

**ENERGY CHARTER
SECRETARIAT**

CCDEC 2000

2 GEN

Brussels, 29 June 2000

Related documents: CC 164, CC 173

DECISION OF THE ENERGY CHARTER CONFERENCE

Subject: Procedures for Future Selections and Appointments of the Secretary General and Senior Officials in the energy Charter Secretariat

[The Energy Charter Conference at its 5th Meeting held on 29 June 2000 approved the sets of procedures for future selections and appointments of the Secretary General and Senior Staff in the Energy Charter Secretariat.

The texts of decisions are attached at Annex I and Annex II respectively.]

Keywords: Appointments, Election Procedure, Secretary General, Senior Staff

**Procedures to be followed in appointing the Secretary General
of the Energy Charter Secretariat**

[as adopted by the Energy Charter Conference at its 5th Meeting held on 29 June 2000]

- The Energy Charter Conference shall be invited to decide on whether or not to prolong the appointment of the serving Secretary General at least twelve months before the expiration of his/her contract.
- In the case of a decision by the Energy Charter Conference not to prolong the serving Secretary General's appointment, or in cases where the serving Secretary General indicates to the Conference Chairman in writing that he/she is not ready to accept a prolongation of his/her appointment, the procedures outlined below shall be applied.
- Within one month of the date of the decision by the Energy Charter Conference not to prolong the contract of the serving Secretary General, or of the date on which the Conference Chairman receives a written indication from the serving Secretary General that that he/she is not ready to accept a prolongation of his/her appointment, all Contracting Parties/Signatories shall be informed, via a letter to Ministers from the Conference Chairman, of the timetable for nominating candidates for the post of Secretary General. This letter shall include a full description of the qualifications and experience required from candidates for the post, and shall indicate a deadline for their nomination.
- All Contracting Parties/Signatories shall have the right to nominate a candidate for the post of Secretary General. All candidates shall be a national of a Contracting Party/Signatory to the Energy Charter Treaty, but shall not necessarily be a national of that Contracting Party/Signatory which proposes their candidacy.
- Once all candidates have been nominated within the established deadline, the Conference Chairman shall arrange for a first selection round to be held, drawing where appropriate on the assistance of external consultants, in order to establish a short-list of candidates (consisting, as a rule, of no more than three names). All candidacies will be reviewed on an equal and non-discriminatory basis. An ad-hoc Selection Panel may be convened for this purpose, chaired by the Conference Chairman, who shall be responsible for determining its composition.
- At the conclusion of the selection process, the Conference Chairman, in close consultation with delegations, shall aim to select a single preferred candidate from the above short-list for appointment as the next Secretary General, and shall submit the name of that candidate to the Energy Charter Conference for approval. In cases where the selection process reveals a substantial degree of support among Contracting Parties/Signatories for more than one candidate, the Conference Chairman may also submit a choice of candidates to the Energy Charter Conference as the basis for a final decision.
- In accordance with Article 35 (2) of the Energy Charter Treaty, the Energy Charter Conference shall take the final decision on the appointment of the Secretary General. Such a decision shall be taken as a rule no later than three months prior to the expiry of the contract of the serving Secretary General.

- In cases where the serving Secretary General tenders his/her resignation before the expiry of his/her existing contract, or in the case of a decision by the Energy Charter Conference to terminate the serving Secretary General's appointment, or in any other cases not foreseen in the above which entail the departure of the serving Secretary General before the expiry of his/her existing contract, the Conference Chairman shall inform all Contracting Parties/Signatories as soon as possible, via a letter to Ministers, of the measures that he proposes to take in order to ensure a timely replacement of the Secretary General. These measures shall wherever possible be based on the selection procedures outlined above, and may include, at the Conference Chairman's discretion, the convening of an extraordinary meeting of the Energy Charter Conference for the purpose of appointing a new Secretary General.
- Nothing in the above shall derogate from the decision taken by the Energy Charter Conference at its 4th Meeting on 7 December 1999 to appoint the present Secretary General, Dr Ria Kemper, for a period of four years with an option for an additional period of two years.

Procedures to be followed when selecting and appointing senior officials of the Energy Charter Secretariat

[as adopted by the Energy Charter Conference at its 5th Meeting held on 29 June 2000]

- The selection and appointment of senior officials (grade A5 and above) of the Energy Charter Secretariat shall be fully governed by the provisions of the Secretariat's Staff Regulations and Rules as approved by the Energy Charter Conference at its 4th Meeting on 7 December 1999 (document CC 160/BC 80).
- The Secretariat shall ensure that all Contracting Parties/Signatories are informed in a timely manner, via a Message to all delegations, of future vacancies for senior posts within the Secretariat. Such a Message shall include a full description of the qualifications and experience required from candidates for the post in question.
- The Secretariat shall ensure maximum transparency in recruiting senior officials by publicising relevant vacancies as widely as possible, taking due account of budgetary constraints. Such publicity shall include, as appropriate, the placing of vacancy notices in prominent media sources. Vacancies for senior posts shall also be advertised via the Energy Charter Treaty web-site.
- Contracting Parties/Signatories may nominate candidates for senior vacancies in the Secretariat. Candidates shall also be encouraged to apply for senior vacancies in the Secretariat on an individual basis. In accordance with the Secretariat's Staff Regulations and Rules, all candidates for such vacancies shall be nationals of a Contracting Party/Signatory to the Energy Charter Treaty.
- In accordance with Regulation 7 of the Secretariat's Staff Regulations and Rules, responsibility for deciding on the appointment of senior officials of the Energy Charter Secretariat rests with the Secretary General, whose decisions in such matters shall be final. In deciding on such appointments, the Secretary General shall take due account of the provisions of all relevant Regulations and Rules contained in the Secretariat's Staff Regulations and Rules, in particular the provisions of Regulation 8¹, Regulation 15², Rule 8.1³ and Rule 25.1⁴.

¹ "In recruiting staff, the Secretary-General shall give primary consideration to the necessity of obtaining the services of persons possessing the highest standards of competence and integrity. He or she shall notify Contracting Parties and Signatories of prospective vacancies. The Secretary-General shall provide, as far as possible, for an equitable distribution of senior posts amongst nationals of Contracting Parties and Signatories. No particular post shall be reserved for nationals of any specific Contracting Party or Signatory. Officials shall be selected without reference to race, creed or sex. Officials are required to possess the degree of physical fitness needed for their posts."

² "Officials shall not be retained in service beyond the age of sixty-five years."

³ "A person shall not be appointed as an official unless he or she is a national of a Contracting Party or a Signatory. All posts shall be open equally to men and women without reference to race or creed. Appointment shall be subject to certification by a qualified medical practitioner, designated or approved by the Secretary-General, that the appointee possesses the degree of physical fitness needed for his or her post."

⁴ "The Secretary-General shall consult with Senior Management officers including the Deputy Secretary-General and Directors before personnel decisions are taken in accordance with Staff Regulations and Staff Rules, in particular regarding appointments, probation, promotion, advancement, disciplinary actions, termination of employment. Conclusions shall be recorded in writing."