



Decision No 15-2020 laying down rules for the employment of trainees at the European Court of Auditors

THE ACTING SECRETARY-GENERAL OF THE EUROPEAN COURT OF AUDITORS,

HAVING REGARD TO the provisions of Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union, amending Regulations (EU) No 1296/2013, (EU) No 1301/2013, (EU) No 1303/2013, (EU) No 1304/2013, (EU) No 1309/2013, (EU) No 1316/2013, (EU) No 223/2014, (EU) No 283/2014, and Decision 541/2014/EU, and repealing Regulation (EU, Euratom) No 966/2012;

HAVING REGARD TO the Court's Rules of Procedure and Decision No 38-2016 of 2 June 2016 laying down detailed rules for implementing those Rules, as last amended by the Court at its meetings of 14 September 2017 and 13 December 2018;

HAVING REGARD TO Decision No 2-2019 adopted by the Court at its meeting of 24 January 2019 laying down the internal rules for the implementation of the budget;

HAVING REGARD TO European Court of Auditors Decision No 29-2015 of 4 September 2015 relating to the exercise of the powers conferred on the appointing authority by the Staff Regulations of Officials and on the authority empowered to conclude contracts of employment by the Conditions of Employment of Other Servants;

HAVING REGARD TO the rules for the employment of trainees at the European Court of Auditors adopted on 22 June 2015 and Amendment 1 thereto of 5 October 2017;

WHEREAS the current rules require several substantial amendments in order to expand and clarify the role and responsibilities of trainees, traineeship supervisors, traineeship coordinators and Human Resources, and to clarify the rights and obligations of trainees;

HAS DECIDED AS FOLLOWS:

Article 1 Purpose

- 1.1. The European Court of Auditors (ECA) organises traineeships in areas relating to its work in order to provide interested parties, selected on the broadest possible geographical basis, with an overview of the European integration process by means of day-to-day experience of how a European institution operates.
- 1.2. Acceptance for a traineeship will not confer any right or priority as regards recruitment to the ECA.

Article 2 Eligibility

- 2.1 To be eligible for a traineeship, applicants must prove that they:
 - are nationals of an EU Member State, unless the ECA grants an exemption;
 - hold a recognised university-level diploma giving access to the AD function group, as defined in the Staff Regulations of Officials of the European Union (EU), or have completed at least four semesters of university study in an area of interest to the ECA at a higher-education establishment as described in Article 18;
 - have expressed an interest in receiving practical training relating to one of the ECA's areas of activity;
 - have not previously held a traineeship (paid or unpaid) at an EU institution or body, including the European Investment Bank or the European Central Bank;
 - have thorough knowledge of one official EU language and satisfactory knowledge of at least one other;
 - have not been or are not, at the time of their application, employed by an EU institution or body, including as a temporary member of staff, a member of the contract staff, an auxiliary member of the contract staff, a temporary member of the contract staff, a national expert seconded to an EU institution or body, or an assistant to a Member of the European Parliament.
- 2.2 If selected, applicants will also be required to produce:
 - a recent excerpt from their judicial records, as drawn up by the national authorities of their home country to allow access to the civil service; and
 - a medical certificate confirming that they are physically fit to perform their duties.
- 2.3 Disabled applicants are not required to produce the latter certificate, which will be replaced in their case by a certificate from their family doctor confirming that they are able to function in the workplace if appropriate arrangements are made.

Article 3 Length of traineeships

- 3.1 As from 1 October 2020, traineeship sessions will take place as follows:
 - from 1 March to 31 July of the same year;
 - from 1 May to 30 September of the same year;
 - from 1 October to 29 February of the following year.

- 3.2 During these three sessions, traineeships may last for three to five months.
- 3.3 In exceptional circumstances, the ECA may waive this rule to allow one additional month, subject to budgetary availability.
- 3.4 No one may undertake more than one traineeship, of whatever length, at the ECA.

Article 4 Selection

- 4.1 The Human Resources Department (HR) will, depending on the needs expressed by the ECA's various departments and budgetary availability, determine the number of traineeships allocated to each department. It will then notify each requesting department of this number.
- 4.2 Applications may only be submitted online as per the procedures laid down by HR and published on the ECA's website.
- 4.3 Each department is responsible for selecting applications, taking due account of the current rules, on the basis of merit and the interest of the service.
- 4.4 The selection procedure aims to avoid any form of discrimination, and to ensure that all applications are treated and processed fairly. In the event that the shortlisted applicants have the same qualifications and skills, they must be selected in such a way as to ensure geographical and gender balance, as far as this is possible.
- 4.5 No later than one month before their traineeship is due to commence, HR will personally inform successful applicants by email only, subject to their having provided the requisite supporting documents.
- 4.6 Applicants must submit all the necessary supporting documents by the deadline set by HR, failing which their application will be rejected.
- 4.7 Unsuccessful applicants will not be informed of the outcome of their application, or of the reasons why they were not selected.
- 4.8 The ECA and the trainee will both sign a traineeship contract before the traineeship commences. Any extension of the traineeship, as envisaged in Article 4 of these rules, will require an amendment to the contract.
- 4.9 Successful applicants may withdraw their application at any time before the contract is signed. They may submit a new application for a subsequent traineeship session, under the same conditions as those set out above.
- 4.10 However, applicants who withdraw less than two weeks before their traineeship is due to commence will no longer be able to apply for a traineeship at the ECA in the subsequent two-year period. The ECA may agree to waive this rule in duly substantiated cases of *force majeure*.

Article 5 Skills

- 5.1 Each ECA department will designate a 'traineeship coordinator' to coordinate the selection of trainees in an administrative capacity and manage their traineeship within the department.

- 5.2 In particular, the traineeship coordinator will:
- identify their department's traineeship needs for a given budget year;
 - consult the database of applicants for each session;
 - collect applications for their department;
 - send HR the applications that have been selected;
 - monitor their department's use of the budget, together with HR;
 - be responsible for providing notification of and managing all types of activities and/or events organised for trainees by HR and/or their department;
 - manage, together with the relevant departments, any significant incident that occurs during the traineeship, and help trainees in their department to resolve any significant problems.
- 5.3 The 'traineeship supervisor' is an ECA official or other servant who works in the department to which the trainee has been assigned, and who:
- guides and closely supervises the trainee throughout their traineeship;
 - assigns tasks to the trainee, and oversees their performance in and integration into the department;
 - notifies the traineeship coordinator of any significant incident during the traineeship;
 - draws up a letter of recommendation for the trainee, where required.

Article 6 General obligations

- 6.1 Trainees must observe the utmost discretion as regards facts and information which come to their knowledge during their traineeship. They are bound by the same confidentiality and personal-data protection rules as the ECA's staff.
- 6.2 They must comply with the instructions given by their traineeship supervisor and/or the person responsible for the department to which they have been assigned.
- 6.3 At any time during their traineeship and in the interest of the service, trainees may be placed at the disposal of another unit in the department to which they have been assigned, or in another department.
- 6.4 Trainees must adhere to the ECA's ethical guidelines. They must carry out their duties with integrity, courtesy and consideration. They are subject, in particular, to Decision No 26-2017 on the policy for maintaining a satisfactory working environment and combating psychological and sexual harassment.
- 6.5 During their traineeship, trainees must consult their traineeship supervisor or, in the latter's absence, their traineeship coordinator about any initiative they propose to take in connection with their work or that of the ECA.
- 6.6 Trainees must not deal with matters in which, directly or indirectly, they may have a personal interest. They may not enter into professional commitments with third parties that would be incompatible with their traineeship at the ECA, or have paid employment during their traineeship.

- 6.7 Trainees who find themselves in – or are faced with – a conflict of interest, as described in the previous paragraph, must immediately notify their traineeship supervisor and traineeship coordinator thereof in writing.
- 6.8 Trainees must adhere to the same rules as the ECA’s established staff in their dealings with the media. They must comply with the instructions they are given in this respect, even once their traineeship is over.
- 6.9 Trainees may not, either in a personal capacity or in collaboration with third parties, publish, or have others publish, information about the ECA’s work through any medium whatsoever, without the prior authorisation of the ECA departments concerned. This obligation will continue to apply once their traineeship is over.
- 6.10 The ECA will irrevocably acquire worldwide ownership of the results, and all intellectual or industrial property rights, of work done by trainees during their traineeship, including any rights relating to copyright, reproduction, communication to the public, and distribution.
- 6.11 Trainees will be employed on a full-time basis. Their working hours are those of the ECA. Overtime will give no right to compensation or additional remuneration, or to an increase in the monthly grant.

Article 7 Termination and end of traineeships

7.1 Traineeships will end when the period for which they have been awarded expires.

7.2 However, the ECA may terminate traineeships early:

- either in response to a reasoned written request by the trainee, giving at least three weeks’ notice.

The request must be submitted to the traineeship supervisor, who will inform the department’s traineeship coordinator without delay. The traineeship coordinator informs HR, at least five working days before the requested termination date.

HR then issues a decision confirming termination of the traineeship, and, once it has been signed, sends it immediately to the person concerned and to the other relevant departments.

Trainees must reimburse any proportion of the grant they may have received for the period they have not worked. They may leave the ECA either midway through a month or at the end of the month;

- or in response to a reasoned opinion from the person responsible for the department to which the trainee has been assigned if the trainee seriously fails to comply with their obligations under these rules.

The traineeship coordinator for the department concerned will send this opinion to HR without delay.

Having interviewed the trainee, HR will then issue a decision confirming termination of the traineeship, and, once it has been signed, sends it immediately to the person concerned and to the other relevant departments.

Trainees must reimburse any proportion of the grant they may have received for the period they have not worked. They may leave the ECA either midway through a month or at the end of the month;

- or in cases of *force majeure*, such as a health crisis, war, or natural/other disaster, or as a result of substantial structural changes at the ECA or of any other event that corresponds to the legal definition of *force majeure*.

HR then issues a decision confirming termination of the traineeship, and, once it has been signed, sends it immediately to the person concerned and to the other relevant departments.

Trainees are not required to reimburse any proportion of the grant they may have received for the period during which they have not worked. They may leave the ECA as soon as they have received notification of the decision to terminate their traineeship.

- 7.3 Where the ECA terminates a traineeship, it is not required to provide any notice, and there will be no entitlement to compensation.
- 7.4 The ECA may decide to refuse a trainee access to its buildings and IT systems.
- 7.5 Furthermore, in the event of serious misconduct by a trainee, the ECA reserves the right to launch legal proceedings against them.

Article 8 Emoluments

- 8.1 Trainees will receive a monthly grant of 1 350.00 euros.
- 8.2 Disabled trainees may qualify for a monthly grant of 1 850.00 euros, subject to their providing the appropriate supporting documents.
- 8.3 The ECA may authorise unpaid traineeships, which will also be subject to the rules set out in this Decision.

Article 9 Tax arrangements

- 9.1 Traineeship grants are not subject to the special tax arrangements that apply to EU officials and other servants. Trainees in receipt of a grant are solely responsible for ensuring that they comply with their national tax obligations.

Article 10 Health and accident insurance

- 10.1 Trainees must have health and accident insurance.
- 10.2 If trainees cannot make provision for their own health insurance, the ECA will offer them insurance. Where this is the case, trainees must pay a third of the insurance premium.
- 10.3 If the European Health Insurance Card issued by national authorities or insurance companies does not cover the entire traineeship, the arrangements in the previous paragraph will apply for the period that is not covered.
- 10.4 The ECA will provide trainees with accident insurance.

Article 11 Missions

- 11.1 In exceptional cases, and subject to a duly justified request from their traineeship supervisor that has been approved by the person responsible for the department to which they have been assigned, trainees may take part in official ECA missions. On such occasions, they must be accompanied by a member of the ECA's staff.
- 11.2 The general rules applicable to all ECA staff will apply *mutatis mutandis* to missions carried out by trainees.

Article 12 Travel expenses incurred at the beginning and end of a traineeship

- 12.1 Within the geographical limits of the recognised home (or equivalent) territories of EU Member States, trainees will be entitled to reimbursement of the travel expenses they incur at the beginning and end of their traineeship.
- 12.2 Expenses for one return journey will be restricted to the journey to and from the place of the traineeship and the place where the trainee was usually domiciled before their traineeship commenced. Trainees whose domicile is less than 50km from the place of the traineeship will not be entitled to this allowance.
- 12.3 Reimbursements will be based on the costs actually incurred and upon presentation of supporting documents for:
- a second-class rail journey, if need be including a couchette or sleeping car, for distances between 51 and 500km, or
 - an economy-class flight, if this is cheaper than rail travel, or if the route by rail is more than 500km or the route involves a sea crossing, except where Eurotunnel is used.
- 12.4 Journeys undertaken by private car will be reimbursed on a fixed-rate basis and solely upon presentation of supporting documents. The fixed rate will be calculated as follows:
- 0.12 euros per km for the first 1 000 kilometres;
 - 0.08 euros per km for each kilometre thereafter;
 - 0.00 euros per km for the part of the journey exceeding 5 000 kilometres.
- 12.5 If the usual place of residence is located outside the EU, travel expenses will be borne only from the capital of the EU Member State that is nearest to the place in question.
- 12.6 In order for travel expenses to be reimbursed, the journey must take place no earlier than the month before the traineeship commences, and the return journey must be completed no later than the month after the traineeship ends. Where this is not the case, the ECA may refuse to reimburse the expenses in question.

Article 13 Leave

- 13.1 During their traineeship, trainees will be entitled to the same official and public holidays as the ECA's established staff.
- 13.2 Trainees will be entitled to two days' leave for each month of their traineeship. They must submit leave requests to their traineeship supervisor for approval, and to the person responsible for the department to which they have been assigned.

- 13.3 The department to which a trainee has been assigned will be responsible for keeping a record of and managing their leave requests.
- 13.4 Days used to sit competitions or examinations, or to carry out university study, etc., will be deducted from this entitlement.
- 13.5 There will be no financial compensation for unused leave. If a trainee is absent for longer than their stipulated leave entitlement, financial compensation equivalent to the extra number of days will be deducted from their monthly grant.
- 13.6 If a trainee is absent without justification, or exceeds the total number of days of unjustified absence on account of illness, the length of the absence will be deducted from the leave allocation. If the trainee has used up their leave allocation, equivalent financial compensation will be deducted from their monthly grant.

Article 14 Sick leave

- 14.1 If a trainee falls ill, they must immediately inform their traineeship supervisor, the traineeship coordinator of the department to which they have been assigned, and the Medical Service.
- 14.2 As of the fourth consecutive day of unjustified absence on account of illness, trainees must submit a medical certificate to the ECA's Medical Service.
- 14.3 In any event, total sick leave without a medical certificate may not exceed six days over the course of a traineeship.
- 14.4 As laid down in Article 10 of these rules, trainees partially insured by the ECA against illness will not be entitled to reimbursement of medical expenses borne by the institution.

Article 15 Protection of personal data

- 15.1 All personal data collected when selecting and employing trainees will be processed in line with Regulation (EU) 2018/1725 of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the EU institutions, bodies, offices and agencies and on the free movement of such data.

Article 16 Budgetary charging

- 16.1 The expenditure arising from the implementation of these rules will be booked to item 1404-03 of the ECA's budget, with the exception of costs arising in connection with missions, which will be booked to Article 162.

Article 17 Appeals

- 17.1 No internal formal appeal against any decision relating to traineeships is possible.
- 17.2 However, HR may offer to mediate in order to resolve specific problems which would not bring a traineeship to an end, or which trainees or their traineeship coordinator have brought to its attention.
- 17.3 Decisions taken in application of these rules may be challenged before the General Court of the European Union in accordance with Article 263 of the Treaty on the Functioning of the European Union (TFEU).

Article 18 Trainees from prestigious higher-education establishments

- 18.1 Students from prestigious higher-education establishments who have completed at least four semesters of study may apply for a traineeship at the ECA, as per the conditions set out in this Decision.
- 18.2 For the purposes of this Decision, prestigious higher-education establishments are those ranked among the top hundred in the world by the *QS World University Rankings*.
- 18.3 If a student from a prestigious higher-education establishment is selected for a traineeship, the ECA will, where appropriate, automatically apply the exemption regarding citizenship of an EU Member State.

Article 19 Final provisions

- 19.1 This Decision will come into force on the date it is signed.
- 19.2 It will supersede the rules for the employment of trainees at the European Court of Auditors that were adopted on 22 June 2015, and Amendment 1 thereto of 5 October 2017.
- 19.3 It will be brought to the attention of the ECA's Internal Auditor and Accounting Officer by the Court Secretariat, and will be published on the institution's website.

Luxembourg, 21 July 2020

(s.) Philippe Froidure
Acting Secretary-General