

## **MEMORANDUM OF UNDERSTANDING BETWEEN THE GOVERNMENT OF THE REPUBLIC OF TURKEY AND THE EUROPEAN COMMISSION ON SECONDMENT OF TURKISH OFFICIALS TO THE EUROPEAN COMMISSION**

Having regard to the increased co-operation developed between the Republic of Turkey (hereinafter referred to as Turkey) and the European Union in the context of preparations for accession to the European Union,

Having regard to Turkey's status of candidate country for EU membership as it was acknowledged at the Helsinki European Council of December 1999 and the opening of the accession negotiations with the European Union in October 2005,

Having regard to the rules of the European Commission on the secondment of national experts and national experts in professional training<sup>1</sup> (hereinafter referred respectively to as SNEs and NEPTs) that open the way for national experts from a candidate country with which the Council has decided to open accession negotiations and which has concluded a specific agreement with the Commission on staff secondments to be seconded to the European Commission,

The Government of the Republic of Turkey and the European Commission (hereinafter referred to as the Parties) have decided to conclude the present Memorandum of Understanding (hereinafter referred to as MoU), on the general framework and principles governing secondment of Turkish officials to the European Commission:

### **1. Purpose of secondments**

The main purpose of the secondments is:

1. to share expertise between the Parties; and
2. to foster the dialogue and co-operation between the Parties.

The secondments entail that officials from Turkey are hosted by the European Commission. The secondments will not affect the contractual status of the participating officials, who will remain employed and remunerated by the relevant Turkish administration (SNE's employer) and will return to the parent institution at the end of the secondment. The SNE's employer must ensure that its own staff remains covered by all social rights (particularly social security and pension) during the secondment.

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<sup>1</sup> In particular article 1.3 of the Commission Decision C(2008)6866 dated 12.11.2008

## **2. Rules applicable to secondments**

Secondments of Turkish officials shall be governed by the rules applicable to secondment of national experts and national experts in professional training to the European Commission, in particular the Commission Decision C(2008)6866.

The relevant Directorate-General (DG) from the European Commission to which the SNE position is allocated shall decide if this position should be opened to officials originating from the Turkish administration, taking into account the service's interest and provided that no conflict of interest can be identified.

Once the European Commission agrees to also open the SNE position to SNEs from Turkey the selection procedure will follow the general rules applicable to secondments to the European Commission. Secondments can only take place after the selected candidate undergoes a security screening and receives the necessary security approval from the relevant Commission department.

Selection of NEPTs originating from the Turkish administration shall be done in accordance with the simplified administrative procedures applied in the European Commission in this regard.

Unless exceptional circumstances occur, the number of SNEs hosted by the European Commission shall not exceed 8 persons at any given point in time.

## **3. Priority areas for secondments**

The Parties will identify a list of areas in which they wish to either benefit from the partner institution's expertise or share their specific expertise with the partner institution.

These will be considered as priority areas for secondments, especially in respect of secondments of cost-free SNEs<sup>2</sup>.

This list shall not limit the access to secondments in other activity areas that are not included on the list, provided that the conditions stipulated in article 2 are fulfilled.

## **4. Obligation to avoid any conflict of interest during the secondment**

The European Commission departments concerned, the SNE's employer and the SNE must ensure that there is no conflict of interest in relation to the SNE's duties while seconded to the European Commission.

In addition, the SNE is subject to the rule of the Commission regarding any unauthorised disclosure of information during the secondment and after the secondment.

## **5. Application of the MoU to secondments regulated by other co-operation programmes with the EU**

The present MoU does not apply to the secondment of Turkish experts financed by specific co-operation programmes with the European Union.

The parties agree to further explore the possibility to integrate, at a later stage, in the present MoU provisions concerning the hosting of Turkish researchers at the Joint Research Centre of the European Commission, as part of its collaboration with TUBITAK (the Scientific and Technological Research Council of Turkey).

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<sup>2</sup> As described in Article 2 of the Commission decision C(2008)6866

## 6. Implementation of the MoU

The present MOU shall enter into force on the date of the receipt of the written notification of Turkey, through diplomatic channels, of the completion of internal legal procedures required for the entry into force of concerned document.

This MOU may be amended by the mutual consent of the Contracting Parties at any time.

The amendments shall enter into force in accordance with the same legal procedure prescribed under paragraph 1 of this Article.

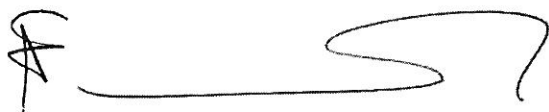
Based on an assessment of its practical implementation, a review of the MoU will take place after 1 year starting from the date of its entry into force.

Any Contracting Party can notify the other Party at any time through diplomatic channels of its intention to terminate the MoU 6 months priorly. The termination of this MoU shall not affect the activities and projects already in progress or executed.

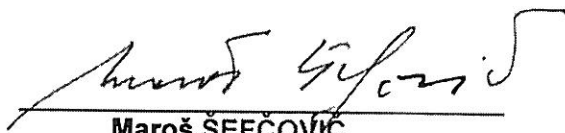
Strasbourg, 28 September 2011

**FOR THE GOVERNMENT OF THE  
REPUBLIC OF TURKEY**

**FOR THE EUROPEAN COMMISSION**



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