



V
01

Guidelines on the appointment of seconded national experts at the EMCDDA

1. Introduction and scope of these guidelines

This paper provides guidelines to the members of selection panels to help them carry out their tasks during selection procedures for seconded national experts (SNEs) at the EMCDDA and to the potential applicants to help them understand the EMCDDA's selection procedure.

The EMCDDA's objective in recruiting SNEs is to benefit from the high level of their professional knowledge and experience, in particular in areas where such expertise is not readily available.

2. Legal framework

The complete legal framework for the selection and appointment of SNEs at the EMCDDA is to be found in the Decision of the EMCDDA's Management Board on the adoption of rules on the secondment of national experts at the EMCDDA (DEC/MB/10/02) of 5 May 2010 (which adopts by analogy the European Commission Decision of 12 November 2008, laying down rules on the secondment to the Commission of national experts and national experts in professional training).

The most relevant rules to be considered when selecting SNEs for the EMCDDA are summarised below:

Scope and definitions

SNEs are staff employed by a national, regional or local public administration or a public intergovernmental organisation (IGO). SNEs 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 their salary, to maintain their administrative status throughout the period of secondment and to inform the EMCDDA's Human resources management sector (HRMS) of any change in the SNE's situation in this regard. The SNE's employer shall also continue to be responsible for all their social rights, particularly social security and pension. The termination of or change in the SNE's administrative status may lead to the termination of their secondment by the EMCDDA without notice.

Notwithstanding the above, the EMCDDA Director may, on a case-by-case basis, authorise the secondment of an SNE from an employer other than a public administration or an IGO if the interests of the EMCDDA 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 profit for redistribution or is in fact part of the public sector.

Except where the EMCDDA Director grants a derogation, an SNE must be a national of an EU Member State or of any third country that has entered into an agreement with the Centre on the basis of Article 300 of the Treaty.

When a secondment is being planned, the HRMS 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.

SNEs shall be selected according to an open and transparent procedure.

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, the EMCDDA Director may authorise one or more extensions of the secondment for a maximum of two more years at the end of the four-year period.

U
or

The initial duration of the secondment shall be specified in the vacancy notice and may be altered, if necessary.

An SNE who has already been seconded to the EMCDDA may be seconded to it another time subject to the internal rules governing the maximum length of time such persons may spend in the EMCDDA.

SNEs shall assist EMCDDA officials or temporary staff. They may not perform middle or senior management duties.

To qualify for secondment to the EMCDDA a national expert must have at least three years' experience of administrative, legal, scientific, technical, advisory or supervisory functions.

The SNE must produce evidence of a thorough knowledge of one of the Community languages and a satisfactory knowledge of another Community language to the extent necessary for the performance of his duties. An SNE from a non-member country must produce evidence of a thorough knowledge of one Community language necessary for the performance of his duties.

3. The vacancy notice/call for selection

The vacancy notice shall set out eligibility and selection requirements, indicating type and duration of secondment.

The HRMS publishes the vacancy notice in the permanent representations of the Member States of the European Union, and in the usual channels of publication, namely on the EMCDDA website, on the EPSO website, by means of a communication to all other EU institutions and agencies, in all EMCDDA focal points of the Reitox network, through all members of the EMCDDA Management Board and Scientific Committee and, where appropriate, via advertisements in the local and specialised press or web pages (e.g. European Agenda website).

The vacancy notice shall state that only applicants obtaining at least 60 % of the total points available to rank their compliance with the selection criteria will be invited for an interview. Furthermore, applicants should attain at least 70 % of the points available for evaluation during the interview phase.

The vacancy notice shall remain open for at least one month.

4. The selection panel

A selection panel composed of two members is appointed by the EMCDDA Director. If considered appropriate, the Director may appoint more than two members to the selection panel.

The HRMS is in charge of ensuring permanent assistance and overseeing that the current rules are respected throughout the whole procedure. The HRMS is also in charge of carrying out all the necessary preparatory work in order to enable the selection panel to perform its tasks (publication of the vacancy notice, registration of incoming applications, arrangement of meetings, preparation of draft minutes of all of the committee's meetings, etc.).

The main task of the selection panel is to assess the applicants in order to determine their suitability for the position advertised. As a result of their work, if appropriate, they shall recommend the most

suitable applicant to the EMCDDA Director for appointment. This recommendation does not limit or jeopardise the decision making power of the Appointing Authority.

a. Principles which should guide the work of the selection panel

- Transparency of procedures.
- Uniform and strict assessment of the eligibility and suitability of candidates in compliance with the requirements stated in the vacancy notice.
- Equal treatment of all candidates which includes, among others:
 - equal treatment of male and female applicants;
 - proper consideration of differences between educational systems;
 - mutual recognition of degrees; and
 - an exact and clear understanding of the intrinsic value of professional experience.
- No discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, disability, age or sexual orientation is permitted. No discrimination based on language is allowed.

The vacancy notice is the reference which the selection panel must use to ensure consistency and impartiality in all aspects of the selection process.

b. Confidentiality

The work and deliberations of the selection panel are strictly confidential and may not be disclosed to anyone. Applicants are aware of this fact. It is forbidden for applicants or any party acting on their behalf to make direct or indirect contact with the selection panel. All enquiries or requests for information or documentation in relation to the selection procedure should be addressed to the HRMS. The members of the selection panel are requested to take note of this essential detail. It is the responsibility of each member of the selection panel to act in total respect of the principle of confidentiality. In line with Article 7(3) of Regulation (EC) 45/2001, all recipients of data regarding a selection procedure are reminded of the obligation not to use the data received for any other purpose than the one for which they were transmitted.

Applicants shall be granted access to all his/her personal data processed within a particular selection procedure. In particular, data subjects should be given access to the results from the selection procedure, unless the exception of Article 20(1)(c) of Regulation (EC) 45/2001 as further specified in Article 6 of Annex III to the Staff regulations can be applied in the particular case. This exception may imply that access should not be granted either to the comparative data concerning other applicants (comparative results) or to the individual opinions of the members of the selection panel. In order to exercise their rights, applicants shall contact the contact persons indicated in the vacancy notice concerned.

5. The selection phase

a. Selection on files (pre-selection)

The selection on files or pre-selection is the phase during which the selection panel shall assess, on the basis of each application file received, that candidates meet the requirements set for admission, eligibility and selection.

i. Conditions for submission of applications

Each applicant must fulfil all of the conditions for submission of applications as indicated in the vacancy notice. Any application which does not comply with one of these conditions must be considered not admissible. The conditions for submission of applications are the following:

- inclusion of all documents required (motivation letter, CV, an application form, if applicable, duly completed);
- compliance with the closing date for applications;
- compliance with the procedure for submission.

ii. Eligibility requirements

In accordance with the rules on the secondment of national experts, eligibility requirements are:

- be employed by a national, regional or local public administration or an IGO;
- be a national of an EU Member State or of any third country that has entered into an agreement with the Centre on the basis of Article 300 of the Treaty;
- have worked for their employer on a permanent or contract basis for at least 12 months before their secondment;
- have at least three years' experience of administrative, legal, scientific, technical, advisory or supervisory functions;
- produce evidence of a thorough knowledge of one of the official languages of the European Union and a satisfactory knowledge of another of these languages to the extent necessary for the performance of the required duties. An SNE from a non-member country must produce evidence of a thorough knowledge of one Community language necessary for the performance of his duties.

Any application which does not comply with one of these requirements must be excluded from the next step of the procedure and be considered ineligible.

iii. Requirements to be considered essential for selection

The vacancy notice shall describe what is considered to be essential criteria for the selection procedure. Compliance with these requirements is essential and great importance shall be given to the marking of each criteria. Points from 0 to 10 are awarded, as a general rule, for each criterion to reflect how each applicant meets the set requirements.

iv. Requirements to be considered advantageous/assets for selection

The vacancy notice will specify requirements that are considered advantageous for the position advertised. Meeting these requirements should be considered as an asset. The lack of compliance does not entail exclusion from the next step of the process. Marking from 0 to 5 points is used, to reflect the lower importance of these requirements.

b. Interviews and tests or telephone interview

Whenever possible, interviews shall take place over one day. If deemed appropriate a telephone interview may take place.

The applicants will be asked general questions on the EMCDDA and the EU, as well as specific questions relating to the job, their educational background, professional and working experience, capacities and abilities and any other relevant matter that could be in support of the application. Finally, the candidate should be given the opportunity to ask any questions they may have.

The selection panel takes care that a common structure for all interviews for a given selection procedure is decided upon and respected, and that the time allocated for interviews is the same for each applicant and that timing for interviews is respected.

c. Conflict of interest

To ensure transparency and objectivity, the selection panel must inform the HRMS unit in writing if there could be a conflict of interest, or if there could be deemed to be a conflict of interest with respect to the assessments of any of the candidates submitted to the selection panel for evaluation. For this purpose, each member of the selection panel shall fill in the declaration of absence of conflict of interest form as provided by the HRMS.

Please note that in order for a conflict of interest to exist, the member of the selection panel must know the applicant on a personal level. Professional knowledge of the applicant is not a reason to declare a conflict of interest.

Each member of the selection panel who is aware of a possible case of conflict of interest shall immediately inform the HRMS in writing by stating the kind of relationship he/she has with the person concerned. Once information is received, the HRMS will inform the Appointing Authority of the potential conflict of interest and he may take any action considered appropriate in the interests of preserving the transparency and objectivity of the selection procedure.

6. Deliberation of the selection panel

The deliberation of the selection panel concerning the result of the selection process shall be recorded in writing and addressed to the EMCDDA Director.

This deliberation shall include the list of the names of the applicants who have been considered by the selection panel as possessing the potential to perform at the highest standard of ability, efficiency and integrity and therefore declared suitable to occupy the position advertised, and a recommendation of the most suitable candidate.

7. Reserve list of candidates for appointment purposes

On the basis of the results of the work of the selection panel and the proposal reflecting the most suitable candidate selected, the EMCDDA Director may draw up a reserve list for recruitment and may recruit candidates from the list. The duration of the reserve list is set by the vacancy notice and may be extended by decision of the Director.

As indicated in the vacancy notice, the reserve list drawn up for recruitment purposes may be used for appointment in similar positions.

8. Filing

The HRMS is in charge of ensuring the filing of all the documents relating to the selection process.

9. Privacy statement for the selection and appointment of SNEs at the EMCDDA

Any data collected or information furnished in the framework of the selection and appointment of seconded national experts (SNEs) at the EMCDDA will be processed in accordance with [Regulation \(EC\) 45/2001](#). This Regulation concerns the protection of individuals with regard to personal data provided to the Community institutions and bodies and on the free movement of such data. In compliance with Articles 11 and 12 of the Regulation, the EMCDDA provides all applicants with the following information:

The Controller ⁽¹⁾ of the data is the Head of the Administration. In order to contact the controller please do it in writing to the following e-mail address: EMCDDA-HR@emcdda.europa.eu.

The purpose of the processing is exclusively within the selection and appointment of seconded national experts at the EMCDDA.

Who has access to your information and to whom is it disclosed?

The recipients of the data are: the Appointing Authority, the Human resources staff dealing with recruitment of SNEs, the members of the selection panel appointed by the Director and any of the supervisory instances of the EMCDDA (i.e. European Court of Auditors, Internal Audit Service, and in case of controversy, the Civil Service Tribunal, the Ombudsman, etc.). Data will be processed in strict confidentiality and exclusively for the purpose for which they were submitted.

Transfer of data to third parties

In the case of transfer of applicants' data to third parties, it is brought to the attention of the latter to respect the principle that data must be processed in strict confidentiality and exclusively for the purpose for which they were submitted.

How do we protect and safeguard your information?

The data collected during the EMCDDA's SNE recruitment procedures can be accessed by designated EMCDDA staff working for the Human resources management sector and by the members of the selection panel appointed by the EMCDDA's Appointing Authority. The data is stored in the Human resources management sector's offices in locked cabinets.

How can you verify, modify or delete your information?

Regulation (EC) 45/2001 safeguards your right to access your data and to require the Controller to rectify without delay any inaccurate or incomplete personal data. You also have the right to require the Controller to erase data if the processing is unlawful. For this, you need to contact the EMCDDA's Human resources management sector in writing (EMCDDA-HR@emcdda.europa.eu).

The right to rectification can only apply to the factual data processed during the concerned selection procedure. This right can only be exercised up to the closing date for submissions of applications.

Furthermore, you have the right to have access to your evaluation results from all stages of the selection procedure upon written request to be sent to the e-mail address indicated above. This right to access is provided only for aggregated results and in no case is extended to the comparative data concerning other applicants (comparative results), or to the individual opinions of the members of the respective selection committee.

What personal information do we collect and for what purpose?

The categories of personal data dealt with during any selection procedure of SNE at the EMCDDA are the following:

⁽¹⁾ Article 2(d) of Regulation (EC) 45/2001 defines the controller as follows: '[...] controller shall mean the Community institution or body, the Directorate-General, the unit or any other organisational entity which alone or jointly with others determines the purpose and means of the processing of personal data [...]']

- Data to identify and contact the applicant: family name, name, date of birth, gender, nationality, private address, e-mail address.

- Data relevant to demonstrate, in the framework of the selection procedure, that the applicant fulfils the profile advertised in the vacancy notice (CV in European format, motivation letter, and if a position is offered, supporting documents). Furthermore, the applicant may indicate any individual situation regarding eligibility criteria and any other information they would like to provide to support their application.

It is compulsory for applicants to answer all questions contained in the application form and to fill in all fields requested in the CV in European format. Failure to comply with this obligation may result in the disqualification of the applicant from the selection procedure concerned.

The data processed is used possibly for the drawing up of a reserve list with the aim to select and appoint seconded national experts with the highest standard of ability, efficiency and integrity.

The legal basis for processing is the Decision of the EMCDDA's Management Board EMCDDA (DEC/MB/10/02) of 5 May 2010 on the adoption of rules on the secondment of national experts to the EMCDDA.

How long do we keep your data?

Data will be stored in the EMCDDA's files as follows:

Data regarding recruited applicants will be kept for ten years as of termination of the period of secondment or of the last payment.

Data concerning non-recruited applicants will be kept for two years from the date the data subject became aware of the result of the recruitment procedure (i.e. from the date of publication in the EMCDDA web page that the procedure was closed, or the date on which the applicant received the information letter).

Data of non-recruited applicants but successfully placed in the reserve list for appointment will be kept for the duration of the validity of the reserve list.

After the above-mentioned periods, only data needed to provide overall statistics on the exercise (total number of applications, total number of seconded national experts, etc.) will be kept for statistical reasons. These statistics are not subject to Regulation 45/2001 since they are anonymous and cannot be used to identify one or more persons either directly or indirectly.

Recourse

You have the right to recourse via the European Data Protection Supervisor (edps@edps.europa.eu) if you consider that your rights under Regulation 45/2001 have been infringed as a result of the processing of your personal data by the EMCDDA.

You may also contact the EMCDDA's DPO in case of any difficulties or for any questions relating to the processing of your personal data at the following e-mail address: dpo@emcdda.europa.eu

Done and approved in Lisbon, on 01.10. 2010.


Wolfgang Götz
Director