

Decision of the Management Board on the selection and remuneration of external experts

Decision of the Management Board of the European Centre for Disease Prevention and Control on the selection and remuneration of external experts

1. Having regard to Regulation No 851/2004 (hereinafter "Founding Regulation") of the European Parliament and of the Council of 21 April 2004 establishing a European centre for disease prevention and control (hereinafter "the Centre" or "ECDC") and specifically Article 6.2 related to the objective of maintaining scientific excellence and empowering the Centre to complement its scientific expertise by setting up ad hoc scientific panels as well as the need for the Centre to establish working groups, committees to support or evaluate the activities of the Centre in the areas of its mandate.
2. Having regard to Article 93 of the Commission's Delegated Regulation No. 2019/715 of 18 December 2018 on the framework financial regulation for the bodies set up under the TFEU and Euratom Treaty as well as to Article 93 of the Financial Regulation of the European Centre for Disease Prevention and Control adopted by the Management Board on 13 August 2019 (hereinafter: "ECDC Financial Regulation"), which both refer to Article 237 of Regulation No. 2018/1046 of European Parliament and the Council of 18 July 2018 on the financial rules applicable to the general budget of the Union (hereinafter: "Financial Regulation").
3. Having regard to Article 237 Financial Regulation stating that EU bodies may select remunerated external experts to assist them in the evaluation of grant applications, projects and tenders, and to provide opinions and advice in specific cases, stating that external experts shall be remunerated on the basis of a fixed amount announced in advanced and be chosen on the basis of their professional capacity, following a non-discriminatory selection, equitable procedure and stating that any conflict of interest is to be avoided.
4. Having regard to the Commission's interpretative note on the procedure applicable to the use and selection of outside experts, updated in April 2016, which however refers to the repealed Financial Regulation No. 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union.
5. Whereas the ECDC Management Board decision 9/9 dated 20/21 March 2007 was based on the repealed Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities and therefore has to be revised and aligned with the legal requirements set out in Article 237 Financial Regulation, especially with those regarding the selection and remuneration of external experts.
6. Whereas, according to the referral in Article 93 ECDC Financial Regulation, the provision in Article 237 Financial Regulation applies by analogy.
7. Whereas Article 238 Financial Regulation – applicable by analogy according to the referral in Article 94 ECDC Financial Regulation – confers a margin of discretion to ECDC to invite or mandate non-remunerated external experts.
8. Whereas the Centre, according to Article 6.1 Founding Regulation, shall seek to maintain scientific excellence and shall complement its scientific expertise by setting up independent ad hoc panels, whilst, according to Article 28.1 ECDC Financial Regulation, it has to use its appropriations in an economic, efficient and effective manner.

The Management Board of the Centre has adopted the following decision:

Article 1

Scope of application

1. The Decision applies to remunerated external experts who in their personal capacity actively participate in and/or contribute to an ad hoc panel (hereinafter: "a/the panel"),

working group, committee or provide opinions or advice on another technical matter/meeting (such as a country visit or a seminar/webinar).

2. The present Decision does not apply to:
 - a. participants acting as a country representative;
 - b. employees and/or personnel of an EU institution or body;
 - c. experts under contracts with ECDC for related activities;
 - d. the selection and engagement of non-remunerated experts on the basis of Article 238 of the Financial Regulation.

Article 2

Definitions

For the purpose of the present Decision, the following definitions apply:

- a. '*remunerated expert*' or '*expert*' means a natural person, who participates in or contributes to a panel, working group, committee or another technical matter/meeting, by providing expertise, opinions and/or advice to ECDC and who is selected and remunerated by ECDC according to the provisions of the present Decision.
- b. '*non-remunerated expert*' means an expert, who is invited or mandated by ECDC to provide expertise, opinions and/or advice, but who does not receive any indemnity from ECDC for their services.
- c. '*remuneration*' means any payment to the expert with regard to his or her engagement with ECDC, be it a compensation for work rendered or a reimbursement of expenses incurred due to his or her engagement, such as subsistence and travel expenses;
- d. '*indemnity*' means a fee or honorarium payable to the expert in order to compensate him or her for the work he or she has rendered for ECDC;
- e. '*reimbursement*' means a payment to the expert in order to compensate any expenses, that the experts has incurred due to his or her engagement with ECDC;
- f. '*to remunerate*' means to pay a remuneration to an expert, be it to compensate the work rendered or the expenses incurred thereby;
- g. '*to indemnify*' means to pay an indemnity to an expert in order to compensate him or her for his or her work rendered;
- h. '*to reimburse*' means to pay a reimbursement to an expert in order to compensate him or her for the subsistence and travel expenses incurred due to his or her engagement with ECDC.

Article 3

Selection of remunerated external experts

1. The experts are selected based on their professional capacity, following the publication of a call of expression of interest. The selection of experts aims to complement the professional expertise within ECDC.
2. A call of expression of interest in participating in a panel, working group, committee or for providing opinions or advice on another technical matter/meeting (hereinafter: "the call") shall be published on the ECDC's website. The call shall include:
 - a. a description of the subject matter and the technical field;
 - b. the selection criteria;
 - c. the exclusion criteria;
 - d. the duration of the assignment;

- e. the fixed conditions of remuneration;
 - f. the condition for reimbursement of travel and subsistence expenses;
 - g. the validity period of the list of experts;
 - h. the ex-post transparency obligations;
3. Any interested natural person may submit an application at any time during the period of validity of the call, with the exception of the last three months of that period. The call shall indicate the means by which an application is to be submitted. ECDC's web tool "Expert Directory" on ECDC's webpage may be used as a means to submit the application.
 4. Following the call, the authorising officer draws up a list of the applicants who meet the selection criteria (hereinafter: "the list"). If the "Expert Directory" has been used, the "Expert Directory" may serve as the list. The list shall be valid for no more than five years from its publication or for the duration of a multiannual project related to the task.

Article 4

Appointment of remunerated experts

1. Following the call, the Director appoints an expert or draws up a list of experts in descending order of priority from the list, in their personal capacity, following the pre-defined selection criteria set out in the call.
2. The pre-defined selection criteria in the meaning of Article 3.2 lit. b of the present Decision shall be based on the professional capacity, such as expertise in the technical field of the task to be carried out, the required level of professional skills and the level of proficiency in a given language. Whilst appointing experts, the Director aims for reasonable gender representation, a balance between academic and practical expertise, a sufficient geographical representativeness and a suitable rotation among experts. The principles of non-discrimination, equal treatment and absence of conflict of interests apply. With regard to the latter principle, the ECDC independence policy for non-staff adopted by the Management Board applies.
3. The Director may also appoint alternate experts, who shall accede to their appointment if one or several nominated experts cannot accede to their appointment or fulfil their task.
4. The expert accepts the appointment and accedes to his/her assignment by signing a written contract with ECDC (hereinafter: "the contract") which is based on a template drafted by ECDC. The contract shall specifically contain the following provisions:
 - a. detailed description of the tasks;
 - b. the obligations of the expert, namely his/her duties set out in Article 5 of the present Decision;
 - c. the maximal number of working days to be carried out;
 - d. the amount of the daily indemnity in the meaning of Article 6 of the present Decision;
 - e. the arrangements for reimbursement of expenses in the meaning of Article 7 of the present Decision;
 - f. agreements about the accrual, conveyance and/or licensing of intellectual property rights;
 - g. written declarations of commitment, of interest, of confidentiality and of compliance with the rules as defined by the Centre, signed by each expert;
 - h. application of ECDC's independency policy for non-staff adopted by the Management Board;

5. The template for the contract will be published on the ECDC's webpage.

Article 5

Duties of remunerated experts

1. The experts are bound to confidentiality and must not disclose any information covered by the obligation of professional secrecy, even after their task has ceased. They commit themselves to complying with the rules as defined by ECDC and shall sign a corresponding written declaration.
2. The experts shall undertake to act independently and avoid any external influence that might give any reason to bias. The experts must fully comply with ECDC's independency policy for non-staff.
3. The experts must fill in ECDC's forms concerning the Declaration of commitment and the Declaration of interest and submit these signed forms to ECDC together with the signed contract. They must keep their declaration of interest updated, while they are assigned to the task.
4. The experts must not delegate their responsibilities to any other member of a panel, working group or committee, or a third person.
5. The experts must refrain from legally binding ECDC or exercising executive or discretionary powers.

Article 6

Right to indemnity

1. The remunerated expert is indemnified by a lump sum for each full working day spent performing the tasks assigned to him/her (such as preparing, participating in and contributing to meetings of a panel, working group or committee or opinions and advice on a technical matter/meeting). The amount of the indemnity is fixed in advance by the Director's Decision appointing the expert and stipulated in the contract. The amount of the indemnity may vary among experts in the same panel, working group or committee or appointed to the same task, if a differentiation is justified by differences in professional qualification and expertise.
2. The amount of the indemnity must not exceed the amount of 450 € per day.
3. The total length of the assignment must not exceed more than 30 working days per calendar year. In cases where the task involves preparatory or coordination work, the total length of the assignment must not exceed more than 60 working days per calendar year.

Article 7

Right to reimbursement of travel expenses

Remunerated experts performing tasks outside their place of residence may be entitled to a flat rate subsistence allowance and reimbursement for travel expenses. The provisions of ECDC Implementing Rule no 15 on the guide to missions and authorised travels shall apply hereto by analogy.

Article 8

Payment modalities

1. In order to have the indemnities and reimbursements paid, the expert has to make a request for payment to ECDC. Therewith, the expert has to give account of the services rendered (namely by submitting reports, minutes or other contributions and factual evidence) and of expenses incurred. The request for payment is to be submitted quarterly or at the latest three months after the completion of the task for one-off assignments.

2. The overall payment to a single expert, including both indemnities and reimbursements, during a multiannual project or during the period for which the panel, working group, committee or assignment has been drawn up, may not exceed the threshold of the Directive no 2014/24/EU on public procurement as further amended, currently amounting to EUR 139 000.00 as per April 2020 (hereinafter: "the ceiling").¹ If the ceiling is reached or is about to be reached, the expert can no longer be assigned tasks covered by the call.

Article 9

Reporting

The Director shall, as part of the annual activity report, inform the Management Board on type of assignments of remunerated experts and the amount of payments (indemnities and reimbursements) made to the experts.

Article 10

Ex-post transparency

A list of the remunerated experts who signed contracts with ECDC must be published annually on its website. This list must indicate the specific task, the names of individuals, their localisation (region at NUTS 2 level²) and their received payment (both indemnities and reimbursements) if their payment exceeds EUR 15 000 per signed contract.

Article 11

Entry into force

1. The present Decision enters into force on the date of its adoption.
2. The ECDC Director may lay down the practicalities for implementing this Decision in the Centre's internal procedures.
3. The present decision entirely repeals the Management Board Decision 9/9 dated 20/21 March 2007.
4. The provisions in the present Decision governing the selection of experts shall amend the provisions in Article 12 of the Management Board Decision 4/6/5 dated 13 October 2005 governing the appointment of members of standing Scientific Panels.
5. The Management Board may return to these rules whenever deemed necessary and adopt any modifications needed.

Adopted on 17 June 2020

For the European Centre for Disease Prevention and Control

[signed]

Anni Virolainen-Julkunen
Chair of the Management Board

¹ This threshold is the threshold valid as of 1.1.2020 under Directive 2004/18/EC (updated the 1 of January of every even year following 1 January 2016).