

PROCEDURAL ACT 2024/03/MC-EnC
OF THE MINISTERIAL COUNCIL OF THE ENERGY COMMUNITY
amending Procedural Act 2021/02/MC-EnC on the appointment of the Director of the
Energy Community Secretariat

The Ministerial Council of the Energy Community,

Having regard to the Treaty establishing the Energy Community, and in particular Articles 69 and 88 thereof,

Having regard to the proposal from the European Commission of 13.12.2023,

Having regard to Article 1 of Procedural Act 2021/02/MC-EnC which appointed Mr. Artur Lorkowski as Director of the Energy Community Secretariat for a period of three years, starting on 1 December 2021,

Having regard to Procedural Act 2022/02/MC-EnC which extended the duration of mandate of Director of Energy Community Secretariat to five years, renewable no more than once, and applied this extended term to the first mandate of the present Director,

Having regard to Article 2 of the Procedural Act 2021/02/MC-EnC on the appointment of the Director of the Energy Community Secretariat, which fixed the newly appointed Director's annual gross remuneration at EUR 116.532,

Whereas Procedural Act 2024/02/MC-EnC amended the Budget of the Energy Community for the years 2022-2023 to adjust the salary level of the Director, bringing it to a level commensurate with the responsibility carried and tasks executed under this budget,

Whereas a progressive increase of the salary for the Director is to take place under the Budget of the Energy Community 2024-2025, adopted pursuant to Procedural Act 2024/04/MC-EnC, subject to a positive annual performance evaluation,

Whereas it is necessary to amend Procedural Act 2021/02/MC-EnC to ensure it is aligned with the amended Budget of the Energy Community for the years 2022-2023 and the new Budget for the years 2024-2025,

Having regard to Article 3 of Procedural Act 2024/01/MC-EnC of the Ministerial Council of the Energy Community amending the Energy Community Staff Regulations of 18 December 2007 and Procedural Act 2006/02/MC-EnC on adoption of Rules for Recruitment, Working Conditions and Geographical Equilibrium of the Secretariat's Staff of the Energy Community, which sets out the transitional provisions regarding its applicability to the first mandate of the present Director of the Energy Community Secretariat,

Whereas the Act of Appointment of the present Director of the Energy Community Secretariat, issued by the Presidency on 29 December 2021, should also be amended as set out in the Annex to reflect the amended duration of Director's mandate and the adjusted salary, and to include the conditions of employment that apply until expiry of the present Director's first mandate,

Whereas the amended Act of Appointment should be issued by the Ministerial Council represented by the Presidency on the date of adoption of this Procedural Act,

HAS ADOPTED THIS PROCEDURAL ACT:

Article 1

- (1) Article 1 of Procedural Act 2021/02/MC-EnC shall be replaced by the following:
- “The Ministerial Council appoints Mr. Artur Lorkowski as a Director of the Energy Community Secretariat for a period of five years, renewable no more than once, starting on 1 December 2021.”
- (2) Article 2 of Procedural Act 2021/02/MC-EnC shall be replaced by the following:
- “The Working Conditions of the Director shall be determined by the Staff Regulations in their most recent version and the Act of Appointment that includes the conditions of employment applicable until the end of the mandate. With effect as of 1 January 2022, the Director’s full-time salary per month shall be determined in line with the Staff Regulations of the Energy Community and its amount shall be fixed as set out in the Budget of the Energy Community for the years 2022-2023 pursuant to Procedural Act 2021/1/MC-EnC as amended by Procedural Act 2024/02/MC-EnC, for the years 2024-2025 pursuant to Procedural Act 2024/04/MC-EnC on the adoption of the Budget of the Energy Community for the years 2024-2025 and on the contributions by the Parties to the budget, and for year 2026 as determined by the future Procedural Act setting the Budget of the Energy Community for the years 2026-2027 and on the contributions by the Parties to the budget.”

Article 2

The Act of Appointment of Director of the Energy Community Secretariat, amending the Act of Appointment of 29 December 2021 and containing the employment conditions, as set out in the Annex to this Procedural Act, shall be issued by the Presidency representing the Ministerial Council on the day of adoption of this Procedural Act.

Article 3

The Secretariat shall make this Procedural Act available to all Parties and institutions under the Energy Community Treaty within 7 days after its adoption.

Article 4

This Procedural Act shall enter into force upon adoption.

Done by correspondence, on the 19th of February 2024.

For the Ministerial Council

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Presidency

Annex

Act of Appointment

amending the Act of Appointment of 29 December 2021

According to the Rules for Recruitment, Working Conditions and Geographical Equilibrium of the Secretariat's Staff adopted by the Ministerial Council by Procedural Act 2006/02/MC-EnC, as amended by Procedural Act 2016/01/MC-EnC and Procedural Act 2023/XX/MC-EnC, as annexed hereto

- (1) Name of the employer: Energy Community, Am Hof 4, 1010 Vienna, Austria
- (2) Name of the employee: Artur Lorkowski
- (3) Date of Appointment: 1 December 2021
- (4) Expiry of Appointment: 30 November 2026
- (5) Title: Director
- (6) Duty Station: Vienna, Austria
- (7) Working conditions:

As set out in the Staff Regulations and Rules for Recruitment, Working Conditions and Geographical Equilibrium of the Secretariat's Staff, as amended.

- (8) Salary:

In line with the Staff Regulations of the Energy Community and as set out in the Budget of the Energy Community for the years 2022-2023 pursuant to Procedural Act 2021/1/MC-EnC as amended by Procedural Act 2024/02/MC-EnC, for the years 2024-2025 pursuant to Procedural Act 2024/04/MC-EnC, and for year 2026 as determined by the Procedural Act setting the Budget of the Energy Community for the years 2026-2027.

- (9) Job description:

- (a) The annual evaluation of the performance of the director will be conducted in compliance with Article 4.8 of the Staff Regulations, based on the below job description that covers at the minimum the following tasks:
 - (a) Developing and ensuring effective implementation of the Secretariat's short- and long-term activities in accordance with its mandate, as set out in Article 67 of the Energy Community Treaty,
 - (b) Ensuring the effective planning and management of the human resources, including an efficient allocation and use of resources, motivating staff, fostering a good team spirit as well as creating and maintaining a balanced and productive working environment,
 - (c) Ensuring the effective planning, management and implementation of the budget in accordance with the principles of sound financial management and the budgetary rules,
 - (d) Ensuring the representation of the Energy Community Secretariat within the institutions and bodies of the Energy Community, as well as to the outside.

- (b) This job description shall be discussed with the Director during the annual performance evaluation and, based on its outcome, adjusted if necessary.

Presidency of the Energy Community

Done on