

PROCEDURAL ACT OF THE ENERGY COMMUNITY SECRETARIAT

2019/05/ECS-EnC on Rules for Secondees, Interns, Other assignments and Locally Recruited Persons

The Energy Community Secretariat,

Having regard to the Staff Regulations of the Energy Community, and in particular Item 2 thereof,

Having regard to the Procedural Act 2016/01/MC of 14 October 2014 on adoption of amendment to the Rules for Recruitment, Working Conditions and Geographical Equilibrium of the Secretariat's Staff of the Energy Community ("the Recruitment Rules"), and in particular Item III. 11. thereof,

Whereas promoting secondment, internship and other types of assignment as tools for interlinking the Secretariat and its stakeholders, for contributing to practical education and improvement of the quality of domestic energy administration, and for making the Energy Community workforce as a whole more efficient lies in the interest of the Secretariat,

Whereas the secondees should enable the Secretariat to benefit from their professional knowledge and experience,

Noting that it is highly desirable to foster the exchange of professional experience in and knowledge of Energy Community policies by temporarily assigning experts from the administrations of the Contracting Parties and Observers of the Energy Community as well as from the regions beyond the geographical scope of the Energy Community,

Whereas this interest needs to be reconciled with the limitations of the budget to be fully respected at all times,

Whereas secondment and internship as well as any other type of assignment shall require clear definitions and rules on the appointment or recruitment procedures as well as the working conditions at different duty stations of the Energy Community (Vienna, Kyiv, Tbilisi) or in one of the Contracting Parties,

Whereas the Staff Regulations also envisage the possibility of recruiting persons locally and assigning them to hourly rates,

Whereas the employment of locally recruited persons may not lead to a circumvention of the Recruitment Rules,

Whereas this Procedural Act was amended on 15 October, in order to increase clarity and avoid abuse with regard to the maximum duration of engagement of secondees and interns, the ancillary role of locally recruited persons and the objective of other assignments,

ADOPTS THE FOLLOWING PROCEDURAL ACT:

Article 1 Secondees

- (1) Public sector authorities or international organizations may second staff ("Secondees") to be assigned to the Energy Community Secretariat in line with the provisions of these Rules. During the secondment period the relevant seconded staff remains employed by the relevant employer, but works for the Energy Community.
- (2) Secondees may come from any public sector or international institution, including but not restricted to, ministries, agencies, regulatory and competition authorities, transmission system operators, courts etc.
- (3) Only candidates fulfilling the highest standards of professional excellence and personal integrity shall be appointed. Excellent command of English is indispensable. To the extent possible, the secondment policy of the Secretariat shall reflect a geographical equilibrium within the territories covered by the Energy Community.
- (4) Application shall be sent to the Secretariat directly. Letter of recommendation signed by the responsible Head of the nominating institution (ministry, regulator, competition authority, international organisation etc.) must be a part of the application for the vacancy in question.
- (5) The operational selection of the secondees on the ground of the received applications shall be led by Selection Committee established by the Director in the size and format suitable for the purpose of recruitment or solely by the Director.
- (6) The appointment of any secondee may be preceded by an interview with the candidate.
- (7) Secondment shall require an act of appointment by the Director of the Secretariat. Before appointing a secondee, the Director shall consult the appointment with the Presidency and the Vice-Presidency of the Energy Community. Appointments of secondees to the ECRB section of the Secretariat shall follow a common agreement reached with the ECRB President and Vice-Presidency of the Energy Community.
- (8) The act of appointment shall contain a written agreement on the terms and conditions governing the secondment, including of the respective institution or international organization, which is the formal employer of the Secondee. In this agreement, the employer shall assure that it will continue any payments (salary, contributions to social security and insurance systems, etc.), required by national law.
- (9) Any appointment of a secondee may be for up to one year..
- (10) Secondees shall work under the full and sole authority of the Director of the Secretariat and, as the case may be, the head of the unit they are assigned to internally. During the time of their secondment, secondees shall act impartially and in the interest of the Energy Community alone and shall not seek or accept any instructions or directions from their employer or third parties. The employer shall accept that in the written agreement concluded with the Energy Community.
- (11) Early termination of the secondment shall be governed by the rules stipulated in the Staff Regulations.

Article 2 Interns

(1) The Secretariat may offer internships for the purpose of assistance to staff members of the Secretariat, PHLG members or representatives of other state institutions from the Contracting Parties and/or supervised practical training, for a defined period.

(2) Duty station of an intern may be at the headquarter of the Energy Community in Vienna, at one of its regional offices (currently Kiev and Tbilisi) or in one of the Contracting Party, in which the support shall be provided.

(3) An internship may be for a period of up to one year.

(4) A request for an internship shall be accompanied by a resume of the applicant. Excellent command of English is indispensable. The Director may decide to invite the applicant for an interview.

(5) The recruitment of an intern shall be made by way of an internship agreement between the Energy Community and the intern. The internship agreement may be terminated by both parties on two weeks' notice by way of a reasoned termination letter.

(6) Interns shall work under the full and sole authority of the Director of the Secretariat and, as the case may be, the head of the unit they are assigned to internally. They shall act impartially and in the interest of the Energy Community alone and shall not seek or accept any instructions or directions from any third party.

Article 3 Common rules for secondees and interns

(1) Secondees and interns shall be considered officials of the Secretariat within the meaning of the Staff Regulations and the Headquarters Agreement with the Republic of Austria.

(2) Secondees and interns shall be subject to the Treaty, the Staff Regulations, as well as Procedural Acts of the Energy Community Secretariat or guidelines issued by the Director in their most recent versions, in the same way as staff members, unless and to the extent the present rules provide otherwise or the Director decides to make exceptions. Any such exemptions shall be stipulated in the act of appointment or the internship agreement. Items 3.1., 3.2, 3.4., 3.5 and 3.6 of the Staff Regulations shall apply in any case.

(3) The relation between the Energy Community and a seconded or intern shall not be governed by Austrian law or the law of any other national jurisdiction.

(4) The Energy Community shall not be liable for any contributions to systems of national social security, insurances or any other arrangement entered into or requested by the seconded or intern. Secondees and interns shall present the Secretariat a written confirmation of their health insurance coverage before taking up work.

(5) Secondees and interns shall sign a declaration of absence of conflict of interest and of confidentiality before taking up their work.

- (6) Secondees and interns shall be assigned to one of the units at the Secretariat or the Director directly.
- (7) Secondees and Interns shall be provided by the Secretariat with adequate working conditions.
- (8) Secondees and interns shall normally work full-time, i.e. 40 hours a week, and shall be entitled to 2,5 days of leave per month to be coordinated with the direct superior.
- (9) Secondees and interns shall be entitled to a certificate of employment upon completion of their secondment or internship.
- (10) Secondees and interns shall not have any claim to employment by the Energy Community.

Article 4 Administrative and Budgetary implications

- (1) Any appointment as secondees or as intern shall depend on the administrative and financial capacity of the Secretariat.
- (2) Secondees and Interns shall receive a monthly stipend by the Energy Community to support them in meeting the subsistence costs. It may vary depending on the country of assignment and tasks assigned
- (3) Secondees and interns, as well as their dependants, shall not be entitled to any other benefits, allowances or compensations besides the monthly stipend. This does not exclude the application of the Travel Rules.

Article 5 Locally recruited persons

- (1) In case of a need of additional administrative or technical support, the Director may recruit persons locally and assign them to an hourly rate ("locally recruited persons").
- (2) Recruitment of locally recruited persons shall be done by way of a service agreement which, as a minimum, shall determine the hourly rate and stipulate confidentiality obligations. The service agreement shall not be governed by Austrian law or the law of any other national jurisdiction.
- (3) Locally recruited persons shall normally be deployed on an ad hoc basis. When working for the Secretariat on a regular basis, locally recruited persons may not be deployed more than 20 hours per week. In any event, the deployment of locally recruited persons may not lead to a circumvention of the Recruitment Rules.
- (4) Locally recruited persons shall not be considered either staff members or officials of the Secretariat and not be governed by the Staff Regulations nor the Headquarters Agreement.
- (5) Locally recruited persons, as well as their dependents, shall not be entitled to any other benefits, allowances or compensations besides the hourly rate agreed.

(6) Locally recruited persons shall not have any claim to employment by the Energy Community.

Article 6 Other assignments

- (1) The Director may decide on fellowship assignments to support and strengthen research capacities at the Energy Community.
- (2) Such assignments as referred to under (1) shall be allowed depending on administrative capacity of the Secretariat (like space, equipment) with duration up to 2 years. Such assignments shall be at no costs to the Energy Community. If travel requested by the Energy Community, the costs occurred shall be reimbursed.
- (3) The Director shall assign the Fellow to a specific staff member or unit of the Secretariat. She/he shall perform his functions under the authority, and in full compliance with the instructions of the Director, and any person acting on his behalf.
- (4) The Research Fellow shall comply with all regulations, rules, instructions, procedures issued by the Energy Community and its Secretariat.

Article 7 Entry into force

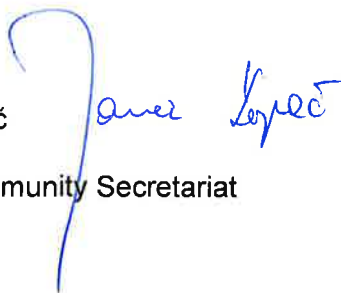
This Procedural Act shall enter into force upon adoption. Amendments to this Procedural Act shall replace all earlier versions.

With entry into force of the amendments to this Procedural Act, Procedural Act 2011/04/ECS on the appointment on an internal Selection Committee for Interns and Secondedes of 21 December 2011 is repealed.

For the Energy Community,

Amended on 15 October 2019

Janez Kopač
Director
Energy Community Secretariat



Done in Vienna