

PROCEDURAL ACT No. 2006/02
OF THE MINISTERIAL COUNCIL
OF THE ENERGY COMMUNITY

2006/02/MC-EnC: Ministerial Council Decision of 17 November 2006 on adoption of 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 Article 69 thereof,

Having regard to the proposals, made by the Permanent High Level Group, dated 18 October 2006 and 16 November 2006,

Having regard to Article 86 of the Treaty,

HAS DECIDED AS FOLLOWS:

Article 1

Adopts Rules for Recruitment, Working Conditions and Geographical Equilibrium of the Secretariat's Staff of the Energy Community (*Annex 1*).

Article 2

This decision is addressed to all Parties and institutions under the Treaty Establishing the Energy Community.

Article 3

The Director of the Energy Community Secretariat shall make this decision and its annex available to all Parties and institutions under the Treaty Establishing the Energy Community within 7 days after its adoption.

Article 4

This decision shall enter into force upon its adoption.

Done in Skopje on 17 November 2006

For the Ministerial Council

Vera RAFAJLOVSKA
Energy Community Presidency

A handwritten signature in blue ink, appearing to read 'Vera'.

ANNEX 1

**RULES FOR
RECRUITMENT, WORKING CONDITIONS AND
GEOGRAPHICAL EQUILIBRIUM
OF THE SECRETARIAT'S STAFF**

I. GENERAL

1. These rules establish the procedures for recruitment and working conditions of the staff of the Energy Community Secretariat ("the Secretariat") in accordance with the Treaty establishing the Energy Community ("the Treaty").
2. In case of any contradiction between these rules and the Treaty, the rules of the latter shall be applied.

II. RULES FOR RECRUITMENT OF THE DIRECTOR OF THE SECRETARIAT

1. The Director of the Secretariat shall be appointed by a Procedural Act of the Ministerial Council on a proposal from the European Commission for a fixed renewable term of three years.
2. The European Commission shall distribute its draft proposal at least 30 days before the relevant meeting date, at which the Ministerial Council shall have on its agenda the appointment of the Director of the Secretariat.
3. The candidacy shall be nominated in the personal capacity of the relevant person.
4. The European Commission may propose candidates, who have either European citizenship or citizenship of any Party or Signatory to the Treaty.
5. The proposal of the European Commission shall be respectively justified. It shall contain a description of the qualifications and experience of the nominee and shall be based on his/her prior agreement to be nominated.
6. Any Party to the Treaty may express its views on the proposed candidacy. Should this be done in writing prior to the meeting of the Ministerial Council, the Presidency shall announce the relevant statement during the meeting.
7. The Ministerial Council may ask for a hearing of the nominee during its meeting before the decision for appointment is taken. The Presidency, in consultation with the Vice-Presidents, shall propose in advance ad hoc operational rulings of the hearing (time frame, number of questions etc.). The Observers may participate in the discussion in accordance with the Internal Rules of Procedure for the Ministerial Council.
8. The Ministerial Council shall decide on the appointment of the Director on a simple majority.

9. The Ministerial Council shall indicate in its procedural act the beginning date of the appointment.
10. Within 7 days after the Ministerial Council meeting, on the ground of its decision, the Presidency shall issue an Act of Appointment, which shall be signed by the Director.
11. In case of resignation of the Director before the end of the term of his/her appointment, the Presidency, in agreement with the Vice-Presidents, shall appoint an acting Director. The Presidency shall organize a new appointment procedure to be started immediately.

III. RULES FOR RECRUITMENT OF THE STAFF OF THE SECRETARIAT

GENERAL

1. The recruitment of the staff of the Secretariat shall be based cumulatively on the following major principles:
 - Transparency of the selection procedures;
 - Non-discrimination;
 - Competition and Professionalism;
 - Geographical equilibrium.
2. The Ministerial Council shall adopt the Secretariat Organigramme, based on a proposal of the Director of the Secretariat.
3. Any person, who has either European citizenship or citizenship of any Party to the Treaty, may apply for any announced position.
4. The candidates shall apply in their personal capacity.
5. The Secretariat shall be responsible for the organization of the selection procedures in accordance with these rules.
6. The staff shall be selected and appointed by the Director.
7. Further to the selection procedure, any formal appointment shall be subject to certification by a qualified medical practitioner, designated by the Director that the appointee possesses the degree of physical fitness needed for his or her post.
8. Any appointment shall be for a fixed term upon a probationary period in accordance with these rules and shall be renewable.
9. A probationary period for six months upon appointment for any position shall be established.
 - 9.1. Any period of past service with the Secretariat as an established official may be considered, in whole or in part, a period of probation. This shall be applicable when the main obligations under

the job description of the previous position and the one of the position, at which the official has been appointed in accordance with these rules, coincide.

9.2. During the fifth month of any probationary period, the official's immediate superior shall draw up a report on his or her competence, efficiency and conduct. The report shall recommend:

- a) that the official's appointment be confirmed;
- b) that his or her period of probation be extended to maximum of six more months;
- c) that his or her appointment be terminated.

9.3. The report shall be transmitted before the end of the fifth month to the Director for decision.

10. The probationary period shall be considered as a part of the overall term of the appointment.

11. Upon request from an interested country, the Director, in consultation with the Presidency and the Vice-Presidency, may appoint a secondee from this country for up to one year, subject to administrative and financial capacity. The secondees shall not be considered as part of the Secretariat's staff. The Director shall develop procedural rules concerning the status of the secondees within three months upon the entry of these Rules into force.

TRANSPARENCY AND PROCEDURE OF RECRUITMENT

12. The Secretariat shall launch the recruitment procedure by advertising vacancy notices specifying the criteria concerning general and specific competencies and key qualifications required and the possible duration of employment, the function and the main steps of the selection procedure.

13. Any vacancy notice shall be published at least two months before the start of the relevant selection procedure, in English on the Energy Community's internet website, as well as in the international and specialist press. The information shall be also distributed to all institutions under the Treaty.

14. The Director of the Secretariat may identify issues, subject to confidentiality, which shall be announced only to short listed candidates; these, however, cannot refer to the job description itself.

15. In the selection procedure, 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. Other members of the secretariat can be included in the selection committee. In specific cases, in particular for selection procedures of experts, one additional member may be designated from extern following a proposal by the European Commission.

16. The Selection Committee shall evaluate applications and agree, for each vacancy, on a short list of applications meeting the eligibility criteria and matching best the selection criteria required as per vacancy notice.

17. The Selection Committee shall invite the short-listed candidates for interviews.

18. Should the Selection Committee find it needed, the Selection committee may decide to invite the short listed applicants to written tests in accordance with the rules in this item, to take place on the same days of the interviews.

The content of the tests shall be defined in accordance with the level and profile of the position advertised.

The written tests, tailored according to the profile of the post, shall at least consist of the following components: general aptitudes and language abilities to the extent necessary for the performance of the duties and specific competencies with reference to the relevant profiles and assessing the quality of writing style and presentation.

19. On the ground of the short listed candidates, the Director may establish a reserve list of candidates. This list will be valid up to 12 months from the date of its establishment and its validity may be extended by decision of the Director.
20. Any outcome of a selection procedure shall be reflected in writing in a protocol, which shall be signed by the members of the Selection committee. Candidates shall be informed of the outcome of the selection procedure.
21. Any Party is entitled to get a copy of any of the protocols under item 20 upon written request to the Director.
22. For the ECRB section of the Secretariat, the permanent or seconded staff of this Section is appointed by the Energy Community Secretariat Director according to the procedures above, following a common agreement with the President and the Vice President for each of the positions.

Interim provisions

23. By derogation to paragraphs 12 and 13, the Selection Committee shall invite the members of the staff of the interim Energy Community Secretariat for interviews. Upon opinion from the selection committee, the Director shall be authorized to decide upon employment of any member of the staff of the interim Energy Community Secretariat within the permanent institution on an identical post in accordance with his/her qualification.

In case that any member of the staff of the interim Energy Community Secretariat shall not be offered such employment, he/she shall be informed in writing about this circumstance at least 90 calendar days prior to the termination of his/her existing contract.

24. Notwithstanding item 22, no particular other post shall be reserved for particular persons and/or nationals of any specific country, Party or Signatory.
25. In recruiting staff, the Director shall give primary consideration to the necessity of obtaining the services of persons possessing the highest standards of competence and integrity. Any job description in the announcements for vacancies shall state clearly the formal requirements concerning education, experience, language skills etc.

NON-DISCRIMINATION

26. Discrimination during the selection procedure based on any ground shall be prohibited.
27. All posts shall be open equally to men and women without reference to race or creed.

COMPETITION AND PROFESSIONALISM

28. No particular post shall be reserved for particular persons and/or nationals of any specific country, Party or Signatory.
29. In recruiting staff, the Director shall give primary consideration to the necessity of obtaining the services of persons possessing the highest standards of competence and integrity. Any job description in the announcements for vacancies shall state clearly the formal requirements concerning education, experience, language skills etc.
30. The recruitment shall be open to competition among internal candidates and any other applicants, based on equal opportunity standards. Among candidates with equal qualifications and experience, preference shall be given to internal applicants.

GEOGRAPHICAL EQUILIBRIUM

31. The Director shall provide, as far as possible, for an equitable distribution of the posts among nationals of the Parties and the Signatories.

IV. WORKING CONDITIONS

32. The Director shall be responsible that, in accordance with the budget of the Secretariat and in compliance with the budgetary rules and with the decisions of the institutions under the Treaty, the officials of the Secretariat be provided with the relevant necessary working conditions, related to equipment, working area, access to available information etc.
33. Any official of the Secretariat has the right to request from the Director that he/she gets improved working conditions. The request shall be properly justified. In case that the request cannot be followed, the Director or any other authorized member of the staff shall provide the official with a relevant answer in writing.
34. The Director shall be entitled to develop internal rulings, related to the working conditions, upon the above mentioned principles.

V. FINAL PROVISIONS

The Rules have been adopted by the Ministerial Council of the Energy Community on the ground of *Article 69* of the Treaty Establishing the Energy Community on 17 November 2006 in Skopje and become effective upon the day of their adoption.