Applicable to National Experts on the Secondment to ECDC

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DOCUMENT CONTROL SHEET		
Log of Issuance		
Issue	Approval Date	Change Description
000	01/06/2009	First version of document
001	09/02/2024	Second version of document
002		
003		
004		

Next Review Deadline
Three years from the date of approval of this document.

Related documents

List of relevant standards, legislation and documents	<p>Staff Regulations of Officials of the European Union and Conditions of Employment of other servants of the European Union</p> <p>Commission Decision C(2008) 6866 of 12.11.2008 laying down rules on the secondment to the Commission of national experts and national experts in professional training</p>
List of relevant ECDC documents	<p>ECDC Implementing Rule no 17 on outside activities and assignments and on occupational activities after leaving the service</p> <p>ECDC Implementing Rule no 33 on the policy on protecting the dignity of the person and preventing psychological harassment and sexual harassment</p> <p>ECDC Policy on authorship and acknowledgement of contribution to scientific work and related outputs, ECDC/POL/07 of 19.01.2023</p> <p>ECDC Implementing Rule no 32 on working time and hybrid working</p> <p>ECDC Implementing Rule no 14 on absences as a result of sickness or accident</p> <p>ECDC Implementing Rule no 16 on leave</p> <p>ECDC Implementing Rule no 15 on the guide to missions and authorised travel</p>

Abbreviations and definitions

ECDC or 'the Centre'	European Centre for Disease Prevention and Control
EEA	European Economic Area
EFTA	European Free Trade Association
EU	European Union
IGO	Public intergovernmental organisation
Member states	European Union Member States/ EU Countries
SNE	Seconded National Expert
Staff Regulations	Staff Regulations of Officials of the European Union and Conditions of Employment of other servants of the European Union

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1. Introduction

This Decision specifies the rules applicable to national experts on the secondment to ECDC.

2. Scope and applicability

This Decision applies to all Seconded National Experts at ECDC and will be applicable from 1 June 2024.

3. Governance

THE DIRECTOR of the European Centre for Disease Prevention and Control, hereafter referred to as ECDC,

Having regard to Regulation EC 851/2004 of 21 April 2004 establishing a European Centre for Disease Prevention and Control and in particular its Article 29.3;

Having regard to the Staff Regulations of Officials of the European Union and Conditions of Employment of other servants of the European Union;

Having regard to the Commission Decision C(2008) 6866 of 12.11.2008 laying down rules on the secondment to the Commission of national experts and national experts in professional training;

Whereas:

- (1) Seconded national experts (SNEs) should enable ECDC 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 experts from the administrations of the Member States and EEA/EFTA countries to ECDC, even for short periods. For the same reason, steps should also be taken to facilitate the use of experts drawn from the administrations of accession countries and public intergovernmental organisations (IGOs).
- (3) The rights and obligations of SNEs, as set out in this Decision, should ensure that they carry out their duties solely in the interests of the Centre.
- (4) 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 Centre by virtue of the powers conferred upon it, unless specially empowered to do so in writing by the Director of ECDC.

- (5) Steps should be taken to make it easier to review subsistence allowances, taking account of adjustments to the basic salaries of the staff of the European Union.

HAS ADOPTED THIS DECISION:

TITLE I

SECONDED NATIONAL EXPERTS

Chapter I

General provisions

Article 1

Scope and definitions

1. These Rules shall apply to national experts seconded to the European Centre for Disease Prevention and Control (hereinafter referred to as SNEs or seconded national experts).

Seconded national experts are staff employed by a national, regional or local public administration or an IGO, who are seconded to European Centre for Disease Prevention and Control (hereinafter referred to as ECDC) 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.

The persons covered by these Rules must have worked for their employer on a permanent or contract basis for at least 12 months 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 the national expert's salary, to maintain the same administrative status (permanent official or contract staff member) throughout the period of secondment and to inform the Director of ECDC of any change in the SNE's situation in this regard. The SNE's employer shall also continue to be responsible for all social rights of the national expert, 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 the national expert's secondment by ECDC, without notice, in accordance with Article 10(2)(c).

2. Notwithstanding the second subparagraph of paragraph 1, the Director of ECDC may, on a case-by-case basis, authorise the secondment of an SNE from an employer other than a State public administration or an IGO if the interests of ECDC 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.

To this end, the Permanent Representation concerned and, where appropriate, the EFTA Secretariat, the IGOs and the diplomatic missions of the non-member countries concerned shall supply the Director of ECDC with all the necessary facts to enable the Director of ECDC to assess whether the various criteria are satisfied and to take an informed decision.

The Director of ECDC shall, if necessary, clarify the arrangements for implementing the different criteria and communicate them to the Permanent Representations of the EU Member States, the EFTA Secretariat and the IGOs concerned, or an accession country.

3. Except where the Director of ECDC grants a derogation, an SNE must be a national of an EU or EEA/EFTA Member State or an accession country.
4. When a secondment is being planned, ECDC shall ensure the geographical and gender balance and compliance with the principle of equal opportunities, in accordance with the principles set out in Article 1d and Article 27 of the Staff Regulations.

The Director shall monitor compliance and, in the event of a serious imbalance at ECDC, shall take the necessary corrective measures to ensure balanced representation of SNEs.

Article 2

Cost-free seconded national experts

1. For the purposes of this Decision, “cost-free SNEs,, means SNEs for whom ECDC does not pay any of the allowances provided for in Chapters III or cover any of the expenses provided for in this Decision, other than those related to the performance of their duties during their secondment.
2. Cost-free SNEs may be seconded from the public administration, as defined in Article 1(1), of an EU or EEA/EFTA Member State or an accession country, or from an IGO.

3. In addition, the Director of ECDC may authorise the secondment of cost-free SNEs on a case-by-case basis, taking into consideration their place of origin, the geographical balance, and the work to be carried out.

Article 3

Selection procedure

1. SNEs shall be selected according to an open and transparent procedure.
2. Applications shall be forwarded by the seconding organisation.
3. The secondment shall be authorised by the Director of ECDC and effected by an exchange of letters between the Director and the Permanent Representation of the Member State concerned or the employer, as the case may be. Correspondence shall be exchanged with the EFTA Secretariat, the diplomatic missions of the non-member countries whose nationals are eligible for the secondment and the IGOs.

Article 4

Period of secondment

1. The initial period of secondment may 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 Head of Unit concerned and where the interests of the service warrant it, the Director of ECDC 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 duration of the secondment shall be specified in the exchange of letters referred to in Article 3(3). Any extension of the period of secondment shall be the subject of a new exchange of letters.
3. An SNE who has already been seconded to ECDC may be seconded to it another time subject to the internal rules governing the maximum length of time such persons may spend at ECDC, 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 the new secondment; if at the end of the previous secondment the SNE received an employment contract with ECDC, 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

The place of secondment shall be Stockholm, where ECDC has its seat.

Article 6
Tasks

1. SNEs shall assist ECDC staff. 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 as part of a delegation led by an ECDC staff member or, if on their own, as observers or for information purposes.
3. In all other cases, by way of derogation from paragraph 2, the Director of ECDC may give a specific mandate to the SNEs to participate on their own in one or more missions or external meetings, after having ensured that there is no potential conflict of interest.

In such cases the Director of ECDC shall give the SNE clear and specific written instructions on the position to be adopted during the missions or meetings in question.

The Director of ECDC may delegate the power to Heads of Unit to derogate within their respective units.

Under no circumstances may SNEs on their own represent the ECDC with a view to entering into commitments, whether financial or otherwise, or negotiating on its behalf.

An SNE may, however, represent ECDC in legal proceedings as co-agent with an ECDC staff member.

4. ECDC shall remain solely responsible for approving the results of any tasks performed by SNEs and for signing any official documents arising from them.
5. The units concerned, the SNE's employer and the SNE must ensure that there is no conflict of interest in relation to the SNE's duties while seconded to ECDC.

For this purpose, the unit to which the SNE is to be seconded shall inform the SNE and the employer of the national expert before the start of the secondment about the intended duties and ask them to confirm in writing that they do not know of any reason why the SNE should not be assigned to those duties.

The employer and the SNE shall also undertake to inform the Head of the Unit to which the SNE is seconded of any change of circumstances during the secondment which could give rise to any such conflict.

The Human Resources Section shall keep all such exchanges of correspondence in its records.

6. Where the unit to which an SNE is to be seconded considers that the nature of its activities requires particular security precautions, security clearance shall be obtained prior to recruitment. Where necessary, the unit concerned shall consult the Human Resources Section.
7. Failure on the part of the SNEs to comply with their obligations arising from paragraphs 2, 3 or 5 shall entitle ECDC, if it sees fit, to terminate the secondment of the SNE pursuant to Article 10(2)(c).

Article 7
Rights and obligations

1. During the period of secondment:
 - a) The SNEs shall carry out their duties and conduct themselves solely with the interests of ECDC in mind. They shall neither seek nor take instructions from any government, authority, organisation or person outside ECDC. They shall carry out the duties assigned to them objectively, impartially and in keeping with their duties of loyalty to the Centre.
 - b) The SNE wishing to engage in an outside activity, whether paid or unpaid, or to carry out any assignment outside ECDC shall be subject to the ECDC rules in force¹.
 - c) The SNEs shall refrain from any action or behaviour which might reflect adversely upon their position and from any form of psychological or sexual harassment².
 - d) The SNEs shall not, in the performance of their duties, deal with a matter in which, directly or indirectly, they have any personal interests such as to impair their independence, and, in particular, family and financial interests. If they have occasion in the performance of their duties to deal with such a matter, they shall immediately inform the respective Head of Unit, who will take any appropriate measure and may, in particular, relieve the SNE of responsibility in this matter.

The SNEs may neither keep nor acquire, either directly or indirectly, in undertakings which are subject to the authority of ECDC or which have dealings with ECDC, any interests of such kind or magnitude as might impair their independence in the performance of their duties.

The SNEs shall declare any gainful activity performed in a professional capacity by their spouses, as defined by the Staff Regulations.

¹ ECDC Implementing Rule no 17 on outside activities and assignments and on occupational activities after leaving the service.

² ECDC Implementing Rule no 33 on the policy on protecting the dignity of the person and preventing psychological harassment and sexual harassment.

- e) The SNE shall refrain from any unauthorised disclosure of information received in the line of duty unless that information has already been made public or is accessible to the public.
 - f) The SNE has the right to freedom of expression, with due regard for the principles of loyalty and impartiality.
The SNE who intends to publish or cause to be published, whether alone or with others, any text on a matter relating to the work of ECDC shall be subject to the ECDC rules in force ³.
 - g) All rights in any work done by the SNEs in the performance of their duties shall be the property of ECDC.
 - h) The SNEs shall reside at the place of secondment or at no greater distance therefrom as is compatible with the proper performance of their activities.
 - i) Based on their professional knowledge and experience, the SNEs shall assist and tender advice to the superiors in ECDC to whom they are assigned and shall be responsible to their superiors for performance of the tasks entrusted to them.
2. Failure to comply with any of the provisions of paragraph 1 during the period of secondment shall entitle ECDC, if it sees fit, to terminate the SNE's secondment pursuant to Article 10(2)(c).
 3. At the end of the secondment the SNEs shall continue to have a duty of loyalty to ECDC and be bound by the obligation to act with integrity and discretion in the exercise of new duties assigned to them and in accepting certain posts or advantages.

Article 8

Professional experience and knowledge of languages

1. To qualify for secondment to ECDC a national expert must have at least three years' experience of administrative, legal, scientific, 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 and the Conditions of Employment of Other Servants of the European Union.
2. The SNEs must have a thorough knowledge of English (ECDC's language of daily operations), and a satisfactory knowledge of another EU language, for the performance of their duties. The SNEs from non-EU member countries must have a thorough knowledge of English necessary for the performance of their duties.

Article 9

Suspension of secondment

³ ECDC Policy on authorship and acknowledgement of contribution to scientific work and related outputs, ECDC/POL/07 of 19.01.2023

1. At the written request of the SNEs or their employers, and with the latter's agreement, ECDC may authorise suspensions of periods of secondment and specify the terms applicable. During such suspensions:
 - a) the subsistence allowances referred to in Article 16 shall not be payable;
 - b) the travel expenses referred to in Article 18 shall be payable only if the suspension is at ECDC'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 expert's secondment may be terminated at the request of ECDC or the SNE's employer, subject to three months' notice, or at the SNE's request, subject to the same period of notice and with the agreement of ECDC 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 ECDC and the employer acting jointly, at the request of the SNE addressed to both parties, if the SNE's personal or professional interests so require;
 - c) by ECDC in the event of failure by the SNE or their employer to respect their obligations under this Decision; ECDC shall immediately inform the SNE and their employer accordingly.
3. Secondments shall in principle be terminated on the fifteenth or last calendar day of a given month. Should a secondment be terminated on a different day, the termination shall be without prejudice to the calculation method of the subsistence allowances pursuant to Article 16.8.

Chapter II

Working conditions

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 that the national expert will remain, throughout the period of secondment, subject to the social security legislation applicable to the public administration that employs the national expert and is responsible for expenses incurred abroad.

2. From the day on which their secondment begins, SNEs shall be covered by ECDC against the risk of accident. ECDC shall provide them with a copy of the terms of this cover on the day on which they report to Human Resources to complete the administrative formalities related to the secondment.

Article 12
Working hours

1. The working hours for SNEs shall be the same as those in force at ECDC⁴.
2. An SNE shall serve on a full-time basis throughout the period of secondment. Following a duly justified request originating from the unit concerned, the Director of ECDC may allow an SNE to work part time, provided the SNE's employer agrees and the arrangement is compatible with the smooth running of the department. In this case the amount of annual leave will be reduced proportionally.
3. Where part-time working is authorised, the SNE shall work every month at least half of the normal working time.

Article 13
Sick leave

1. The rules in force at ECDC on absence due to sickness or accident shall apply to SNEs⁵.
2. Where the period of sick leave exceeds three months or the length of time worked by the SNE, whichever is longer, the subsistence allowances referred to in Article 16 shall be automatically suspended.

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

Article 14
Annual and special leave

1. With the exception of the provisions relating to grade, the rules in force at ECDC on annual and special leave, applicable to ECDC staff, shall apply to SNEs⁶.
2. Leave shall be subject to prior authorisation by the unit to which the SNE is seconded. In the event of unauthorised absence 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 special leave by ECDC in a 12-month period to visit their employer.

⁴ ECDC Implementing Rule no 32 on working time and hybrid working.

⁵ ECDC Implementing Rule no 14 on absences as a result of sickness or accident.

⁶ ECDC Implementing Rule no 16 on leave.

4. Days of annual leave not taken by the end of the period of secondment shall be forfeited.

Article 15

Maternity leave

1. The rules in force at ECDC on maternity leave shall apply to SNEs⁷. While on maternity leave the SNE shall receive the subsistence allowances referred to in Article 16.
2. Where the rules that are binding upon the SNE's employer provide for a period of maternity leave longer than that granted by ECDC, the secondment may, at the SNE's request, be interrupted for the period by which that leave exceeds the leave granted by ECDC.

A period equivalent to the break may be added to the end of the secondment if the interests of ECDC warrant it.
3. An SNE may, as an alternative, apply for a break in the secondment to cover the sum of the periods allowed for maternity leave. In that case, the second subparagraph of paragraph 2 shall apply.

Chapter III

Allowances and expenses

Article 16

Subsistence allowances

1. An SNE 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 € 161,63 (Brussels base) x weighting factor for Sweden;
- the monthly subsistence allowance shall be paid in accordance with the following table:

Distance between place of origin and place of secondment (km)	Amount in € (Brussels base)
0 – 150	0
> 150	103,89
> 300	184,69
> 500	300,16
> 800	484,86

⁷ ECDC Implementing Rule no 16 on leave.

> 1300	761,93
> 2000	912,03

2. These subsistence allowances shall be granted under the same conditions as the expatriation allowance for officials⁸.
3. In the case of cost-free SNEs, the exchange of letters referred to in Article 3(3) shall stipulate that these allowances will not be paid.
4. The subsistence allowances for SNEs shall be subject to the weighting updated pursuant to Article 64 of the Staff Regulations.
5. The subsistence allowances shall be paid to SNEs to their Swedish bank accounts in SEK or to any bank account within European Union in EUR. To the subsistence allowances the annual exchange rate defined by the European Commission for SEK shall be applied, by analogy of the exchange rate applied for the payment of salaries of ECDC staff.
6. 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. The Human Resources Section at ECDC shall be responsible for implementing this provision.
7. These allowances are intended to cover SNEs' living expenses in the place of secondment on a flat-rate basis and shall in no circumstances be construed as remuneration paid by the ECDC.

Before the secondment, the SNE's employer shall certify the Director of ECDC that during the secondment it will maintain the level of remuneration the SNE was receiving at the time of the secondment.

The SNE shall inform the Human Resources Section at ECDC of any allowance similar to the subsistence allowances paid by ECDC received from other sources. This amount shall be deducted from the subsistence allowances paid by ECDC. Following a duly justified request from the employer, ECDC may decide not to make this deduction.

8. Daily subsistence allowances shall be payable for every day of the week during the period of active secondment, including during periods of mission, annual leave, special leave, and holidays granted by ECDC. Monthly subsistence allowances shall be calculated pro-rata during the period of active secondment, including during periods of mission, annual leave, special leave, and holidays granted by ECDC. For the purpose of this pro-rata calculation, a month shall be considered as having thirty calendar days.

⁸ Article 4 of Annex VII to the Staff Regulations and the provisions implementing this Article shall apply mutatis mutandis.

9. When the SNEs start the secondment, the first 75 days of the subsistence allowances to which they are entitled may be advanced in the form of a lump sum on their request, and the allowances shall not be paid during the corresponding period. This lump sum shall be paid by the 25th 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 shall be paid by the 10th day of the following month. If the secondment is ended during the first 75 days, the SNE shall return the amount corresponding to the remainder of that period.
10. Subsistence allowances shall be paid no later than the 25th day of each month.

Article 17
Place of origin

1. For the purposes of this Decision, "place of origin" means the place where the SNE performed the duties for their employer at the time of the secondment. The place of secondment shall be Stockholm, where ECDC has its seat. Both places shall be identified in the exchange of letters referred to in Article 3(3).
2. If, six months before the secondment to ECDC, a national expert already has the main residence in a place other than that in which the employer's headquarters is located, the place of origin shall be deemed to be whichever of the places is closer to the place of secondment.

Article 18
Travel expenses

1. SNEs other than those seconded cost-free, shall be entitled to reimbursement of the cost of their travel between their place of origin and the place of secondment, as defined in Article 17, at the beginning and end of their secondment.
2. Travel expenses for the SNE shall be reimbursed in accordance with the relevant rules and conditions in force at ECDC⁹. No travel expenses shall be reimbursed for SNE's family members.
3. By way of derogation from paragraph 1, SNEs who prove that they will be assigned to a place other than their place of origin at the end of the secondment shall be entitled to reimbursement of the travel expenses to that new place under the conditions laid down in paragraph 2. However, this reimbursement may not be more than the amount that would have been paid had the SNEs returned to their place of origin.
4. ECDC shall not reimburse any expenses referred to in the preceding paragraphs if they have been met by the employer or any other body. The Permanent Representation concerned or, as the case may be, the EFTA Secretariat, IGOs or diplomatic missions of the non-member countries concerned shall inform the Human Resources Section at ECDC to this effect.

⁹ Article 7(1) and (2) of Annex VII to the Staff Regulations and the provisions implementing these Articles shall apply *mutatis mutandis*.

Article 19
Missions and mission expenses

1. SNEs may be sent on mission subject to Article 6.
2. Mission expenses shall be reimbursed in accordance with the relevant rules and conditions in force at ECDC¹⁰.

Article 20
Training

SNEs shall be entitled to attend training courses organised by ECDC if the interests of the Centre warrant it. The interests of the SNEs, in particular with a view to their reinstatement into their original administration after the secondment, may be considered when a decision is taken on whether to allow them to attend a training course.

Article 21
Administrative provisions

SNEs shall report to the Human Resources Section at ECDC, on the first day of secondment to complete the requisite administrative formalities. They shall take up duty on either the first or the sixteenth day of the month.

Chapter IV

Complaints

Article 22

Without prejudice to the possibilities for instituting proceedings after taking up their positions, under the conditions and time limits laid down in Article 230 of the EC Treaty, SNEs may submit a complaint to the Director of ECDC about an act adopted by ECDC services under this Decision which adversely affects them, with the exception of decisions which are direct consequences of decisions taken by their 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 Director of ECDC shall notify the person concerned of the 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.

TITLE II

FINAL PROVISIONS

¹⁰ ECDC Implementing Rule no 15 on the guide to missions and authorised travel.

Article 23
Entry into force

1. This Decision shall take effect on 1 June 2024.
2. With effect from that date, it shall apply to:
 - SNEs taking up duty;
 - SNEs who are currently on secondment.
3. Director's Decision of 14 May 2009 laying down rules applicable to National Experts on the secondment to ECDC is hereby repealed.

Done at Stockholm, 09/02/2024



Andrea Ammon
Director