

Internal Rules for Secondees, Staff on loan, Fellows and Interns

Whereas promoting fellowship, internship, secondment and assignment of Young Professionals or Staff on Loan is an efficient tool for interlinking the Secretariat and its stakeholders and is in the interest of the Secretariat,

Whereas the participation of Seconded experts and Staff on Loan should enable the Secretariat to benefit from their professional knowledge and experience, as well as to gain a greater degree of cooperation from their national authorities,

Noting that it is highly desirable to foster the exchange of professional experience in and the knowledge of the energy policies by temporarily assigning to the Secretariat experts from the Members and Observers of the Energy Charter Conference,

Whereas this interest needs to be reconciled with the necessity to fully respect the limitations of the budget at all times, as well as the limited available facilities of the Secretariat,

Whereas the Staff Manual of the Energy Charter Secretariat does not apply to Interns, Fellows, Seconded experts or Staff on Loan, and so clear rules and procedures for their appointment and for their working conditions at the Secretariat are needed,

The Energy Charter Secretariat adopts the following internal rules

Article 1: Common rules

(a) Fellows, Interns, Seconded experts and Staff on Loan are not considered in any respect as officials or staff members of the Energy Charter Secretariat. Therefore, they do not enjoy the guarantees and entitlements provided by the Staff Manual and the Energy Charter Secretariat does not assume the role of employer.

(b) Fellows and Interns shall be assigned to one of the officials of the Secretariat or to the Secretary-General directly, who will act as their supervisor. Fellows and Interns are subject to the authority of the supervisor and are responsible to him or her for the discharge of their duties. Seconded experts and Staff on Loan shall work under the supervision of one of the officials of the Secretariat and be under the authority of the Secretary-General. They are subject to his or her authority and are responsible to him or her for the discharge of their duties.

(c) Upon arrival at the Secretariat, Fellows, Interns, Seconded experts and Staff on Loan shall complete and sign a Personal Sheet (*see Annex 1*) and submit them electronically to Finance and Administration (FINAD).

(d) The responsibilities of Fellows, Interns, Seconded experts and Staff on Loan are not national but exclusively international. By accepting their appointment at the Energy Charter Secretariat, they pledge themselves to discharge their functions and to regulate their conduct in accordance with the interest of the Secretariat.

(e) Fellows, Interns, Seconded experts and Staff on Loan shall sign a declaration of confidentiality (*see Annex 2*) before taking up their work. They shall not, except in the performance of their duties

or by authorisation of the Secretary-General, communicate to any person unpublished information known to them by reason of their position, nor shall they at any time use such information to personal advantage including financial advantage. This obligation shall continue to bind them after they leave the Secretariat.

(f) Unless expressly authorised by its immediate supervisor, Fellows, Interns, Seconded officials and Staff on Loan working at the Energy Charter Secretariat shall not publish in any public space any internal information (including documents, photos and videos) other than that which is already officially available in the public domain by Energy Charter Secretariat. This obligation shall continue to bind them after they leave the Secretariat.

(g) Internal ECS badges can not be worn outside of the Energy Secretariat. Internal badges should be used inside of the Secretariat and during events organised or co-organised by the Energy Charter Secretariat.

(h) Fellows, Interns, Seconded experts and Staff on Loan shall take all reasonable steps to prevent their presentation on social medias as Energy Charter Secretariat officials. To avoid potential confusion or misrepresentation the mention of the exact title as in the appointment letter should be expressly mentioned in any description of their position in social medias.

(i) The relations between the Energy Charter Secretariat and a Fellow, Intern, Seconded expert or Staff on Loan shall not be governed by Belgian law or the law of any other national jurisdiction.

(j) Fellows, Interns, Seconded experts and Staff on Loan shall have their social security scheme or insurance, which should cover all accident, sickness and hospitalization costs. The Energy Charter Secretariat shall not be liable for any contributions to systems of national social security, insurances or any other arrangement entered into or requested by the Fellow, Intern, Seconded expert or Staff on loan. The Secretariat should receive evidence of the existence of the social security scheme or insurance at the latest on the first day of the start of the assignment of the Fellows, Interns, Seconded experts and Staff on Loan at the Energy Charter Secretariat.

(k) Fellows, Interns, Seconded experts and Staff on Loan shall be provided by the Secretariat with adequate working conditions.

(l) Fellows, Interns, Seconded experts and Staff on Loan shall normally work full-time, i.e, 38 hours and 20 minutes each week, and shall be entitled to 2 days of leave per month to be coordinated with their supervisor and duly informed to FINAD. They may, upon request, be granted up to two days special leave for examinations.

(m) Any Fellow, Intern, Seconded expert or Staff on Loan who is unable, owing to sickness or accident, to attend his or her duties is required to notify his or her supervisor as soon as practically possible. The supervisor shall immediately inform FINAD. An absence of more than four days, including any intervening days when the Secretariat's offices are closed, must be covered by a medical certificate, to be sent to the Secretary-General not later than the third day. The certificate should state the probable term of absence from duty; and in the case of a prolonged absence further certificates may be required from time to time if this term is extended.

(n) Fellows, Interns, Seconded experts and Staff on loan shall carry out their duties in accordance with the International Energy Charter Code of Conduct which sets the framework and standards for

the personal and professional conduct which is to be expected from anyone working with the Energy Charter Secretariat. The Code of Conduct does not replace existing provisions of the present rules and cannot contradict their application.

(o) Fellows, Interns, Seconded experts and Staff on loan shall be bound by the provisions of the Manual on data protection.

(p) Non-compliance with the obligations laid down in the present Rules, in the Manual on data protection, the whistleblowing guidelines or in the Code of Conduct may lead to immediate termination of the internship, fellowship or secondment, notified in writing. The internship, fellowship or secondment may also be terminated by either the Secretariat or the Intern, Fellow or Seconded expert (or his/her government) at any time and for any reason whatsoever, by informing in writing, with a notice period of two weeks. Similar rules will apply in relation to Staff on Loan subject to the act of appointment signed by the Secretary-General and the employer of the Staff on Loan.

(q) Fellows, Interns, Seconded experts and Staff on loan will only have limited access to the Secretariat's cloud system.

Article 1-bis.1: Common rules regarding whistleblowing

1. Any secondee, visiting scholar, intern and staff on loan who, in the course of or in connection with the performance of his/her duties, becomes aware of facts which give rise to a presumption of the existence of possible illegal activity, including serious irregularities, fraud, corruption or misuse of resources or other serious wrongdoings detrimental to the interests of the Conference or of conduct relating to the discharge of professional duties which may constitute a serious failure to comply with the obligations of secondee, visiting scholar, intern and staff on loan shall without delay inform either his/her immediate superior and/or the Deputy Secretary General and/or the Secretary-General, or if he/she considers it useful, the External Auditor or the Chair of Conference or the Vice-Chair of Conference [or the Management Committee]. Information mentioned in the first subparagraph shall be given in writing. This paragraph shall also apply in the event of serious failure to comply with a similar obligation on the part of any other person in the service of or carrying out work for the Conference.

2. Any secondee, visiting scholar, intern and staff on loan receiving the information referred to in paragraph 1 shall without delay transmit to his/her immediate superior and/or Deputy Secretary-General and/or the Secretary-General and/or the External Auditor and/or the Chair or Vice-Chair of Conference [and/or the Management Committee] any evidence of which he/she is aware from which the existence of the serious irregularities, fraud, corruption or misuse of resources or serious wrongdoings referred to in paragraph 1 may be presumed.

3. Any secondee, visiting scholar, intern and staff on loan shall not suffer any prejudicial effects on the part of the institution as a result of having communicated the information referred to in paragraphs 1 and 2, provided that he/she acted reasonably and honestly.

4. Paragraphs 1 to 3 shall not apply to documents, deeds, reports, notes or information in any

form whatsoever held for the purposes of, or created or disclosed to the secondee, visiting scholar, intern and staff on loan in the course of, proceedings in legal cases, whether pending or closed.

Article 1-bis.2: Common rules regarding whistleblowing

1. Any secondee, visiting scholar, intern and staff on loan who further discloses information as defined in Article 1-bis.1 para. 1, shall not suffer any prejudicial effects provided that both of the following conditions are met:

- (a) the secondee, visiting scholar, intern and staff on loan honestly and reasonably believes that the information disclosed, and any allegation contained in it, are substantially true; and
- (b) the secondee, visiting scholar, intern and staff on loan has previously disclosed the same information to his/her immediate superior and/or the Deputy Secretary and/or Secretary General or the External Auditor, or the Chair of Conference, or the Vice-Chair of Conference [or Management Committee] and has allowed them in the period of time set by them, given the complexity of the case, to take appropriate action. The secondee, visiting scholar, intern and staff on loan shall be duly informed of that period of time within 60 days.

2. The period referred to in paragraph 1 shall not apply where the secondee, visiting scholar, intern and staff on loan can demonstrate that it is unreasonable having regard to all the circumstances of the case.

3. Paragraphs 1 and 2 shall not apply to documents, deeds, reports, notes or information in any form whatsoever held for the purposes of, or created or disclosed to the secondee, visiting scholar, intern and staff on loan in the course of, proceedings in legal cases, whether pending or closed.

Article 2: Particular Rules for Interns

(a) The Secretariat may offer internships for the purpose of assistance to Officials of the Secretariat and/or supervised practical training for a defined period of time.

(b) The Internship Programme is open to young professionals, including students enrolled in an academic educational institute. Any internship should start no later than 10 months after completing the latest higher education studies. The objective of the programme is to provide students with experience in an international environment and the opportunity to put into practice knowledge acquired during their studies.

(c) The length of an internship shall normally be three months. Internships may be extended if justified by the specific needs of the Energy Charter Secretariat. In any case, no internship shall last longer than six months. When appropriate, engagement on a part-time basis is possible.

(d) A request for an internship shall be accompanied by a resume of the applicant and a letter or motivation. Excellent command of English is essential.

(e) Interns shall act impartially and shall not seek or receive instructions from any government or from any authority external to the Secretariat.

(f) Interns will receive a monthly subsistence allowance of Euro 800 (on a full-time basis) from the Secretariat. They will be responsible for obtaining the necessary entry visa and/or residence permit, as well as appropriate health care insurance.

Article 3: Particular Rules for Fellows

(a) The Secretariat may offer fellowships for academics from educational institutions and think tanks to contribute to the work of the Energy Charter Secretariat on the study of topics where the Secretariat lacks the necessary in-house capacity or expertise. Their assignment to the Energy Charter Secretariat should be supported by their current employer.

(b) An excellent knowledge of English, a strong educational background in their field of expertise and the ability to work within an international environment, are essential requirements.

(c) Fellows are expected to produce a Final Report in English at the end of the fellowship and subsequently to deposit with the Energy Charter Secretariat any publication resulting from the work undertaken during their fellowship. Fellows are expected to present a seminar, if requested, and to engage appropriately in the Secretariat events.

(d) The length of a fellowship shall normally be three months. Fellowships may be extended up to six months if justified by the specific needs of the Energy Charter Secretariat, and based on performance criteria.

(e) Fellows shall act impartially and shall not seek or receive instructions from any government or from any authority external to the Secretariat.

(f) While the Secretariat can provide visa support, the responsibility for obtaining the necessary residence permit rests with the Fellow, who shall be responsible for obtaining the necessary entry visa and/or residence permit, as well as appropriate health care insurance.

(g) Fellows will be entitled to a monthly subsistence allowance of Euro 2000 from the Secretariat, which is intended to cover living costs in Belgium. If the Final Report is deemed by the Secretariat to be of good publishable quality an additional lump sum of € 1.500 may be granted.

Should the Fellow fail to submit a Final Report he or she will be required to reimburse 10% of the sum received. Travel expenses on taking up duty and on leaving will be covered by the Secretariat using the most economical means and route. Fellows continue to be employed by their academic institute during the fellowship period.

(h) Any intellectual property rights remain with the Secretariat.

Article 4: Particular Rules for Seconded experts

(a) Member countries of the Energy Charter as well as observer countries may recommend government experts to be seconded to the Energy Charter Secretariat. During the secondment period the seconded expert remains employed by their own national body, but works for the Energy Charter Secretariat.

(b) The objective of the programme is to provide the relevant government experts with training in an international environment and first-hand experience in the Secretariat. The Programme also aims at broadening the expertise of such professionals in fields covered by the Energy Charter Treaty and at strengthening their international experience by working on a concrete project.

(c) Eligible candidates should be employed by a national administration and must be recommended by their national government.

(d) A good knowledge of English, the ability to work within an international environment, an educational background or professional experience in energy matters and thorough IT knowledge are essential requirements.

(e) The term of assignment shall normally be three or six months, depending on the availability of the Seconded expert. It may be extended if justified by the specific needs of the Energy Charter Secretariat, and based on performance criteria. In any case, no assignment shall last longer than twelve months. When appropriate, engagement on a part-time basis is possible.

(f) Seconded experts will be entitled to a monthly subsistence allowance of Euro 2.500 from the Secretariat, which is intended to cover living costs in Belgium. Travelling expenses on taking up duty and on leaving will be covered by the Secretariat using the most economical means and route. Seconded experts continue to be employed by their own national bodies.

(g) Assignment of a Seconded expert shall require an act of appointment by the Secretary- General. The act of appointment shall contain a written agreement on the terms and conditions governing the assignment, including the agreement of the national administration which is the formal employer of the Seconded expert. In this agreement, the current employer shall provide assurance that any payments (salary, contributions to social security and insurance systems, etc.), required by national law will be continued by that body.

(h) Seconded experts shall act impartially and shall not seek or receive instructions from their employer, from any government or from any authority external to the Secretariat. This should be accepted by the employer in the form of a written agreement concluded with the Energy Charter Secretariat.

(i) During the course of the placement, all duties and obligations for which the Seconded experts are responsible to the Energy Charter, however temporary and whether expressed or implied, shall take precedence over duties for which they're responsible to external entities. Seconded experts shall report any potential or perceived conflict of interest arising during the course of the placement to their supervisor. The Secretariat shall have sole discretion to solve any such conflict of interest as it deems appropriate, including termination of assignment.

(j) Seconded experts shall, during their time with the Secretariat, participate in the private insurance scheme established for them. The amount of the participation to the private insurance scheme shall be deducted on a monthly basis from their subsistence allowance.

(k) While the Secretariat can provide visa support, the responsibility for obtaining the necessary entry visa and/or residence permit remains with the seconded official.

Article 5: Particular Rules for Staff on Loan

(a) The Secretariat may welcome professionals from international organisations, governments, academic institutions/think tanks or the industry sector working with the Energy Charter Secretariat as Staff on Loan. During the loan period, the professional remains employed by his or her current employer, but works for the Energy Charter Secretariat to create and transfer knowledge and share and develop skills and expertise.

(b) These professionals may be welcomed at all stages of their careers.

(c) The term of assignment shall normally be six months to one year. It may be extended if justified by the specific needs of the Energy Charter Secretariat, and based on performance criteria. In any case, no assignment shall last longer than 24 months. When appropriate, engagement on a part-time basis is possible.

(d) Assignment of an individual as Staff on Loan shall require an act of appointment by the Secretary-General and the employer of the Staff on Loan. The act of appointment shall contain a written agreement on the terms and conditions governing the assignment. In this agreement, the employer shall provide assurance that any payments (salary, contributions to social security and insurance systems, etc.), required by national law will be continued by that body.

(e) Staff on loan shall act impartially and shall not seek or receive instructions from their employer, from any government or from any authority external to the Secretariat. The employer shall accept that in the written agreement concluded with the Energy Charter Secretariat.

(f) During the course of the placement, all duties and obligations of Staff on Loan owed to the Energy Charter, however temporary and whether expressed or implied, shall take precedence over duties owed to external entities. Staff on Loan shall report any potential or perceived conflict of interest arising during the course of the placement to their supervisor. The Secretariat shall have sole discretion to solve any such conflict of interest as it deems appropriate, including termination of assignment.

(g) While the Secretariat can provide visa support, the responsibility for obtaining the necessary entry visa and/or residence permit, as well as insurance and travel/accommodation costs remain with the Staff on loan.

Article 6: Administrative and Budgetary implications

(a) Fellows, Interns, Seconded experts and Staff on Loan, as well as their dependants, shall not be entitled to any other benefits, allowances or compensations.

Article 7: Duties of the Secretariat

(a) Officials supervising Fellows, Interns, Seconded experts and Staff on Loan shall ensure that the work experience provided is rewarding and enriching. The officials shall seek to ensure that assignments are related to the academic background, experience and expertise of the individuals and appropriate in terms of complexity and variety.

(b) Towards the end of the assignment of a Fellow, Intern, Seconded expert or Staff on loan, his or her supervisor will complete and sign an appraisal report on the work completed by the supervised professional to be submitted to FINAD.

(c) Fellows and Interns shall be entitled to a certificate of internship/fellowship upon completion of their assignment.

(d) Upon completion of their assignment, Seconded experts and Staff on loan as well as their releasing institution shall be entitled to a statement showing:

- dates of sick leave taken during the period, and the annual leave balance at the date service ceased at the Energy Charter Secretariat;
- an appraisal of their performance and conduct during the assignment;
- the dates of any home leave or family visit travel entitlements exercised during the period of assignment.

Article 8: Entry into force

These rules take effect on 1 December 2016