

Decision No 56-2024 laying down rules for traineeships at the European Court of Auditors

THE 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 No 541/2014/EU, and repealing Regulation (EU, Euratom) No 966/2012;
- HAVING REGARD TO Decision No 15-2024 laying down the rules for implementing the Rules of Procedure of the Court of Auditors,
- HAVING REGARD TO Decision No 59-2022 of the European Court of Auditors laying down the internal rules for the implementation of the budget as last modified by Decision No 9-2024;
- HAVING REGARD TO Decision of the Court of Auditors No 56-2023 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;
- WHEREAS it is necessary to clarify certain rules governing traineeships at the European Court of Auditors;
- WHEREAS the rules on traineeships should take into account the increase of the cost of living in Luxembourg;

HAS DECIDED:

Article 1 Purpose

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.

- 2. Individuals accepted for a traineeship do not have the status of EU officials or other servants, nor do they benefit from any right to recruitment at the ECA or priority in that regard.
- Article 2 Types of traineeships
- 1. The ECA offers four types of traineeships:
 - regular traineeships;
 - traineeships for persons with disabilities, under the Positive Action Programme for trainees with a disability;
 - traineeships for audit staff from the Supreme Audit Institutions of countries that are candidates for accession to the European Union;
 - traineeships in the area of artificial intelligence.
- 2. The last two types of traineeships are governed by specific ECA decisions, which prevail over the provisions of the present decision.

Article 3 Eligibility

- 1. To be eligible for a traineeship, applicants must:
 - be nationals of one of the member states of the European Union, unless an exception has been granted by the ECA;
 - by the closing date for applications, have completed at least a standard 3-year higher education degree, corresponding to a complete Bachelor's cycle, or equivalent, or have completed at least four semesters of university study in an area of interest to the ECA at a higher-education establishment;
 - have expressed an interest in receiving practical training relating to one of the ECA's areas of activity;
 - have never benefited from a traineeship (paid or unpaid) at any EU institution, body or agency;
 - have a thorough knowledge of one official EU language and a satisfactory knowledge of at least one other official EU language; as English and French are the ECA's working languages, a sound knowledge of one of these languages (minimum level C1 in understanding, speaking and writing) is required;
 - have never been employed, neither in the past nor at the time of application, at any EU institution, body or agency as: a member of the temporary staff, contract staff or employment agency staff, a seconded national expert, or an assistant to a Member of the European Parliament.

- 2. During registration, applicants with a disability¹ must produce a proof of disability. The proof can be:
 - an official document from a national authority or any accredited body confirming the disability; or
 - a certificate from a medical doctor issued within the last 6 months.

If a doctor's certificate is submitted, this certificate must:

- state clearly the condition which the medical doctor considers a disability; and
- include confirmation from the signing medical doctor that, to the best of their understanding, the condition in question is a long-term physical, mental, intellectual or sensory impairment which, in interaction with various barriers, may hinder full and effective participation in society on an equal basis with others.

The official document or the doctor's certificate will be assessed by the ECA's Medical Service.

Article 4 Duration of traineeships

- 1. Traineeship sessions take place as follows:
 - from 1 April to 30 September of the same year;
 - from 1 October to 31 March of the following year.
- 2. During these sessions, traineeships may last between three and six months.
- 3. In exceptional circumstances, the ECA may waive this rule to allow one additional month, subject to budgetary availability, for the traineeships lasting less than six months.
- 4. It is not possible to undertake more than one traineeship at the ECA, regardless of its duration and type.

Article 5 Selection

- The Human Resources department (HR), taking into account the needs expressed by the ECA's various directorates and the budgetary availability, determines the number of traineeships allocated to each directorate, and informs the directorates concerned of this number.
- 2. Applications may only be submitted online as per the procedures laid down by HR and published on the ECA's website.

¹ According to the <u>UN Convention on the Rights of Persons with Disabilities</u>, persons with disabilities include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.

- 3. Each directorate is responsible for selecting applicants, taking due account of the current rules, on the basis of merit and the interest of the service.
- 4. The selection procedure shall avoid any form of discrimination and ensure that all applications are treated and processed fairly. If the shortlisted applicants have the same qualifications and skills, the selection decision must ensure geographical and gender balance, where possible.
- 5. No later than two months before the traineeship start date, HR will email the successful applicants to inform them that they have been selected.
- 6. Applicants must submit all the necessary supporting documents by the deadline set by HR, failing which their application will be rejected. These documents are:
 - a copy of a valid identity document (identity card or passport);
 - copies of diplomas (or of relevant official certificates), as declared in their application;
 - certification of a criminal record² from the national authorities of their home country, such as would allow access to their national civil service;
 - a medical certificate³ confirming that they are physically fit to perform their duties⁴;
 - health insurance valid during the traineeship or form to contribute to an insurance proposed by the ECA; and
 - the declaration regarding the absence of conflict interest, as required by the ECA.
- 7. The ECA and the trainee will both sign a traineeship contract before the traineeship starts. Any extension of the traineeship, as envisaged in Article 4(3), will require an amendment to the contract.
- 8. 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 conditions set out above.
- 9. However, applicants who withdraw less than two weeks before their traineeship is due to start shall be excluded from applying for a traineeship at the ECA in the subsequent two-year period. The ECA may agree to waive this rule in duly substantiated cases.

<u>Article 6</u> Traineeship coordinators and traineeship supervisors

1. The 'traineeship coordinator' is an ECA staff member designated by each directorate to coordinate, in an administrative capacity, the selection of trainees and their traineeship within the directorate.

² Issued within the last three months.

³ Issued within the last month.

⁴ Candidates with a disability should present a certificate stating that apart of their disability, they are fit to perform their duties.

- 2. In particular, the traineeship coordinator:
 - identifies their directorate's traineeship needs for a given budget year;
 - consults the database of applicants for each session;
 - collects applications for their directorate;
 - sends HR the applications that have been selected, as well as a description of the tasks and activities the trainees are expected to perform;
 - monitors their directorate's use of the budget, together with HR;
 - is responsible for providing notification of and managing all types of activities and/or events organised for trainees by their directorate;
 - manages, together with the relevant departments, any significant incidents that occur during the traineeship, and helps trainees in their directorate to resolve any significant problems;
 - manages the leaves and absences of the trainee.
- 3. The 'traineeship supervisor' is an ECA staff member who works in the directorate 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 and integration into the team;
 - notifies the traineeship coordinator of any significant incidents during the traineeship;
 - drafts a letter of recommendation for the trainee, where required.

Article 7 General obligations

- 1. Trainees must observe the utmost discretion as regards any facts and information that come to their attention during their traineeship. They are bound by the same confidentiality and personal-data protection rules as ECA staff.
- 2. They must comply with the instructions given by their traineeship supervisor and/or line manager.
- 3. In principle, trainees perform the entire traineeship in the directorate to which they have been initially assigned. However, in the interest of the service, trainees may be placed at the disposal of another team in the directorate to which they have been initially assigned, or in another directorate.
- 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 the decision on the ECA's policy for ensuring a respectful and harassment-free workplace.
- 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. Trainees must not deal with matters in which they have a direct or indirect personal interest. They may not enter into professional commitments with third parties that would be incompatible with their traineeship at the ECA, or engage in paid employment during their traineeship.
- 7. Trainees who find themselves in an existing or potential conflict of interest, as described in the previous paragraph, must immediately notify their traineeship supervisor and traineeship coordinator in writing.
- 8. Trainees must adhere to the same rules as the ECA staff in their dealings with the media. They must comply with the instructions they are given in this respect, including the <u>Social</u> <u>Media Guidance</u>.
- 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, obtained in accordance with the conditions and rules in force at the ECA.
- 10. Trainees continue to be bound by the obligations under paragraph 8 and 9 after the end of their traineeship.
- 11. The ECA irrevocably acquires worldwide ownership of the results of work done by trainees during their traineeship, together with all related intellectual or industrial property rights, including any rights relating to copyright, reproduction, communication to the public, and distribution.
- 12. Traineeships take place on a full-time basis and trainees must abide by the ECA's working hours. Traineeship supervisors make sure that no overtime is worked. If, exceptionally, overtime occurs, it will not give right to any compensation or additional remuneration, or to an increase in the monthly allowance.
- 13. Trainees are subject to the hybrid working arrangements, including teleworking from the place of assignment, as described in the note issued by the Director of Human Resources, Finance and General Services.
- 14. Trainees are not allowed to telework from outside the place of assignment.
- 15. In justified circumstances, such as duly documented imperative family reasons or specific medical conditions, the Director of Human Resources, Finance and General Services may exceptionally grant an authorisation to telework beyond the limits defined in the note mentioned in paragraph 13, or from outside the place of assignment. The line manager and, if applicable, the Medical Officer, shall be consulted beforehand.

Article 8 Emoluments

- 1. Trainees receive a monthly allowance of 1 600 euros.
- 2. Trainees with a recognised disability receive a monthly allowance of 2 000 euros, provided they have submitted the appropriate supporting documents.

3. Exceptionally, the ECA may accept trainees paid by other institutions or organisations. Such trainees will not receive any remuneration nor reimbursement of travel expenses by the ECA however they will be subject to all the other rules set out in this decision.

Article 9 Tax arrangements

Traineeship allowances are not subject to the special tax arrangements that apply to EU officials and other servants. Trainees in receipt of an allowance are solely responsible for ensuring that they comply with their national tax obligations.

Article 10 Health and accident insurance

- 1. Trainees must have appropriate health coverage.
- 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, except for trainees with a recognised disability, where the ECA will cover the full cost.
- 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.
- 4. The ECA provides trainees with accident insurance.

Article 11 Missions

- 1. In exceptional cases, trainees may take part in official ECA missions, subject to a duly justified request from their traineeship supervisor approved by the line manager. Where authorisation is given, the trainees concerned must be accompanied by a member of the ECA's staff.
- 2. The general rules applicable to all ECA staff apply *mutatis mutandis* to missions carried out by trainees.

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

- 1. Trainees paid by the ECA are entitled to reimbursement of the travel expenses they incur at the beginning and end of their traineeship, within the geographical limits of the EU member states or their recognised territories.
- 2. Expenses are reimbursed to trainees remunerated by the ECA for one return journey from the trainee's usual place of residence before the traineeship to Luxembourg. Trainees whose usual place of residence is less than 50 km from the place of the traineeship are not entitled to this allowance.

- 3. Reimbursements are based on the costs actually incurred, on presentation of supporting documents for:
 - a second-class journey by rail (including a couchette or sleeping car, if necessary), long-distance bus or boat; or
 - an economy-class flight for distances of more than 500 km or involving a sea crossing.
- 4. Journeys undertaken by any other means of transport than those listed above are reimbursed on a fixed-rate basis and solely upon presentation of supporting documents (petrol tickets, tolls, etc.). The fixed rate is calculated on the basis of the geographical distance, as the crow flies, at 0.30 euros per km.
- 5. The amount reimbursed for return travel expenses may in no event exceed 400 euros.
- 6. If the usual place of residence is located outside the EU, travel expenses are reimbursed only from the capital of the EU member state that is nearest to the place in question.
- 7. In order for travel expenses to be reimbursed, the journey must take place no earlier than one month before the traineeship starts, and the return journey must be completed no later than one month after the traineeship ends. Where this is not the case, the ECA may refuse to reimburse the expenses in question, except in duly justified situations and in order to address service needs.

Article 13 Leave

- 1. During their traineeship, trainees are entitled to the same official and public holidays as the ECA staff.
- 2. Trainees are entitled to two days' leave for each month of their traineeship. They must submit leave requests via the HR portal for approval by their line manager.
- 3. The directorate to which the trainee has been assigned is responsible for registering and managing the trainee's absences and leave requests.
- 4. Days used to sit competitions or examinations, for university study, etc. are deducted from this entitlement.
- 5. There is 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 shall be deducted from their monthly allowance.
- 6. If a trainee is absent without justification or exceeds the limit for sick leave without a medical certificate, the duration of the absence shall be deducted from the leave allocation. If the trainee has used up their leave allocation, equivalent financial compensation shall be deducted from their monthly allowance.

Article 14 Sick leave

- 1. In case of illness, trainees must immediately inform their traineeship supervisor, the traineeship coordinator of the directorate to which they have been assigned, and the Medical Service.
- 2. A medical certificate must be provided for absences of more than three consecutive calendar days.
- 3. Total sick leave without a medical certificate may not exceed one day on average per month of traineeship. For trainees with a recognised disability the total sick leave may not exceed two days on average per month of traineeship.
- 4. In case of infringement of the above day limits, the managers and coordinators must inform the HR services without delay.
- 5. Trainees partially insured against illness by the ECA, as set out in Article 10 of this decision, are not entitled to reimbursement for the medical expenses borne by the institution.

Article 15 Termination and end of traineeships

- 1. Traineeships end when the period for which they have been awarded expires.
- 2. However, the ECA may terminate a traineeship before the end of this period in the three situations set out below.
 - A. In response to a reasoned written request by the trainee, giving at least three weeks' notice. In this case:
 - the request must be submitted to the traineeship supervisor, who will inform the line manager and the directorate's traineeship coordinator without delay;
 - the traineeship coordinator must inform HR at least five working days before the requested termination date;
 - HR issues a decision confirming the termination of the traineeship and sends it immediately to the person concerned, to their directorate and to other relevant departments;
 - the trainee concerned may only leave the ECA on the 1st or the 16th of the month, and must reimburse any allowance received for the period they have not worked.
 - B. In response to a reasoned opinion from the trainee's line manager, if the trainee seriously fails to comply with their obligations under these rules. In this case:
 - the traineeship coordinator for the department concerned must send this opinion to HR without delay;
 - having heard the trainee, HR issues a decision confirming the termination of the traineeship and sends it immediately to the person concerned, to their directorate and to other relevant departments;
 - the trainee concerned may only leave the ECA on the 1st or 16th of the month, and must reimburse any allowance received for the period they have not worked.

- C. In cases of *force majeure*, such as a health crisis, war, or natural/other disaster, or any other event that corresponds to the legal definition of *force majeure*, or as a result of substantial structural changes at the ECA:
- HR issues a decision confirming the termination of the traineeship and sends it immediately to the person concerned, to their directorate and to other relevant departments;
- the trainee concerned leaves the ECA as soon as they have received notification of the decision to terminate the traineeship, and is not required to reimburse any allowance received for the period they have not worked.
- 3. Where the ECA terminates a traineeship, it is not required to provide any notice, and there is no entitlement to compensation.
- 4. The ECA may decide to refuse a trainee access to its buildings and IT systems.
- 5. Furthermore, in the event of serious misconduct by a trainee, the ECA reserves the right to launch legal proceedings against them.

Article 16 Protection of personal data

All personal data collected during the selection of trainees and throughout the traineeship will be processed in line with Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data.

Article 17 Appeals

- 1. Internal formal appeals against decisions relating to traineeships are not possible under any circumstances.
- 2. However, HR may offer to mediate or to ask for the intervention of the internal mediators in order to resolve specific and ad hoc problems that are not serious enough to cause a termination of the traineeship, or that trainees or their traineeship coordinator have brought to its attention.
- 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 Final provisions

- 1. This decision enters into force on the day of its signature and applies to traineeships starting from 1 April 2025 onwards.
- 2. Decision No 25-2023 laying down rules for the employment of trainees at the European Court of Auditors continues to apply to the trainees and to the traineeship session which ends on 28 February 2025.

3. Without prejudice to the foregoing paragraphs, this Decision cancels and replaces Decision No 25-2023 laying down rules for the employment of trainees at the European Court of Auditors.

Done at Luxembourg, 30 September 2024

Zacharias Kolias Secretary-General