

# Decision of the Management Board

## On Secondment of National Experts

### The Management Board

**Having regard** to Regulation (EU) No 1095/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Securities and Markets Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/77/EC <sup>1</sup> (the “Regulation” and “ESMA”), and in particular Article 68 thereof,

After consulting the Staff Committee,

### Whereas:

- (1) Secondments are mutually beneficial for ESMA and Sending Authorities to exchange professional knowledge and experience in a specific field.
- (2) It is highly desirable to foster the exchange of professional experience in, and knowledge of, European policies by temporarily assigning experts from the members of the European System of Financial Supervision to ESMA, even for short periods. For the same reason, steps should also be taken to facilitate the use of experts drawn from the competent authorities of Member States of the European Free Trade Area (EFTA), candidate countries that have reached an agreement with the Commission on personnel matters, and public intergovernmental organisations (IGOs).
- (3) In order to avoid any conflicts of interest, 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 ESMA.
- (4) It is desirable to consolidate the rules applicable to SNEs in a single text, preserving their specific features while also simplifying them and, in the case of working conditions and the granting of subsistence allowances, by bringing them as much as possible in line with the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Communities, but without actually assimilating SNEs to these categories.
- (5) In view of the importance of training national experts of the Member States – and, where appropriate, of EFTA countries, candidate countries and IGOs – in ESMA policies and working methods, a specific legal and administrative framework for the induction and

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<sup>1</sup> OJ L 331, 15.12.2010, p. 84.

professional training of these national experts, to be known as national experts in professional training (NPTs), should be set up.

**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 at both junior and senior level, seconded to the European Securities and Markets Authority (“SNEs” or “Seconded National Experts”).
2. The secondment is not an employment, nor does it lead to an employment.
3. SNEs are staff employed by a competent authority that is a member of the European System of Financial Supervision (as specified in Article 2 of Regulation (EU) no 1095/2010 of the Council and Parliament of 24 November 2010<sup>2</sup>), including those countries that have reached appropriate arrangements for participation in ESMA’s work within the meaning of Article 75 of the Regulation, or an IGO who are seconded to ESMA so that it can use their expertise in a particular field.
4. SNEs must be a national of an EU or EFTA Member State, or a country with which the Council has decided to open accession negotiations, and which has concluded a specific agreement with the European Commission on staff secondments.
5. SNEs must have worked for their employer on a permanent or contract basis for at least 12 months before their secondment to ESMA and must remain in the service of that employer throughout the period of secondment. If the employment with the sending authority (herein called ‘the employer’) ends during the secondment, the secondment will terminate automatically at the same date that the employment ends.
6. The SNEs’ employer shall continue to be responsible for all their social rights, particularly social security and pension.

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<sup>2</sup> Regulation (EU) no 1095/2010 of the Council and Parliament of 24 November 2010 establishing a European Supervisory Authority (European Securities and Markets Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/77/EC (the “Regulation” and “ESMA”).

7. Notwithstanding paragraphs 3 and 4, the Executive Director may, on a case-by-case basis, grant a derogation concerning the SNE's employer and/or nationality in the following cases:
- a) If the SNE's employer is not part of the European System of Financial Supervision (ESFS) or an International Governmental Organisation (IGO), the Executive Director may, on a case-by-case basis, grant a derogation and authorise the secondment of an SNE, provided that the employer meets one of the following conditions:
- The employer is an independent university or research organisation which does not set out to make profits for redistribution; or
  - The employer is part of the public sector.

To qualify as part of the public sector for the purposes of this Decision, the SNE's employer must meet the following criteria:

- it must be attached to a public administration (meaning all State administrative services at central, federal or 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), and must have been created by legislation or regulation.
- b) If the SNE is not a national of an EU or EFTA Member State, or a country with which the Council has decided to open accession negotiations and which has concluded a specific agreement on staff secondments, the Executive Director may also grant a derogation on a case-by-case basis if ESMA's interests warrant it.

## **Article 2 – Unpaid Seconded National Experts**

1. For the purposes of this Decision, “unpaid SNEs” means SNEs for whom ESMA does not pay any of the allowances provided for in Chapter 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. Unpaid SNEs may be seconded from the employers set out in Article 1, subject to the same requirements for authorisation by the Executive Director where appropriate.
3. Unpaid SNEs shall be taken into account in ESMA's annual decision on the final allocation of human resources and on its budget.

### **Article 3 – Selection procedure**

1. ESMA actively seeks to attract and select a diverse pool of candidates of SNEs, with a view to ensuring geographical and gender balance. SNEs are selected in compliance with the principle of equal opportunities and in alignment with the provisions set out in Article 1d and Article 27 of the Staff Regulations.
2. SNEs shall be selected either through:
  - an open call for expression of interest, or
  - by direct agreement between ESMA and the respective SNE's employer.
3. The secondment shall be authorised by the Executive Director and take effect by written exchange between the Executive Director and the sending authority.
4. Subject to budget availability, reasonable accommodation will be provided for SNEs with disabilities or specific needs to ensure their full and equal participation in the workplace. This may include adjustments to working conditions, technical aids, or flexible working arrangements.

### **Article 4 – Period of secondment and extension of secondment**

1. The initial duration of the secondment will normally be one year, but it may be no less than six months and no more than two years. It may be extended once or more, up to a total period not exceeding four years. Exceptionally when in the interests of the service, the Executive Director may authorise one or more extensions of the secondment for a maximum of two additional years beyond the four-year limit.
2. Any extension of the period of secondment shall be subject to the approval of the Executive Director and the sending authority. The extension of the secondment will be formalised by a written exchange between the sending authority and ESMA's Human Resources Unit.

### **Article 5 – Place of secondment**

SNEs shall be seconded to ESMA's seat unless decided otherwise by the Executive Director and agreed with the sending authority.

## **Article 6 – Tasks**

1. SNEs shall assist ESMA's staff, performing the tasks assigned to them based on professional knowledge and experience. SNEs may not perform middle or senior management duties, even when deputising for their immediate superior.
2. Under no circumstances may SNEs on their own represent ESMA with a view to entering into commitments, whether financial or otherwise, or negotiating on ESMA's behalf. An SNE may, however, represent ESMA in legal proceedings as co-agent with a member of ESMA's staff.
3. ESMA shall remain solely responsible for approving the results of any tasks performed by an SNE and for signing any official documents arising from them.
4. ESMA, 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. For this purpose, the SNE shall make an initial declaration of interests in line with ESMA's Conflict of interest policy for staff.
5. The employer and the SNE shall also undertake to inform the Executive Director of any change of circumstances during the secondment which could give rise to any such conflict.
6. ESMA shall keep a copy of all such exchanges of correspondence in its records.
7. Failure on the part of the SNE to comply with the obligations arising from paragraphs 2, 3 or 4 above shall entitle ESMA, if it sees fit, to terminate the secondment of the SNE pursuant to Article 10(2)(c).

## **Article 7 – Rights and obligations**

1. SNEs shall be subject to the same ethics and integrity principles as ESMA staff. ESMA's Conflict of interest policy for staff shall apply, unless provided otherwise in this Decision.
2. During the period of secondment:
  - SNEs shall carry out their duties and conduct themselves solely with the interests of ESMA and of the European Union in mind. They shall neither seek nor take instructions from any government, authority, organisation or person outside ESMA. They shall carry out the duties assigned to them objectively, impartially and in keeping with their duties of loyalty to ESMA and to the European Union.
  - SNEs wishing to engage in an outside activity, whether paid or unpaid, or to carry out any assignment outside the European Union institutions or agencies shall be

subject to the Commission's rules on prior authorisation for officials<sup>3</sup> as reflected in ESMA's Conflict of Interest and Ethics Policy. Where deemed appropriate, the service concerned shall consult the SNE's employer before issuing an authorisation.

- SNEs shall refrain from any action or behaviour which might reflect adversely up on their position and from any form of psychological or sexual harassment.
- 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 their line manager, who will take any appropriate measure and may, in particular, relieve the SNE of responsibility in this matter.
- SNEs may neither keep nor acquire, either directly or indirectly, in undertakings which are subject to the authority of ESMA or which have dealings with ESMA, any interests of such kind or magnitude as might impair their independence in the performance of their duties and shall comply with ESMA's internal rules of procedure concerning such interests.
- SNEs shall declare any gainful activity performed in a professional capacity by their spouse, as defined by the Staff Regulations.
- SNEs 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. SNEs shall comply with the requirements of professional secrecy set out in Article 70 of the Regulation establishing ESMA.
- SNEs have the right to freedom of expression, with due regard for the principles of loyalty and impartiality.
- SNEs who intend to publish or cause to be published, whether alone or with others, any text on a matter relating to the work of the European Union shall inform their line manager in advance. Where the line manager is able to demonstrate that the publication is liable seriously to prejudice the legitimate interests of the European Union, the line manager shall inform the SNE in writing within 30 working days of receipt of the information. If no such decision is notified within the specified period, the line manager shall be deemed to have had no objections.

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<sup>3</sup> Article 12b of the Staff Regulations and the provisions implementing this Article shall apply mutatis mutandis.

- All rights in any work done by SNEs in the performance of their duties shall be the property of ESMA.
  - SNEs shall reside at the place of secondment or at no greater distance therefrom as is compatible with the proper performance of their activities.
  - Based on their professional knowledge and experience, SNEs shall assist and tender advice to the superiors in ESMA to whom they are assigned and shall be responsible to their superiors for performance of the tasks entrusted to them.
3. Failure to comply with any of the provisions of paragraph 2 during the period of secondment shall entitle ESMA, if it sees fit, to terminate the SNE's secondment pursuant to Article 10(2)(c).
  4. At the end of the secondment, SNEs shall continue to have a duty of loyalty to ESMA and to the European Union 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 advantages and posts after leaving ESMA. If SNEs do not return to their original employer, they shall declare it to ESMA.

#### **Article 8 – Professional experience and language skills**

1. To qualify for secondment to ESMA, a national expert must have at least one year of experience in administrative, legal, scientific, technical, advisory or supervisory functions which can be regarded as equivalent to those of function groups AD or AST as defined in the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Communities.
2. SNEs must be able to communicate effectively in writing and orally in English, as this is the working language of ESMA.

#### **Article 9 – Suspension of secondment**

1. At the written request of the SNE or their employer, and with the latter's agreement, ESMA may authorise suspensions of periods of secondment and specify the terms applicable. During such suspensions:
  - the subsistence allowances referred to in Article 17 shall not be payable;
  - the travel expenses referred to in Article 20 shall be payable only if the suspension is at ESMA'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 secondment**

1. The SNE's secondment may be terminated at the request of ESMA or the SNE's employer, subject to three months' notice, or at the SNE's request, subject to the same notice period and with the agreement of ESMA 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 ESMA 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 ESMA in the event of failure by the SNEs or their employer to respect their obligations under this Decision; ESMA shall immediately inform the SNE and their employer accordingly.

## **CHAPTER II**

### **WORKING CONDITIONS**

## **Article 11 – Social security**

1. Before the period of secondment begins, the SNE's employer shall certify that they will remain, throughout the period of secondment, subject to the social security legislation applicable to the employer and is responsible for expenses incurred abroad. To this end, the SNE's employer shall provide ESMA with the certificate referred to in Article 19 of Regulation (EC) No 987/2009<sup>4</sup>, which lays down the procedure for implementing Regulation (EC) No 883/2004 on the coordination of social security systems.
2. From the day when their secondment begins, SNEs shall be covered by ESMA against the risk of accident.
3. SNEs who cannot be covered by a public sickness insurance scheme may apply to have this risk insured by ESMA. The SNE shall pay half the relevant insurance premium and their contribution shall be deducted monthly from the subsistence allowances referred to in Article 17.

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<sup>4</sup> So-called "A1 form".



## **Article 12 – Working hours**

1. The rules in force at ESMA on working time and hybrid working shall apply to SNEs.<sup>5</sup>
2. An SNE shall serve on a full-time basis throughout the period of secondment. Following a duly justified request, the Head of Human Resources Unit may exceptionally allow an SNE to work part-time, provided the SNE's employer agrees and the arrangement is compatible with the smooth running of the service to which the SNE is seconded.

## **Article 13 – Sick leave**

1. The rules in force at ESMA on absence due to sickness or accident shall apply to SNEs<sup>6</sup>.
2. When 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 17 shall be automatically suspended. This provision shall not apply in the event of illness linked to pregnancy.
3. Sick leave may not extend beyond the duration of the secondment of the person concerned.
4. 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. SNEs shall be entitled to two-and-a-half working days of leave per whole month of service, giving 30 days per calendar year.
2. Leave shall be subject to prior authorisation by the department 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, SNEs may be granted up to 5 days of special leave in a 12-month period to visit their employer.
4. Days of annual leave not taken by the end of the period of secondment shall be lost and shall not give rise to any compensation or payment by ESMA.

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<sup>5</sup> Articles 55, 56 and 56c of the Staff Regulations and the provisions implementing these Articles shall apply mutatis mutandis.

<sup>6</sup> Articles 59 and 60 of the Staff Regulations and the provisions implementing these Articles shall apply mutatis mutandis.

5. In the case of part-time work, the annual leave shall be reduced accordingly.
6. SNEs may be granted special leave in accordance with the rules in force at ESMA on special leave.

#### **Article 15 – Maternity leave**

1. The rules in force at ESMA on maternity leave shall apply to SNEs. While on maternity leave, the SNE shall receive the subsistence allowances referred to in Article 17.
2. When the rules that are binding upon the SNE's employer provide for a period of maternity leave longer than that granted by ESMA, the secondment may, at the SNE's request, be interrupted for the period by which that leave exceeds the leave granted by ESMA.

A period equivalent to the break may be added to the end of the secondment if the interests of ESMA 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.

#### **Article 16 – Management and control**

1. Day-to-day administrative and financial management, such as the calculation and payment of subsistence allowances and travel allowances, shall be the responsibility of the Human Resources Unit working closely with the department to which the SNE is assigned.
2. The SNE's employer may contact ESMA at any time throughout the SNE's secondment. All correspondence and communications between the SNE's employer and ESMA will be managed by ESMA's Human Resources Unit.

### **CHAPTER III**

#### **ALLOWANCES AND EXPENSES**

#### **Article 17 – Subsistence allowances**

1. An SNE shall be entitled, throughout the period of secondment, to a daily subsistence allowance and a monthly subsistence allowance equal to the amount established by the Commission each year.
2. These subsistence allowances shall be granted under the same conditions as the expatriation allowance for officials.

3. In the case of unpaid SNEs, as defined in Article 2, the written exchange referred to in Article 3(3), which formalises the secondment, shall explicitly state that subsistence allowances will not be paid.
4. The subsistence allowances shall be subject to the weighting set by the Council pursuant to Article 64 of the Staff Regulations.
5. 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.
6. These allowances are intended to cover the SNEs' living expenses in the place of secondment on a flat-rate basis, therefore they are not reduced in the case of part-time work. In no circumstances shall these allowances be construed as remuneration paid by ESMA.
7. The SNE shall inform ESMA of any allowance similar to the subsistence allowances received from other sources. This amount shall be deducted from the subsistence allowances. Following a duly justified request from the employer, ESMA may decide not to make this deduction.
8. Subsistence allowances shall be payable for every day of the week, including during periods of mission, annual leave, special leave and holidays granted by ESMA.
9. When SNEs start their secondment, the first 75 days of the subsistence allowances to which they are entitled shall be advanced in the form of a lump sum, 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 ends 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 18 – Place of origin**

1. For the purposes of this Decision, "place of origin" means the place where the SNE performed the duties for the employer at the time of the secondment, usually this will be the seat of the sending authority. The place of secondment shall be ESMA's seat or the place decided by the Executive Director in accordance with Article 5. Both places shall be identified in the written exchange referred to in Article 3(2).
2. If, six months before the secondment to ESMA, an SNE already has established 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 19 – Travel expenses**

1. SNEs other than those seconded unpaid, 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 19, at the beginning and end of their secondment.
2. Travel expenses shall be reimbursed in accordance with the relevant rules and conditions in force at ESMA<sup>7</sup>.
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. ESMA shall not reimburse any expenses referred to in the preceding paragraphs if they have been met by the employer or any other body. The employer concerned shall inform the Human Resources Unit to this effect.

### **Article 20 – Missions and mission expenses**

1. SNEs may be sent on mission subject to the provisions of Article 6.
2. Mission expenses shall be reimbursed in accordance with the relevant rules and conditions in force at ESMA<sup>8</sup>.

### **Article 21 – Training**

SNEs shall be entitled to attend training courses organised by ESMA and/or other organisations if the interests of ESMA warrant it. The interests of the SNEs, in particular with a view to the reinstatement into their sending authority after the secondment, may be considered when a decision is taken on whether to allow them to attend a training course.

### **Article 22 – Appraisal**

The appraisal procedure set out in ESMA's decision on appraisal of temporary staff shall apply by analogy to SNEs.

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<sup>7</sup> Article 7(1) and (2) of Annex VII to the Staff Regulations and the provisions implementing these Articles shall apply mutatis mutandis.

<sup>8</sup> Articles 11 and 12 of Annex VII to the Staff Regulations and the provisions implementing these Articles shall apply mutatis mutandis.

## **Article 23 – Administrative provisions**

SNEs shall report to the Human Resources Unit on their first day of secondment to complete the requisite administrative formalities. They shall normally take up duty on either the first or the sixteenth day of the month.

## **CHAPTER IV**

## **COMPLAINTS**

### **Article 24 – Complaints**

1. Without prejudice to the possibilities for instituting proceedings after taking up their position, under the conditions and time limits laid down in Article 263 of the Treaty on the Functioning of the European Union, SNEs may submit a complaint to the Executive Director about an act adopted by ESMA under this Decision which adversely affects them, with the exception of decisions which are direct consequences of decisions taken by their employer.
2. The complaint must be lodged within two months. The period shall start to run on the date of notification of the decision to the SNE, but in no case later than the date on which the SNE received such notification. The Executive Director shall notify the SNE of the reasoned decision taken in response to the complaint 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**

## **NATIONAL EXPERTS IN PROFESSIONAL TRAINING**

### **Article 25 – General provisions and definitions**

1. National experts in professional training (hereinafter referred to as NPT) are staff employed by a member of the European System of Financial Supervision (as specified in Article 2 of Regulation (EU) no 1095/2010 of the Council and Parliament of 24 November 2010<sup>9</sup>), including those countries that have reached appropriate arrangements for participation in ESMA's work within the meaning of Article 75 of the Regulation, or an IGO who are admitted to ESMA departments for professional training purposes.

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<sup>9</sup> Regulation (EU) no 1095/2010 of the Council and Parliament of 24 November 2010 establishing a European Supervisory Authority (European Securities and Markets Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/77/EC (the "Regulation" and "ESMA").

2. The provisions of Article 1(3), (4) and (6) shall apply by analogy to NPT.

## **Article 26 – Purpose of the professional training**

1. The purpose of the professional training is:
  - to give NPT's experience of ESMA's working methods and policies;
  - to enable them to gain practical experience and understanding of the day-to-day work of ESMA's departments and to give them the opportunity to work in a multicultural, multilingual environment; and
  - to provide staff from national administrations with the opportunity to apply the knowledge gained through their studies and professional experience, particularly in their respective areas of responsibility.
2. For its part, ESMA:
  - benefits from the input of people who can offer a new point of view and up-to-date knowledge which will enrich the daily work of ESMA;
  - builds up a network of people with direct experience of its procedures.

## **Article 27 – Eligibility**

The provisions of Article 8 on language skills shall apply by analogy to NPT.

## **Article 28 – Duration of the professional training**

1. The professional training shall not be less than 3 months. The duration shall be fixed at the outset and may not be changed or extended.
2. An NPT may complete only one professional training at ESMA.
3. The professional trainings are organised based on the need with a starting date on the 1<sup>st</sup> or 16<sup>th</sup> of the month.

## **Article 29 – Organisation of the professional training**

1. Throughout the professional training, NPT shall be assigned a mentor. The role of the mentor is to guide and provide assistance to the NPT during the professional training.
2. NPT must comply with the instructions given by their mentor, by their superiors in the department to which they are assigned and with the instructions issued by ESMA. They must also comply with the internal rules governing the functioning of ESMA.

3. NPT shall be allowed to attend meetings, unless they are restricted or confidential, to receive documentation and to participate in the activities of the department to which they are seconded.

### **Article 30 – Suspension of the professional training**

At the written request of the NPT or their employer, and with the latter's agreement, ESMA may authorise a very brief suspension of the professional training or its early termination. The NPT may return to complete the remaining period of the professional training, only up to the end of the originally agreed period. Under no circumstances may the training be extended.

### **Article 31 – Working conditions and remuneration**

1. NPT shall be regarded as unpaid SNEs within the meaning of Article 2. They shall continue to be paid by their employer without any financial compensation being paid by ESMA.
2. The following Articles shall apply by analogy to NPT:
  - Article 6 on tasks;
  - Article 7 on rights and obligations;
  - Article 11(1) and (2) on social security;
  - Article 12(1) on working hours;
  - Article 13 on sick leave;
  - Article 14 on annual and special leave;
  - Article 21 on missions and mission expenses.
3. ESMA will accept no requests for grants or fees or the reimbursement of travel or other expenses other than the reimbursement of mission expenses incurred as part of the professional training.

### **Article 32 – Training**

NPT may attend training courses organised by ESMA if places are available in activities organised for the statutory staff, provided that their participation does not generate additional training costs to ESMA. NPTs shall not attend external trainings paid for by ESMA.

### **Article 33 – Certificate of attendance**

At the end of the professional training, NPT shall receive a certificate showing the dates of the professional training and the department in which it took place.

## **TITLE III**

### **FINAL PROVISIONS**

### **Article 34 – Delegation**

The Executive Director may delegate any of the powers conferred upon them under this Decision to one or more middle managers of their choice.

### **Article 35 – Entry into force**

1. The decision of the Management Board ESMA/2014/MB/67 of 24 September 2014 on Seconded National Experts is repealed.
2. This Decision shall take effect on the day following its adoption.

Done at Paris on 11 December 2024

[signed]

Verena Ross  
Chair  
For the Management Board