

**SECONDMENT**

**IN THE INTERESTS OF THE SERVICE AND ASSIGNMENT OF OFFICIALS TO THE**

**ITER**

**INTERNATIONAL ORGANISATION**

**(INFORMATIVE NOTE)**

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## **SECONDMENT IN THE INTERESTS OF THE SERVICE AND ASSIGNMENT OF OFFICIALS TO THE ITER INTERNATIONAL ORGANISATION**

### **PREAMBLE**

ITER is an international research project, to which the European Atomic Energy Community is party, the objective of which will be to demonstrate the conditions expected in a fusion reactor. The ITER Agreement which establishes the ITER Organization commits each Member to a number of obligations towards the ITER International Organisation (ITER IO), including human resources as a type of in-kind contribution.

As a Party to the international agreement and a Member of the international organisation established through this, the Community, represented by the Commission, will supply staff to the ITER IO to fill positions in project-related and possibly later on in administrative fields.

An Administrative Arrangement between the European Commission and the ITER Organization on secondment in the interests of the service and assignment of Officials to the ITER IO was concluded on 19 November 2008.

### **CATEGORIES OF COMMISSION STAFF IN THE ITER IO**

1. The statutory position of these officials will depend on the type of post occupied in the ITER IO:

1.1 For posts where there is a requirement from the ITER Organization for direct employment under the ITER Staff Regulations (strictly limited to management, special responsibilities and nuclear safety related sensitive posts), Officials shall be seconded in the interest of the service within the meaning of Article 37 (a) of the EC Staff Regulations.

1.1.2 For other project-related (scientific and technical) posts, Officials shall be seconded to the ITER Organization within the meaning of the ITER Staff Regulations, that is to say assigned within the meaning of Article 7 of the EC Staff Regulations.

Commission officials who were part of the ITER Team during the ITER Engineering Design Activities (EDA) Phase and the subsequent Transitional Activities Phases have built up considerable expertise. The European Commission is in a special position as it represents the Community as a Member of the ITER Organization while the Community, as the largest financial contributor, also represents Europe as the Host Party. For these reasons, the Commission Officials, who already work in fusion at different locations and for which a transfer to the ITER IO is in the interest of the Community, should be employed by the IO as directly employed or seconded staff in the meaning of the ITER Agreement.

Officials on secondment in the interests of service and on assignment to the ITER IO will work at the IO without losing their status as officials in the Commission.

1.1.3 For the posts that would not fall into the above two categories, Officials selected by the ITER Organisation shall be placed on leave on personal grounds and shall be appointed by the ITER Organisation through direct employment under the ITER Staff Regulations, unless the Commission decides that the Official should be sent on assignment or secondment in the interests of the service.

1.2 The ITER IO will publish at regular intervals vacant posts for which it will invite the Parties to propose candidates. It will indicate, for management posts, posts with special responsibilities and nuclear safety-related sensitive posts, direct employment as a requirement to get the position.

1.3 For the Commission officials, who will be selected for a position by the ITER IO, this will mean, depending on the type of post on the basis of the above classification:

- direct employment, means that they will be seconded in the interests of the service to the ITER IO in accordance with Article 37 (a) of the EC Staff Regulations (strictly limited to management, special responsibilities and nuclear safety related sensitive posts).
- secondment, means that they will be assigned to the ITER IO in accordance with Article 7.1 of the EC Staff Regulations (project-related, scientific and technical posts).
- Direct employment to the ITER IO is likewise available to officials who are offered posts which do not fall into either of the above categories and the appointing authority has not decided that they should be sent on assignment or secondment in the interests of the service. In such cases, the officials shall be placed on leave on personal grounds (CCP) from the Commission to take up the position in the IO.

1.4 The purpose of this note is to inform officials who may consider going to the ITER IO of the rules which will apply to officials on secondment in the interests of service and assignment to the IO, in particular as regards career, remuneration, pension, insurance, etc.

1.4.1 With regard to leave on personal grounds, information is available on the Commission's IntraComm website.

## **I – SECONDMENT IN THE INTERESTS OF THE SERVICE TO THE ITER IO**

**1 Officials will be seconded in the interests of the service according to Articles 37 (a) and 38 of the SR. They will be employed and directly paid by the ITER IO. The staff rules of the IO will be applicable to them during the duration of the secondment.**

**1.1 Nevertheless, officials on secondment in the interests of the service will continue to enjoy all their rights as officials in the Commission under the conditions contained in Article 38 of the EC Staff Regulations.**

### **EQUIVALENCE OF SALARY LEVEL, INCLUDING ALLOWANCES**

**2. General rules of Articles 37 (a) and 38 of the EC Staff Regulations:**

- an official on secondment in the interests of the service is entitled to receive a differential payment where the total remuneration carried by the post to which he/she is seconded in the interests of the service is less than that carried by his/her grade and step in his/her parent institution; he/she shall likewise be entitled to reimbursement of all additional expenses entailed by his/her secondment.

2.1 The level of remuneration of the official seconded in the interests of the service is guaranteed. The comparison is made between the net salary the official would receive if he/she were assigned by the Commission to the same place and in the same conditions as his/her secondment in the interests of the service and the net salary paid by the ITER Organization, which means that all allowances, tax and social security contributions are taken into account. The differential payment is paid by the Commission.

#### **ADDITIONAL ALLOWANCES:**

3. It is important to note that the precise amount of additional allowances has to be decided case by case, depending on the rules of the "receiving" institution. In other words:

- when the host organisation pays the same type of allowance and reimburses the resettlement costs, the Commission pays the difference between the amount received from the host organisation and the amount the official is entitled to when changing his/her place of employment in accordance with Articles 5, 9 and 10 of Annex VII of the EC Staff Regulations, when the former amount is inferior;
- when the host organisation does not pay the installation allowance and does not cover the resettlement costs, the Commission pays the installation allowance, the daily subsistence allowance and reimburses the moving costs to which the official is entitled in accordance with Articles 5, 9 and 10 of Annex VII of the EC Staff Regulations.

3.1 Therefore, the EC Staff Regulations guarantee the official seconded in the interests of the service the level of supplementary allowances to which he/she is entitled as an official, but any equivalent allowances paid by the ITER IO will be deducted from the EC Staff Regulations allowances.

3.1.1 Subject to the provisions envisaged in the ITER Staff Regulations and these possible reductions, the official seconded in the interests of the service is entitled to the following allowances:

3.2 A **daily subsistence allowance** is paid in accordance with Article 10 of Annex VII of the EC Staff Regulations to officials who furnish evidence that a change in their place of residence is required in order to comply with Article 20 of the EC Staff Regulations.

The daily subsistence allowance is granted:

- in the case of officials who are not entitled to the household allowance: 120 days;
- in the case of officials who are entitled to the household allowance: 180 days (for married couples the 180 days period is granted only for one member of the couple);

However, in no case shall the daily subsistence allowance be granted beyond the date on which the official removes in order to satisfy the requirements of Article 20 of the EC Staff Regulations.

Scale of daily subsistence allowances (valid on 1 July 2008):

- Officials/staff entitled to the household allowance: €37.73 per day;
- Officials/staff not entitled to the household allowance: €30.42 per day.

3.3 The **installation allowance** is paid in accordance with Article 5 of Annex VII of the EC Staff Regulations to established officials who provide proof that they had to change their place of residence to meet the requirements of Article 20 of the EC Staff Regulations.

The installation allowance is equivalent to:

- two months' basic salary for officials entitled to the household allowance and on condition that the family moves with the agent;
- one month's basic salary for officials who are not entitled to the household allowance or entitled to the household allowance but moving without his/her family.

3.4 **Removal costs.** Officials are entitled to reimbursement of the expenses incurred in respect of removal of furniture and personal effects, including the cost of insurance against ordinary risks (breakages, theft, fire), up to the limit of an estimate approved in advance.

On taking up duty, the removal must be from the place of recruitment to the place of employment.

The time limit is one year from the date on which the official takes up duty.

This deadline may exceptionally be extended, on duly justified application to the appointing authority before expiry. The deadline may be extended once only for a period not exceeding one year.

3.4.1 The standard procedure for the reimbursement of removal costs by the Commission must be followed. Therefore approval for the reimbursement of the removal must be obtained in advance, on the basis of three estimates to be submitted. In principle the lowest of these estimates will be accepted. If the ITER IO pays the removal costs and there is a shortfall between the actual cost of the removal and what the IO pays within its rules, the Commission will, on request and with documentary evidence, make up the difference within the limits authorised by the statutory rules applicable to the reimbursement of removal expenses.

3.5 The **travel expenses** of officials, their spouse and dependants actually living in their household are reimbursed on taking up duty, from the place of recruitment to the place of employment; the cost of excess luggage up to 244 € per family will also be paid.

## **PENSIONS**

4. **General rules of Articles 37 (a) and 38 of the EC Staff Regulations:**

- an official on secondment in the interests of the service shall continue to pay pension contributions based on the salary for active employment carried by his/her grade and step in his/her parent institution.

4.1 This provision gives officials on secondment in the interests of the service a full guarantee concerning their pension rights in the European scheme. As such, they shall not contribute to the ITER pension fund.

Therefore, the official seconded in the interests of the service should contribute to the EC scheme an amount that corresponds to his/her share of pension contributions (10.9% - valid on 1 July 2008) based on the salary for active employment carried by his/her grade and step in the Commission. The contributions (employer/employee) which apply under Article 27.4<sup>1</sup> of the ITER Staff Regulations (Second Edition, June 2008) will be transferred monthly by the ITER IO to the Commission. Any shortfall in the employer's contribution shall be borne by the Commission. Any shortfall in the employee's contribution shall be borne by the Official and accordingly shall be taken into account in the determination of the salary differential according to Article 38 (d) of the EC Staff Regulations.

#### **INTERNATIONAL SCHOOLING FOR CHILDREN**

5. As officials seconded in the interests of the service are paid by the International Organisation and not the Commission, they shall be entitled to the education (and other family and social allowances) according to the provisions of the ITER Staff Regulations.

#### **HEALTH INSURANCE**

6. In principle, an official seconded in the interests of the service to a non-Community organisation, and under contract with that organisation which has its own insurance scheme (as is the case with the ITER IO), no longer benefits from the Joint Sickness Insurance Scheme (JSIS). He/she no longer contributes to the Scheme and his/her entitlements are stopped.

6.1 In the absence of specific provisions for Article 38 of the EC Staff Regulations, it is accepted that, subject to the prior approval of the host organisation, an official seconded in the interests of the service may continue to be covered by the JSIS.

Therefore, if the official seconded in the interests of the service wishes to remain with the JSIS he/she should not contribute to the ITER IO Scheme but should contribute to the EC Scheme an amount that corresponds to his/her share of contributions (1.80%) based on the salary for active employment carried by his/her grade and step in the Commission. The contributions (employer/employee) which apply under Articles 28.2<sup>2</sup> and 29.2<sup>3</sup> of the ITER Staff Regulations (second edition, June 2008) will be transferred monthly by the ITER IO to the Commission. Any shortfall in the employer's contribution shall be borne by the Commission. Any shortfall in the employee's contribution shall be borne by the Official and accordingly shall be taken into account in the determination of the salary differential according to Article 38 (d) of the EC Staff Regulations.

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<sup>1</sup> Article 27.4 of the ITER IO Staff Regulations: A monthly contribution equal to 7% of gross basic salary shall be deducted from staff members' emoluments and shall be complemented by a contribution from the ITER Organization of twice this amount to be paid into this Scheme.

<sup>2</sup> Article 28.2 of the ITER IO Staff Regulations: A monthly contribution equal to 1.25% of gross basic salary shall be deducted from staff members' emoluments and shall be complemented by a contribution from the ITER Organization of twice this amount to be paid into this Scheme.

<sup>3</sup> Article 29.2 of the ITER IO Staff Regulations: A monthly contribution equal to 0.5% of gross basic salary shall be deducted from staff members' emoluments and shall be complemented by a contribution from the ITER Organization of twice this amount to be paid into this Scheme.

## CAREER DEVELOPMENTS IN THE ITER IO AND PARALLEL IN THE COMMISSION (3RD LANGUAGE REQUIREMENTS)

### 7. General rules of Articles 37 (a) and 38 of the EC Staff Regulations:

- *an official on secondment in the interests of the service shall retain his post, his right to advancement to a higher step and his eligibility for promotion*

### Article 5 (paras. 1 and 2) of Annex I of the Decision on general provisions for implementing Article 43 of the EC Staff Regulations C(2008) 3026 of 18 June 2008: Staff on secondment

1. *Without prejudice to paragraph 3 below, reports on jobholders, who are, at the time when the appraisal procedure is launched, temporarily attached to another Commission service or outside bodies or seconded by the Appointing Authority under Article 37(a) of the Staff Regulations shall be drawn up in accordance with the procedure set out in Article 7 of the general implementing provisions by the Director-General of the Directorate-General of origin of the jobholder concerned, who shall act as reporting and countersigning officer. He may delegate these roles either to the Head of Unit and Director responsible for human resources in the Directorate-General or to the jobholder's previous reporting and countersigning officers in the Directorate-General.*

2. *If the reporting period includes a period of secondment or attachment of four months or more, the reporting officer shall invite the host service to have the jobholder's superiors in that service comment on his efficiency, ability and conduct in the service on the basis of the jobholder's self-assessment. These comments shall be submitted to the reporting and countersigning officer.*

7.1 Officials on secondment in the interests of the service will continue to progress in their career in the Commission:

- their performance will be appraised by their parent DG. To that end, a CDR-Report will be elaborated by the Commission services based on the information provided by the ITER Organization;
- they will participate in the annual promotion exercise of the Commission during their secondment and will be eligible for promotion.

7.1.1 They will also progress in their career in the ITER IO on the basis of its rules.

Therefore, for the period of the secondment, they will have a double career.

7.1.2 On return to the Commission, the official would revert to his/her grade of departure or to the grade he/she was promoted to with the benefit of the steps acquired during his/her secondment.

### **Third language requirement<sup>4</sup>**

7.2 Article 45, paragraph 2 of the EC Staff Regulations stipulates that "officials shall be required to demonstrate before their first promotion after recruitment the ability to work in a third language".

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<sup>4</sup> Requirement for the first promotion under the EC Staff Regulations



7.2.1 Any official, including officials seconded in the interests of service, does not have to fulfil the "third language" condition if:

- he/she has already been promoted in his/her category;
- he/she was promoted while in a lower category and (s)he is now in a higher category following a change of category;
- he/she is a former temporary agent (for example a 'research' temporary agent) already assigned to a higher grade while a temporary agent and (s)he has now become an official (see Title II, articles 10 and 15 of the 'conditions of employment of other servants') and if this re-grading was analogous to a promotion exercise for an official, in particular, including a comparison of merits.

7.2.2 However, if the official does not belong to any of the above three categories, article 45, paragraph 2 applies.

#### **MODALITIES FOR RE-ENTRY BACK TO THE COMMISSION**

8. General rules of Articles 37 (a) and 38 of the EC Staff Regulations:

- *at the end of every six months, the official concerned may request that this secondment be terminated. When his secondment ends, he shall be reinstated at once to the post formerly occupied by him.*

8.1 The post of the official seconded in the interests of the service has to be frozen during the duration of secondment in order to allow him/her to be reinstated in his/her former post – but not necessarily the same functions – when he/she returns, at the end of every six month period or at the end of his/her secondment.

#### **HOLIDAYS**

9. As the officials will be seconded in the interests of the service to a non-Community body, their leave balance will be frozen in the DG of origin in accordance with the rules laid down in the Commission Decision introducing implementing provisions on leave (C(2004) 1597 of 28.4.2004). The officials will be subject to the leave entitlement of the ITER IO.

#### **MISSIONS**

10. Officials on secondment in the interests of the service will be subject to the rules of the ITER Organisation.

#### **TRAVEL COMPENSATION**

11. Officials seconded in the interests of the service are paid by the International Organisation and subject to the ITER rules. Their annual travel allowances pursuant to Article 8 of Annex VII to the EC Staff Regulations will be taken into account in the calculation of the differential payment, if applicable, as mentioned in point 2 above.

## TIMETABLE OF ADMINISTRATIVE ACTIONS AND OF IMPLEMENTATION OF CHANGES

### 12. General rules of Articles 37 (a) and 38 of the Staff Regulations:

- *the decision on secondment shall be taken by the appointing authority*

12.1 The official shall be seconded in the interests of the service from the Commission to the ITER IO. The AIPN is, as a general rule, DG ADMIN<sup>5</sup>.

#### **How to apply for a post in an international organisation**

12.2 An official wishing to go to an international organisation has to apply for the vacant post according to the rules as regards the filling of vacancies of the international organisation. That could include publication of vacant post, filled application form before closing date, selection procedure with possible test in writing and/or oral, during the whole procedure evaluation of candidates.

#### **How to apply for secondment in the interests of the service**

12.3 A formal request for secondment has to be drafted and sent by DG RTD to the appointing authority (DG ADMIN) no later than one month before the secondment is to begin, so that the data can be computer encoded, thereby allowing the information to be sent in good time to the departments concerned. The decision of the appointing authority to grant secondment is then sent to the official concerned.

#### **How to extend the secondment**

12.4 A formal request to extend the secondment should be drafted and sent by DG RTD to the appointing authority (DG ADMIN) for approval no later than two months before the end of the initial secondment period. The decision of the appointing authority to grant secondment is then sent to the official concerned.

#### **How to end the secondment**

12.5 The secondment in the interests of the service could end for three reasons: on request of the appointing authority, on request of the seconded official, or the organisation to which the official is seconded. It ends automatically, when the period of the secondment authorised by the Commission ends. A clause in the contract of engagement (i.e. with the ITER Organisation) will state these facts.

12.5.1 The official re-entering the service will be reinstated in the post formerly occupied by him/her – but not necessarily the same functions. If the official requests the ending of his/her secondment, he/she must make a formal request to this effect two months before the end of his/her secondment.

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<sup>5</sup> For detailed rules concerning senior management posts, OLAF and JRC staff, Heads of Cabinet etc. see point 5 of table III (Career) of the Commission Decision C(2007)5730 on the exercise of powers conferred by the Staff Regulations to the Appointing Authority and by the Conditions of Employment of Other Servants to the Authority Responsible for Concluding Contracts of Employment

## II – ASSIGNMENT TO THE ITER IO

1. Officials on assignment to the ITER IO shall be assigned by the appointing authority according to Article 7.1 of the EC Staff Regulations. They will remain in active employment according to the provisions of Article 35 (a) of the EC Staff Regulations.

1.1 They will continue to be managed by their parent institution for matters related to career, remuneration, pension and health insurance.

In general, the rights and entitlements of officials on assignment to the ITER IO do not change compared to officials working in the Commission. Therefore, the following information relates to those areas which will be treated differently for officials on assignment to the IO.

1.2 The place of employment for officials on assignment to the ITER IO will be the location of the ITER IO (Cadarache, France). This has consequences on the correction coefficient and the expatriation allowance. The correction coefficient for France (currently 115.5%) will apply to their remuneration and allowances. They may transfer part of their salaries to another Member State pursuant to Article 17 of Annex VII to the EC Staff Regulations.

1.3 Officials assigned to the ITER IO are entitled to receive the following six listed allowances:

1. travel expenses (Article 7 (2) of Annex VII),
2. installation allowance (Article 5 of Annex VII),
3. removal costs (Article 9 of Annex VII),
4. daily subsistence allowance (Article 10 of Annex VII),
5. annual travelling expenses (Article 8 of Annex VII), and
6. resettlement allowance (Article 6 of Annex VII) – only in case of termination of service.

In accordance with Art. 11(2) of the EC Staff Regulations, officials assigned to the ITER IO shall not be permitted to accept any allowance from the IO.

### **HOLIDAYS**

2. The Staff Regulations of the ITER IO specifies that "leave, time off, and vacation policies and regulations of the seconded person shall be in accordance with the policy of the seconding institution". This provision guarantees that Commission officials assigned to the IO will be entitled to the same number of days as he/she is entitled to in the Commission in the same situation.

2.1. Officials on assignment to the ITER IO will have their leave balance frozen in the DG of origin.

The frozen leave entitlements will be calculated taking into account the time worked at the Commission during the current year (i.e. the year when assignment begins), in accordance with the principles laid down in the Commission Decision introducing implementing provisions on leave (C(2004) 1597 of 28.4.2004 – part I concerning Annual Leave).

2.1.1 If the outstanding balance is more than 12 days (the maximum possible automatic carry-over from one year to the next), the official – if he/she wishes to recover all the balance on returning – is requested to submit to his/her human resources manager at the time of leaving on assignment to the ITER IO an application for additional carry over (see III.E: carry-over of leave in the above mentioned Commission Decision). In examining this request, the human resources manager will take account in particular of the date on which the assignment to the IO begins.

2.1.2 During the period of assignment to the ITER IO, officials will continue to receive their annual leave entitlement in the Time Management (TIM) system. The timing and duration of leave during the assignment shall be agreed by the Director-General of the IO, in accordance with the IO's Staff Regulations. The Director-General shall periodically inform the DG of origin of leave taken by the assigned officials. The information will be entered into the Time Management system by the DG of origin.

At the end of each leave year, assigned staff may apply for the carryover of leave which will be frozen in the DG of origin. The rules set down at 2.1.1 above will apply. However, assigned staff are required to make every effort to take their leave and not to accumulate a large number of days during the period of their assignment to the ITER IO. A written justification, to be signed by the assigned official and the responsible person in the IO, will therefore be required for requests to carry over leave in excess of 12 days.

2.1.3 Any frozen leave in the Commission of an official on assignment to the ITER IO will be recovered in its entirety on the official's return from assignment. Compensation for untaken frozen leave will be paid along with all other rights if the official resigns during the assignment.

## **MISSIONS**

3. Officials on assignment will be subject to the rules of the ITER IO when missions are carried out for the IO. Missions undertaken for the Commission will be subject to the rules of the Commission.

## **INTERNATIONAL SCHOOLING FOR CHILDREN**

4. As is the case for officials in active employment, officials on assignment to ITER will remain under the provisions of the Staff Regulations for the education allowance and will receive an education allowance which compensates actual education costs (subject to ceiling) for each dependent child who attends a primary or secondary school which charges fees.

4.1 The educational allowance pursuant to Article 3 of Annex VII to the EC Staff Regulations cannot exceed the lump sum of twice the maximum amount prescribed in paragraph 1 of this Article (a total of 487.1 € - value on 1.07.2008 - for each child in primary or secondary school). For children less than five years old not attending primary or secondary school, the amount is 87.69 € per month – value on 1.07.2008.

4.1.1 Under the conditions in force for the repayment of exceptional educational costs, officials could benefit from the reimbursement of costs that exceed the double amount of the education allowance. In this case, the official is required to submit an application which must satisfy the following main cumulative criteria:

- the child(ren) cannot or can no longer be admitted to a European School for imperative educational reasons duly supported by evidence, or cannot attend a European school because of their parents' place of employment ;
- the applicant's basic salary must be less than or equal to 8 382.42 € (2007-2008 school year);
- the sum of the annual education costs borne by the applicant in respect of all children covered by the application, after deduction of the education allowance and any other similar allowance or reimbursement, must exceed 20% of family income: applicant's basic salary (weighted) plus, where appropriate, spouse's net salary and/or maintenance payments.

#### **PROCEDURE FOR ASSIGNING AN OFFICIAL TO ANOTHER ORGANISATION**

5. The decision on assignment to the ITER IO is taken by the Director-General of the DG of origin as AIPN. A request letter from the IO with the appropriate justification should be attached to the request for assignment. DG ADMIN and the PMO shall be informed of this decision.

5.1 The official is assigned to the receiving organisation (i.e. ITER IO) while remaining on his post. At the end of the assignment, he/she will return to the original DG/Unit. The DG concerned shall not receive compensation or surcharge for the post during the period of assignment of the official to the ITER IO.