



## GUIDELINES FOR NATIONAL SECONDED EXPERTS, ASSOCIATESHIPS AND SABBATICAL PERIODS

## FOREWORD

CREA, in implementation of Article 2, paragraph 1, letter h) of Legislative Decree no. 218 of November 25, 2016, and in conformity with the principles set out in the European Charter for Researchers, intends to foster geographical, inter-sectoral, and inter-institutional mobility, within the scope of its institutional mission.

Our institution has obtained the "*Human Resources Excellence in Research*" (HRS4R) recognition from the European Commission following a process undertaken in the field of human resources management: This process started from a careful analysis of the existing discrepancies between the Charter's principles and current practices (Gap Analysis) and led to the definition of an action plan to overcome these gaps (Action Plan).

The Action Plan, approved by the Administrative Council with Resolution no. 9 on June 26, 2017, effectively introduced the "Associateship" mechanism in CREA and provided for the drafting of the present *Guidelines* aimed at regulating the operational aspects of the following mechanisms:

- Seconded National Experts
- Associateships
- Sabbatical periods for researchers and technologists

In compliance with regulatory and contractual provisions, CREA intends to strengthen its internationalization policy by incentivizing staff mobility and guaranteeing opportunities for professional and personal growth through the use of leave periods for study or scientific and technological research purposes.

These *Guidelines*, therefore, aim to provide a tool that allows CREA staff to access national and international mobility opportunities.

## TITLE I – SECONDED NATIONAL EXPERTS

A Seconded National Expert (SNE) is an employee of a public administration from an EU Member State who is an expert in their professional field and undertakes a temporary work and professional experience at the Institutions, Bodies, and Agencies of the European Union.

The mechanism of the Seconded National Expert is governed by specific Community and national provisions, including:

- Commission Decision C(2008) 6866 of 12 November 2008 "*laying down rules on the secondment to the Commission of national experts and national experts in professional training*";
- Law no. 234 of 24 December 2012, containing "*General rules on Italy's participation in the formation and implementation of the European Union's legislation and policies*", and in particular Article 21 'Seconded National Experts';
- Prime Ministerial Decree no. 184 of 30 October 2014, containing the "*Implementing Regulation on the secondment of public administration personnel*

- to the European Union, international organizations, or foreign states", in particular Chapter I – Seconded National Experts to the European Union;*
- Article 32 of Legislative Decree no. 165 of 30-3-2001, containing: "*General rules on the organization of work in the employ of public administrations*", and subsequent amendments.

## **PURPOSE**

Pursuant to Article 32 of Legislative Decree no. 165/2001, public administrations shall encourage and incentivize their staff to gain experience at European institutions, international organizations, and European Union Member States, with the purpose to promote a mutual exchange in terms of knowledge, skills, and professional capacity.

## **RECIPIENTS**

The SNE is, as a rule, an employee who is expert in their professional field, in paid service with a central, regional, or local public administration in their country. To be seconded to the European Union, the employee must have been employed by their administration for at least 12 months and must have accrued a full-time professional experience of at least three years. A sound knowledge of one of the EU languages and a satisfactory knowledge of another Community language are required, to the extent necessary for the duties to be performed. For the description of duties and details of professional and linguistic requirements, reference must be made to each specific call for applications.

## **DURATION**

The duration of the secondment cannot be less than six months nor more than two years, with the possibility of an extension up to four years. In exceptional cases, extensions for a maximum of two additional years may be granted at the end of the 4-year period.

## **LEGAL AND ECONOMIC STATUS**

During the secondment, the SNE remains dependent on their originating administration, which must guarantee their economic remuneration, without prejudice to the provisions of Article 32, paragraph 3 of Legislative Decree no. 165/2001, social security benefits, and the pursuit of their professional career.

In addition to their salary in Italy, the SNE receives a daily mission allowance (the so-called subsistence allowance) which - for SNEs seconded to the European Commission - is approximately 138 Euros, and a monthly allowance calculated based on the distance in kilometers between the home office and the place of secondment. "Cost-free" SNE secondments (i.e., without a subsistence allowance) are also possible, as per Title I, Chapter I, Art. 2 of Commission Decision no. 6866 of 12.11.2008.

## **APPLICATION SUBMISSION PROCEDURE**

1. Choice of Call: Notices for SNE positions at the European Union are published on the MAECI (Ministry of Foreign Affairs and International Cooperation) website, specifically in the section dedicated to SNEs under "open positions."

2. Preparation of the Application: To apply for an SNE position, the following must be prepared:

- a. The Curriculum Vitae drafted exclusively using the European model in English, French, or another language specified in the call;
- b. A cover note (or accompanying note);
- c. The "Nulla Osta" (Clearance) signed by the Director-General of CREA;
- d. Any other documentation that might be requested in the call, such as a letter of motivation, or other.

The procedures for application preparation and the forms (CV in European format, Covering Note) are available on the MAECI website.

3. Request for the "Nulla Osta" (Clearance): By granting the Nulla Osta, CREA provides explicit consent to the secondment of the employee to the Institutions, Bodies, and Agencies. It also commits, where provided, to paying the employee's monthly salary, including social security and insurance contributions, for the entire duration of the potential secondment.

For this reason, the request for the Nulla Osta must reach the CREA Director-General at least 15 days before the deadline of the call indicated by the MAECI.

The Nulla Osta must be requested in writing, specifying the SNE position concerned and the date of deadline of the call. The request must be accompanied by the CV in European format, a copy of the call, and a recommendation note from the Director of the Research Centre/Head of the Central Administration Office.

4. Application Submission:

The Central Administration, pursuant to Article 2 of Prime Ministerial Decree no. 184 of 30 October 2014, shall:

- a. Verify the alignment of the received applications with the required profile, the Administration's interest in the secondment, and the possibility of future valorization of the professional experience acquired;
- b. Forward the applications to the Ministry of Foreign Affairs and International Cooperation (MAECI), accompanied by the nulla osta and the required documentation.

The MAECI, in turn, forwards the received applications to the European Union and the Presidency of the Council of Ministers, after verification of the completeness of the documentation provided and its alignment with the required profile and the priorities defined within the coordination and programming mentioned in Article 3, paragraph 1, of Prime Ministerial Decree no. 184/2014.

## **OBLIGATIONS OF THE SNE DURING THE SECONDMENT PERIOD**

SNEs, pursuant to Article 4 of Prime Ministerial Decree No. 184/2014, must maintain contact with their home administration according to the internal procedures indicated at the beginning of the secondment, in compliance with European regulations.

Furthermore, on at least an annual basis, they must submit a report on the service performed to the specially established interdisciplinary operational structure of the Institution. This report is also for the purpose of subsequent forwarding to the MAECI and the Presidency of the Council of Ministers. They also participate in meetings promoted by the home administration in areas related to their service as an NDE.

At the end of the secondment period, the NDEs and the home Administration report to the Presidency of the Council of Ministers and the MAECI on the outcomes of the service performed and the achievement of the country system's priorities in the sector in which they operated.

## **RIGHTS AND OBLIGATIONS OF THE SNE**

During the secondment, the employee is required to behave with particular discretion and confidentiality.

Their conduct, both public and private, must adhere to the codes adopted pursuant to Article 54 of Legislative Decree no. 165 of March 30, 2001, specifically the provisions of the Code of Conduct for Public Administration Employees approved by D.P.R. no. 62 of 16/04/2013 and published in the Official Gazette no. 129 of 04/06/2013, as well as this Code of Conduct for employees of the Council for Agricultural Research and Economics Analysis (CREA).

Furthermore, pursuant to Article 10 of Prime Ministerial Decree No. 184/2014, the conduct of SNEs must comply with the principles of correctness and decorum required directly or indirectly by the respective representative functions, and must observe local laws and customs, as well as the rules of conduct established by the host institution.

The seconded employee may publish writings (even unsigned ones), hold conferences or make public oral statements, and give or participate in interviews on subjects connected with the activity of their home administration or that are otherwise relevant to international relations.

The application of Article 53 of Legislative Decree no. 165 of March 30, 2001, regarding incompatibility, accumulation of employment, and assignments, remains in effect.

The employee must follow the security guidelines provided by the authority to which they are seconded. In the absence of such instructions, they must inform the diplomatic representation or the consular office competent for the territory and comply with the security provisions received from them. Violation of the obligations provided for in this paragraph may lead to disciplinary responsibility.

## **OBLIGATIONS OF THE ADMINISTRATION**

The Administration must:

- communicate to the MAECI, with the consent of the interested parties, the information concerning the profiles of potential CREA candidates for secondment positions at the European Union, necessary for the implementation of the Database where they are collected (Art. 8 of DPCM no. 184/2014);

- identify a contact point who promotes information, awareness, and, within the limits of resources allocated for this purpose, training activities regarding SNEs, and who participates in meetings at the Presidency of the Council and the MAECI (Art. 2 of DPCM no. 184/2014).
- agree with the competent Offices of the European Union on the methods for acquiring the SNEs' annual reports on at least an annual basis (Art. 4 of DPCM no. 184/2014).
- collect the above mentioned annual SNE reports for transmission to the MAECI, the Department of Public Function, and the Department for European Policies of the Presidency of the Council of Ministers (Art. 3 DPCM no. 184/2014).
- take into account the annual reports prepared by the SNEs for the purpose of evaluating individual performance and any other available element of judgment, including evaluations provided by the European Union (Art. 4 DPCM no. 184/2014).
- ensure the valorization of the professional skills acquired by the SNE for the purpose of accessing higher economic positions or horizontal or vertical career progressions within the administration (Art. 9 of DPCM 184/2014).

To ensure the necessary functional compliance for the activation of SNEs, CREA disposes of a specifically established interdisciplinary operational structure.

## **TITLE II - ASSOCIATESHIP**

To achieve its institutional goals, CREA may associate external staff with its research activities by conferring a *pro-bono* assignment, hereinafter referred to as an "associateship assignment."

The conferral of said assignment is made in the interest of the smooth functioning of the Institution, according to objective criteria which consider the specific professional expertise of the Associate, so as to exclude cases of incompatibility, whether legal or de facto, or situations of conflict of interest, including potential ones (Art. 53, Legislative Decree No. 165/2001 and subsequent amendments).

Furthermore, in line with its institutional mission, CREA may authorize its own research personnel to become Associates at other bodies and institutions.

## **CHAPTER I - ASSOCIATESHIP TO CREA**

### **RECIPIENTS**

1. Associateship, by its nature, is exclusively scientific and/or technical. Assignments cannot be conferred for purely administrative activities.
2. Individuals belonging to the following categories may be associated with CREA's activities of interest:
  - a) tenured University professors and researchers;

- b) contract professors at state and legally recognized non-state University structures;
  - c) graduate technicians performing research activities in University departments;
  - d) holders of post-doc fellowships or research grants at research bodies and institutions or at state and legally recognized non-state University structures;
  - e) young graduates, undergraduates, doctoral students, and holders of a Specialisation School fellowships in subjects of interest to the Institution, who operate at state and legally recognized non-state University structures;
  - f) researchers and technologists from public research bodies and researchers and technologists operating in other public and private scientific structures, including international ones;
  - g) retired researchers and technologists who are former employees of public research bodies, as well as retired University professors and researchers within the limits established by Article 6 of Law Decree No. 90/2014, converted into Law No. 114/2014;
  - h) former employees of CREA or other public research bodies with highly qualified technical expertise who have effectively carried out research activities, documented through their curriculum vitae, a list of the most recent relevant publications, and an indication of the contribution the interested party can provide to the achievement of the Institution's goals.
3. With reference to the subjects listed in points a)-f), the associateship is arranged following the adoption of a specific agreement with Universities and public and private research bodies, including international ones, preceded by a framework agreement already stipulated with CREA, if deemed applicable.

## **CONFERRAL**

1. Interested and eligible parties must submit an Associateship application addressed to the Director of the Research Centre competent for the subject matter of the application. The application must indicate the relevant research topic and include the applicant's curriculum vitae, attesting expertise in the activities carried out in the scientific sectors of interest to the Institution.
2. An Associate who is an employee of a public administration must present, together with the Associateship application, the "Nulla Osta" (Clearance), for carrying out the assignment at CREA, issued by their Administration
3. The Director of the CREA Research Centre conducts a preliminary assessment, availing themselves of the Centre's Scientific Committee. Specifically, this assessment involves evaluating the candidate's curriculum and the research topics for which the Associateship is requested. Furthermore, it aims to verify the potential contribution the future Associate can provide to the development of the research program to which the associateship refers. A positive outcome of this

assessment is in all cases subject to verification of the non-existence of causes of incompatibility and/or conflicts of interest, in accordance with current legislation.

4. The Director of the Centre transmits the outcome of the above-mentioned preliminary assessment to the President of CREA, who submits it to the Administrative Council, for approval.
5. The Associateship assignment is conferred by the Director of the interested Research Centre, following the approval by the Administrative Council.
6. The assignment may be revoked, suspended, terminated, or renewed at any time by a resolution of the Administrative Council, after consulting the Director of the interested Centre and, if present, the manager of the Research Project the Associate collaborates with.
7. The Associateship assignment does not constitute a binding or preferential criterion for employment at CREA and is carried out without any relationship of subordination or fixed working hours.

## **PARTICIPATION IN SCIENTIFIC ACTIVITIES**

1. Associated staff contributes to CREA's activities, in compliance with the relevant regulations and rules, and are required to act in conformity with the Institution's Three-Year Activity Plan.
2. The Associate performs research activities with continuity and scientific commitment with reference to the research program established within the Institution's procedures.
3. The Associate participates in the specific programs established in the associateship assignment, agreeing on the timing and methods of commitment with the Director of the Research Centre and the Manager of the Research Project they collaborate with, if present.
4. The Associate reports annually to the Director of the Research Centre by preparing a document on the activity carried out.

## **ECONOMIC STATUS**

1. Associated personnel are not entitled to any compensation.
2. Regarding the activities carried out at CREA's Research Structures, associated personnel are entitled to insurance coverage for professional accidents and the reimbursement of mission expenses incurred for purposes related to the performance of the project activities they participate in. These expenses must be documented according to the Institution's regulations and in compliance with the provisions established by the Institution funding the project.
3. The Director of the respective Research Centre will ensure the presence of other concurrent insurance coverage benefiting the Associates from their respective home institutions.



## **DURATION**

The Associateship is arranged for a period corresponding to the duration of the research program it refers to, with the possibility of renewal/extension.

## **RIGHTS AND DUTIES OF ASSOCIATED STAFF**

1. Associated personnel, within the scope of what has been agreed upon with the Centre Director and the Manager of the Research Project they collaborate with, have access to the use of CREA services, tools, and equipment for the purposes of the activities they are contributing to.
2. During the collaboration period, the Associate is required to:
  - Respect the current laws and CREA's internal regulations, including the Institution's Code of Conduct.
  - Take care of CREA's assets they use.
  - Maintain official secrecy (duty of confidence) and use the information they possess due to the associateship exclusively for purposes connected with it, ensuring an adequate level of confidentiality.
3. Regarding rights arising from inventions, industrial patents, and intellectual property, the Associate must comply with the provisions of Legislative Decree No. 30/2005 and subsequent amendments, which contains the "*Code of Industrial Property in accordance with art. 15 of Law 12 December 2002, no. 273*," as well as the provisions of CREA's internal Patent Regulation.
4. Should the research activity subject to the Associateship lead to publications, communications, or presentations of any kind, the Associate must ensure with the Research Centre Director or the Research Program Manager that this occurs in compliance with any necessary authorizations and/or licenses governing the specific research. They must also explicitly indicate that they carried out this activity as part of their Associateship with CREA.
5. Publications must comply with the current authorization procedures regarding the dissemination of sensitive information related to CREA's activities. The Associate will send a copy of the publication to the Manager of the Research Project they collaborate with, who will ensure it is entered into the specific database.

## **LOCATION**

The Associate carries out their activity at the Research Centre for which the Associateship was arranged.

## **CHAPTER II – ASSOCIATESHIP OF CREA RESEARCH PERSONNEL**

### **RECIPIENTS**

As previously stated, Associateship by its nature is exclusively scientific and/or technical. Associateship cannot concern purely administrative activities; therefore, CREA may only authorize personnel with a profile of "Researcher" and "Technologist" to become Associates at other Bodies and Institutions.

CREA Associates at these institutions will be able to:

- a. use the CREA logo in publications and communications in general concerning activities of interest to the Institution.
- b. use their CREA email address and associated IT services.

## **PROCEDURE**

1. The Associateship of CREA staff is arranged following the signature of specific Agreements with other Bodies and Institutions aimed at regulating the organization and functioning of the Associateship.
2. Interested and eligible parties submit a request to the Director of the Centre they are working at, who evaluates it considering the research topic of the Associateship and its consistency with the Agreement between CREA and the Body or Institution conferring the assignment.
3. Should the evaluation be positive, the Director of the Centre transmits the request and their favorable opinion to the Director General, who submits it to the President and the Administrative Council for approval.
4. The Director General issues the *Nulla Osta* (Clearance) to the interested party following the approval by the Administrative Council.

## **ECONOMIC STATUS**

The economic compensation due for staff associated with other Bodies or Institutions remains the responsibility of CREA, unless otherwise provided.

## **DURATION**

The Associateship is arranged for a period corresponding to the duration of the research program it refers to, or for a shorter period, with the possibility of renewal/extension.

## **RIGHTS AND DUTIES OF ASSOCIATED PERSONNEL**

1. Associated personnel shall submit a report on the activity performed to the Director of the respective Research Centre and ensure the dissemination of acquired knowledge within CREA.
2. Associated personnel are required to behave with particular discretion and confidentiality. Their conduct, both public and private, must adhere to the codes adopted pursuant to Article 54 of Legislative Decree No. 165 of March 30, 2001, specifically the provisions of the Code of Conduct for Public Administration Employees approved by D.P.R. No. 62 of 16/04/2013 and published in the Official

Gazette No. 129 of 04/06/2013, as well as the current Code of Conduct for employees of the Council for Agricultural Research and Economics Analysis (CREA).

3. The application of Article 53 of Legislative Decree No. 165 of March 30, 2001, concerning incompatibility, accumulation of employment, and assignments, remains in effect.
4. Associated personnel must comply with the provisions of Legislative Decree No. 30/2005 and subsequent amendments, which contains the "*Code of Industrial Property in accordance with art. 15 of Law 12 December 2002, no. 273*", as well as the provisions of CREA's internal Patent Regulation.
5. The rights provided for by the rules governing the employment relationship with the home Institution are reserved.

## **LOCATION**

The Associate carries out their activity at the location identified by the host Institution.

## **TITLE III - SABBATICAL PERIODS FOR RESEARCHERS AND TECHNOLOGISTS**

CREA, in order to ensure the dissemination and valorization of research, professional development and training, as well as the professional growth of its employees, enables its Researchers and Technologists to take advantage of sabbatical periods. This is done in full compliance with Article 2 of Legislative Decree no. 218 of 2016 concerning the obligations for the adoption and implementation of the European Charter for Researchers, as well as the Sectoral National Collective Labour Agreement (CCNL).

Relative to the provisions of Article 62 of the CCNL of 21.02.2002, CREA has the option to regulate the granting of sabbatical periods to Researchers and Technologists within its available budget, with the aim of achieving a positive impact on the quality levels of CREA's research and planning activities due to the professional enrichment derived from comparison with other experiences.

With this latter objective, the legislator, in Article 11 of Legislative Decree no. 218 of 2016, and the "Education and Research" Sector CCNL of April 19, 2018, in Article 82, introduced the mechanism of leave for study or scientific and technological research purposes, specifically for Researchers and Technologists, into the regulatory framework.

## **SCOPE OF APPLICATION**

Pursuant to the CCNL Sector dedicated to "Education and Research", approved on April 19, 2018, and Legislative Decree No. 218 of 2016, Researchers and Technologists may take advantage of leave for study or scientific and technological research purposes. This is for the purpose of traveling to foreign institutions or laboratories, as well as to international and Community institutions.

## **DURATION**

Leave may be granted for a maximum of five years for every ten years of service given by the employee.

## **PROCEDURE**

1. Leave for study and scientific and technological research purposes is granted by CREA, taking into account the functional and international collaboration needs, as well as the relevance of the request to the National Research Program and the Institution's Three-Year Activity Plan.
2. The leave is granted by the President of CREA upon a motivated request from the interested party, after consulting with the Director-General and the Director of the Research Centre to which the employee is assigned.
3. Interested and eligible parties must submit an application to the Centre Director, which includes a duration estimate and is accompanied by a study or research programme and a favorable opinion from the host Institution. The Director evaluates the request, considering the research topic of the associateship and its consistency with the Agreement between CREA and the Body or Institution conferring the assignment.
4. In case of positive evaluation of the request, the Director of the Centre transmits the request and their related opinion to the Director-General, who submits it to the President for approval.

## **ECONOMIC AND SOCIAL SECURITY STATUS**

The Researcher or Technologist on leave retains their fixed monthly salary if the hosting Institution pays them a salary that is less than 75 per cent of the flat-rate mission allowance for that same Institution. In any case, the respective shares of social security contributions provided for by current legislation remain the responsibility of the personnel on leave and of CREA.

## **EVALUATION OF THE LEAVE REQUEST**

Leave for study and scientific and technological research purposes is granted by CREA, taking into account the functional and international collaboration needs, as well as the relevance of the request to the National Research Program and the Institution's Three-Year Activity Plan.