



COMITÉ DE LIAISON DES EXPERTS NATIONAUX DÉTACHÉS  
VERBINDUNGSKOMITEE FÜR NATIONALE EXPERTEN  
LIAISON COMMITTEE OF SECONDED NATIONAL EXPERTS

## PROPOSAL FOR AMENDING THE CONSTITUTION OF CLEENAD

### EXPLANATORY NOTE

#### 1. INTRODUCTION – Why revise the Constitution?

The Constitution of CLEENAD was established in 1997. Since then, it has been revised in 1999, 2001, 2002 and 2005. These revisions were primarily of an incremental nature.

The previous and current CLEENAD Bureaus have recognised the need for a comprehensive revision of the Constitution in order to make the organisation more efficient, transparent, accountable and democratic. This proposal also takes into account the revised rules laid down in the [Commission Decision from 2008](#) on the secondment to the Commission of national experts and (short-term) national experts in professional training. Finally, the proposal is a simplification of the previous versions of the Constitution.

The work on revising the Constitution has been supervised by the President of CLEENAD and involved several persons in the Bureau. Gilda CARBONE, who is a member of the Bureau and a Seconded National Expert (SNE) from Italy, is a lawyer and has been particularly involved in formulating the proposals.

The following are the main elements of the proposal:

- **The Constitution becomes consistent** with the new rules adopted by the Commission in 2008.
- **More involvement of national sections:** one representative from each national section can be member of the Bureau. Bureau members are elected by the national

sections, not the General Assembly. Also, the work of the national sections is explicitly recognised, as well as the role of CLENAD in promoting the establishment of such sections.

- **Improved continuity:** the term in office of the members of the Bureau is raised to the end of their secondment (given, of course, that they are elected by their national section).
- **Better functioning:** more active role of the members of the Bureau, smoother replacement when needed as well as a clearer distribution of responsibilities and tasks.
- **More transparency and accountability** of the Bureau's work vis-à-vis individual SNEs, national sections and the General Assembly.
- **Better involvement of the SNEs:** more information to SNEs about activities of the Bureau, utilising new electronic tools such as CIRCABC.
- **Simplified:** all articles have a title. The number of articles is reduced.

## 2. EXPLANATION PER ARTICLE

### Title

- Linguistically, it is considered better with the English name “Liaison Committee of Seconded National Experts”. This is therefore proposed as the new name. French and German versions of the name remain the same as before.
- Linguistically, the term "provisions" is more appropriate than regulations.

## PART I

### Objectives, mission and composition of CLENAD

- ‘Mission’ has been added to the title

#### Article 1. Objective and mission (previous Articles 1, 2)

- ‘Mission’ has been added to the title, and the previous Article 2 (regarding the independence of CLENAD) has been integrated into Article 1;
- Linguistic revisions are made to reflect the fact that certain non-EU countries also have seconded national experts in the EU institutions;

- The reference to SNEs from the private and the non-profit sectors is taken out since the Commission Decision on SNEs from 2008 outlines that all SNEs shall come from the public sector.

### **Article 2 Membership (previous Article 3)**

- It is already established in Article 1 that only SNEs can be members of CLENAD. The sentence in the old constitution that membership of CLENAD shall cease when the person is no longer an SNE is considered superfluous and taken out.
- The old constitution included an Article 4 stating that CLENAD shall be represented in certain organisations for ex-SNEs. This provision is taken out as this is a decision that cannot be taken by CLENAD alone.

## **PART II Administration and operation**

### **Article 3 General Assembly (Previous Articles 5, 8)**

- As the highest decision-making body of CLENAD, the General Assembly adopts the Constitution. This Article has therefore been moved to the top of Part 2.
- According to the old constitution, the General Assembly elected members of the Bureau. This has not worked in practice because (a) it is considered the democratic prerogative of the national sections to elect their own representative to the CLENAD Bureau; and (b) there are several years between each General Assembly. If Bureau members are elected by the GA, it would mean that a national section would not be represented in the Bureau if the Bureau member ceased to be an SNE in between General Assemblies.

For these reasons, it is proposed in the new Constitution that the national sections are responsible for electing members of the Bureau and not the General Assembly. This will bring the Constitution in line with existing practice

- The revised Constitution proposes that a General Assembly shall be held every two years. The old version said that a GA should be held ‘at least once per year’, which is neither realistic nor desirable (the last General Assembly was held in 2008).
- In order to hold the CLENAD Bureau accountable to the General Assembly, two last paragraphs have been inserted in Article 3 stressing the responsibility of the Bureau to inform the General Assembly and all SNEs (through electronic newsletters) about the Bureau’s activities.

#### **Article 4 Bureau (previous Articles 5, 7)**

- According to the proposed revision in the Constitution, the national sections will elect the members of the Bureau (see note on Article 3 above).
- The concept of "observer membership" in the Bureau has been introduced in this revision. In case no national section exists, individual SNEs from that country may apply for observer status (Bureau membership without voting rights). Participation of more than one observer per country is at the discretion of the President.

The reason for introducing this concept is that under the 'old' constitution, Bureau members got their democratic mandate from being elected by the General Assembly. With the new revised constitution, the national sections elect a delegate to the Bureau. The democratic legitimacy of the CLENAD Bureau thus rests with the fact that members are elected by and represent the national sections. SNEs that do not come from a national section will not have a democratic mandate.

- In the revised Constitution, there is no limit to how long an SNE can be a Bureau member, as long as the person is elected by his/her national section and is an SNE.
- Respecting the democratic mandate of the national sections, the Bureau cannot sack a member of the Bureau if the person does not carry out his/her role effectively or brings CLENAD to disrepute. Instead, the opinion of the Bureau shall be transmitted to the relevant national section.
- To bring the Constitution more in line with existing practice, the revised Constitution proposes that the Bureau shall meet 'at least every three months'. (The old constitution says 'at least every month').
- The new provision that members of the Bureau "shall be active and shall notify the General Secretary if he/she is not able to attend the Bureau meetings and/or will be represented by its substitute". This provision aims to encourage the involvement and motivation of Bureau members.

#### **Article 5 Board members (previous Article 6)**

- The revised Constitution introduces the concept of a 'Board', consisting of a President, up to three Vice-Presidents and a Secretary General, and is elected by the Bureau among its members.
- The term in office is extended from 12 to 24 months to ensure more continuity. As before, the members of the Board can be re-elected once.

- A new clause in the revised Constitution emphasises that the President works together with the Bureau and that the role of the President is primarily coordination and representation, assisted by the Vice Presidents and the Secretary General.

#### **Article 6 External representation (previous Article 9)**

- No essential changes introduced. It is emphasised that all SNEs shall be informed via electronic media of relevant information from such meetings.

### **PART III National Sections**

#### **Article 7 National Sections (new section, partly based on previous Article 11)**

- This is a new proposed section and Article emphasising that national sections are an essential part of CLENAD and that the Bureau has a responsibility to promote and encourage the development of such national sections.

### **PART IV Resources**

#### **Article 8 Financial rewards of Bureau members (previous Article 10)**

- Only minor linguistic change, no change of meaning.

#### **Article 9 Grants and other subsidies (previous Article 12)**

- The reference to the Treasurer of CLENAD is taken out, since the Constitution does not foresee the establishment of such a post. Instead, it is the President or the delegated member of the Bureau who will produce an annual statement of accounts.
- The financial management of CLENAD shall be made public through its website. This is to ensure accountability to the General Assembly.

### **PART V Amendment of the constitution and dissolution of the Bureau**

#### **Article 10 Amendment of the Constitution (previous Article 13)**

- The General Assembly is informed of the proposal and is given a time-limit for its opinion of no shorter than 15 calendar days. The constitution is considered to be

amended when a simple majority at the General Assembly expresses its positive opinion (this can be through secret vote, count of hands or acclamation).

**Article 11 Dissolution of the Bureau (previous Article 14)**

- This Article is unchanged apart from a slight linguistic revision.

**PART VI**

**Registration of the constitution**

**Article 12 Registration of the constitution (previous Article 15)**

- This article reflects now the new name of the DG HR of the Commission.