

PROCEDURAL ACT OF THE MINISTERIAL COUNCIL OF THE ENERGY COMMUNITY

2016/01/MC-EnC on amending Procedural Act of the Ministerial Council 2006/02/MC-EnC of 17 November 2006 on Rules for Recruitment, Working Conditions and Geographical Equilibrium of the Secretariat's Staff of the Energy Community

The Ministerial Council of the Energy Community,

Having regard to the Treaty establishing the Energy Community, and in particular Articles 69, 82, 83 and 87 thereof,

Having regard to the Procedural Act of the Ministerial Council 2006/02/MC-EnC of 17 November 2006 on Rules for Recruitment, Working Conditions and Geographical Equilibrium of the Secretariat's Staff of the Energy Community ("the Rules"),

Whereas experience gained in the last years of application of the Rules calls for necessary simplification of the recruitment procedure for cases of parental leave/part – time work of the staff of the Secretariat,

Whereas the Secretariat is tasked under the Rules for the organisation of the selection procedure as laid down in III.13,

Whereas there are objective needs to design in future the selection procedure as defined under the Rules in more efficient and productive manner,

Whereas the Permanent High Level Group, at its meeting on 22 June 2016 endorsed the present Procedural Act,

Having regard to the proposal made by the Secretariat,

ADOPTS THE FOLLOWING PROCEDURAL ACT:

Article 1

1. In Item V ("Rules for Recruitment of the Staff of the Secretariat – Final Provisions"), the following new Item V.1 is introduced:

"The present Rules shall not apply to staff recruited on a temporary basis to replace staff members on parental leave or staff members on part-time leave in accordance with the Staff Regulations. Appointments shall follow procedural rules to be developed by the Director and depend on the availability of sufficient budget for human resources."

2. The subsequent Items shall be renumbered accordingly.

Article 2

1. In item III.3 (“Rules for Recruitment of the Staff of the Secretariat – General”), the European citizenship" shall be replaced by "EU Member States citizenship”.
2. In Item III.3 (“Rules for Recruitment of the Staff of the Secretariat – General”), the words “or Observer” are included after “Any person, who has **EU Member States citizenship** or citizenship of any Party”.
3. In current Item III.24 (“Rules for Recruitment of the Staff of the Secretariat – Transparency and Procedure of Recruitment”), the words “or Signatory” are replaced by the words “or Observer”.
4. In current Item III.28 (“Rules for Recruitment of the Staff of the Secretariat – Competition and Professionalism”), the words “or Signatory” are replaced by the words “or Observer”.

Article 3

In current Item III.13 (“Rules for Recruitment of the Staff of the Secretariat – Transparency and Procedure of Recruitment”), the words “two months” are replaced by the words “one month”.

Article 4

In current Item III.15 (“Rules for Recruitment of the Staff of the Secretariat – Transparency and Procedure of Recruitment”), the words “two representatives from the European Commission” are replaced by the words “one representative from the European Union”.

Article 5

This Procedural Act shall enter into force upon adoption.

Article 6

The Director of the Energy Community Secretariat shall publish the amended Procedural Act of the Ministerial Council 2006/02/MC-EnC of 17 November 2006 on “Rules for Recruitment, Working Conditions and Geographical Equilibrium of the Secretariat’s Staff of the Energy Community” on the Energy Community website within seven days of adoption of this Procedural Act.

Done in Sarajevo on 14 October 2016

For the Presidency

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EXPLANATORY NOTES

BACKGROUND

This note refers to the proposed by the Secretariat amendments to the Energy Community Recruitment Rules in their version of 2006. This proposal shall be tabled for discussion at the meeting of the Budget Committee on 20 May 2016. Following the discussion and potential outcome of it, the amendments might be then forwarded for required approval to the Ministerial Council taking place in October 2016.

REASONING

Energy Community Recruitment Rules have been used in the last 10 years of operations of the Energy Community and its Secretariat, which is in charge of the implementation of recruitment procedures. This set of Rules, as approved in the discussed version in 2006, has proved to be a sound basis for the set up of the recruitment process and implementation of the principles laid therein.

After the years of experience in the implementation of the Rules and considering the developments and progress made within the Energy Community process since then, Secretariat notes a need for the update of the Rules. This update shall have the purpose to align the set of Rules to be more effective and sufficient for the recruitment of personnel competencies as required for achieving further progress within the Energy Community and its institutions' work.

CHANGES PROPOSED

Proposed introductions/amendments of the Rules concern the following:

- New Rule: flexibility in recruitment of temporary personnel in described cases,
- Amendment 1: extension of the geographical scope of eligible candidates applying for Energy Community posts,
- Amendment 2: certain improvement of the administrative aspects.

(1) New Rule III.12

The first proposal is to introduce a new rule for recruitment of short term/temporary personnel for all cases, where a permanent staff member is working part-time reasoned by provisions related to the parental leave.

According to the Staff Regulations of the Energy Community a female staff member is granted 16 (20 weeks¹) weeks of maternity leave with full pay. In regular cases, female employees return to work after the leave they are entitled to and work again on full time basis. There have been, however, cases where the same female employee after the maternity leave requests an approval of part time work, to which she² is entitled to according to the Staff Regulations of the Energy Community³. In case part time work has been approved, budget of the human resources remains

¹ For defined cases under the Staff Regulations (like caesarean, multiple birth ..)

² Such a request could come also from male staff members

³ see Staff Regulation 5.2.

unspent and cannot be otherwise spent. Despite the budgetary effects, in the time during which the staff member is part time in the office, there is a lack of resources and gap in filling in the tasks.

This very often is an organisational challenge for the Secretariat being a small institution, without procedural possibility to define often replacements.

This new rule shall provide an organisational solution and flexibility needed for all cases, where a staff member requests a part time work, she/he is entitled to under the Staff Regulations, and where availability of budget is given.

(2) Amendment Proposal 1

This second change in the existing set of Rules concerns a proposal for widening the geographical scope of the applicants for the vacant posts at the Energy Community Secretariat.

Currently according to III.12, III.24, III.28 of the Rules, *any person having an European citizenship or citizenship of any Part to the Treaty*, is eligible for the application at the ECS.

Given the fact, that activities of the Energy Community are to be seen in a wider geographical scope in Europe and beyond, new competencies from technical to language skills will be desired in the near future.

The proposal goes hand in hand with the discussions on political levels concerning new accessions in future (Georgia, Turkey or Armenia – currently with the status of Observers) as well.

(3) Amendment Proposal 2

This amendment proposal concerns current Rule III.13, according to which *any vacancy notice shall be published at least two [2] months before the start of the relevant selection procedure*.

Current rule for the publication of the vacancy seems to be too long and at times providing an administrative bottleneck throughout the procedure of recruitment. Based on the experience Secretariat has gained in the application of the Rules so far, there proposal is to shorten the period of publication from two [2] to one [1] month.

3) Amendment Proposal 3

This amendment proposal concerns current Rule III.15, according to which *“the Director shall be supported by a Selection Committee, which shall consist of at least four members, including the Director, one representative of the Presidency and two representatives from the European Commission”*.

Based on a request from EU to simplify the administrative procedure and on the experience gained in the application of the Rules so far, there proposal is to reduce the number of representatives from the EU from two [2] to one [1].