Council Decision (EU) 2019/299 of 12 February 2019 on the position to be taken on behalf of the European Union within the Regional Steering Committee of the Transport Community as regards certain personnel matters in relation to the implementation of the Treaty establishing the Transport Community

COUNCIL DECISION (EU) 2019/299

of 12 February 2019

on the position to be taken on behalf of the European Union within the Regional Steering Committee of the Transport Community as regards certain personnel matters in relation to the implementation of the Treaty establishing the Transport Community

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 91 and Article 100(2), in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

(1) The Treaty establishing the Transport Community[(1)] ('the TCT') was signed by the Union in accordance with Council Decision (EU) 2017/1937[(2)].

(2) In accordance with Article 41(3) of the TCT, the TCT has applied provisionally since 9 October 2017. It currently applies provisionally among the Contracting Parties, namely the Union, the Republic of Albania, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, Kosovo[(3)], Montenegro and the Republic of Serbia.

(3) The Regional Steering Committee of the Transport Community ('the Steering Committee') is to adopt Decisions on certain personnel matters in order to ensure the proper implemention of the TCT.

(4) It is appropriate to establish the position to be taken on the Union's behalf in the Steering Committee as regards its Decisions on certain personnel matters, as such Decisions are necessary for the initiation of the work of the Permanent Secretariat of the Transport Community, and will have legal effects vis-à-vis the Union.

(5) The position of the Union within the Steering Committee should therefore be based on the attached draft Decisions,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on the Union's behalf within the Regional Steering Committee of the Transport Community shall be based on the draft Decisions of the Steering Committee attached to this Decision.

Minor changes to those draft Decisions may be agreed to by the representatives of the Union within the Steering Committee without further decision by the Council.

Changes to legislation: *There are currently no known outstanding effects for the Council Decision (EU) 2019/299. (See end of Document for details)*

Article 2

This Decision shall enter into force on the date of its adoption.

Done at Brussels, 12 February 2019.

For the Council

The President

E.O. TEODOROVICI

***Changes to legislation:** There are currently no known outstanding effects for the Council Decision (EU) 2019/299. (See end of Document for details)*

DRAFT

DECISION No …/2019 OF THE REGIONAL STEERING COMMITTEE OF THE TRANSPORT COMMUNITY

of …

on the adoption of rules on the recruitment, working conditions and geographic equilibrium of the staff of the Permanent Secretariat of the Transport Community

THE REGIONAL STEERING COMMITTEE OF THE TRANSPORT COMMUNITY,

Having regard to the Treaty establishing the Transport Community, and in particular Article 24(1) and Article 30 thereof,

HAS DECIDED AS FOLLOWS:

Sole Article

The rules on the recruitment, working conditions and geographic equilibrium of the staff of the Permanent Secretariat of the Transport Community, as set out in the Annex to this Decision, are hereby adopted.

Done at …,

For the Regional Steering Committee

The President

ANNEX

Rules on the recruitment, working conditions and geographic equilibrium of the staff of the Permanent Secretariat of the Transport Community

I.GENERAL

1. These Rules establish the procedures for the recruitment of the Director and of any Deputy Directors, as well as of the staff of the Permanent Secretariat of the Transport Community (‘the Secretariat’), requirements on their working conditions and on the geographical equilibrium of the staff, in accordance with the Treaty establishing the Transport Community (‘the Treaty’).

2. In case of any contradiction between these Rules and the Treaty, the provisions of the Treaty shall apply.

II. RECRUITMENT OF THE DIRECTOR AND ANY DEPUTY DIRECTORS OF THE SECRETARIAT

3. Upon approval of the Regional Steering Committee, an open call for applications for the position of Director or Deputy Director shall be published in the European Union (‘the Union’) as well as in the the South East European Parties (the Republic of Albania, Bosnia

Changes to legislation: *There are currently no known outstanding effects for the Council Decision (EU) 2019/299. (See end of Document for details)*

and Herzegovina, the former Yugoslav Republic of Macedonia, Kosovo[4], Montenegro and the Republic of Serbia).

4. At least 30 days before the relevant meeting date for which the appointment of the Director or a Deputy Director figures on the agenda of the Regional Steering Committee, the European Commission shall distribute a proposal containing the proposed candidate.

5. The candidate shall be nominated in its personal capacity.

6. The candidate shall be a citizen of any Member State of the Union or any South East European Party.

7. The proposal of the European Commission shall be duly justified having regard to the responsibilities the Director or a Deputy Director. It shall contain a description of the qualifications and experience of the nominee and shall be based on his or her prior agreement to be nominated.

8. Any Contracting Party may express its views on the proposal. Should this be done in writing prior to the meeting of the Regional Steering Committee, the Chair of the Regional Steering Committee (the 'Chair') shall announce the relevant statement during the meeting.

9. The Regional Steering Committee may ask for the proposed candidate to be heard during its meeting before the decision for appointment is taken. The Chair shall propose in advance *ad hoc* operational rules for the hearing (time frame, number of questions, etc.).

10. Following consultation of the Ministerial Council, the Regional Steering Committee shall decide on the appointment of the Director and any Deputy Director by unanimity in accordance with Article 24(3) of the Treaty.

11. The Regional Steering Committee shall indicate in its decision the start date of the appointment.

12. Within seven calendar days of the decision by the Regional Steering Committee, the Chair shall issue an Act of Appointment which shall be countersigned by the Director or the Deputy Director.

III. RECRUITMENT OF THE STAFF OF THE SECRETARIAT

General

13. 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;

— gender balance; and

— geographical equilibrium.

14. The Regional Steering Committee shall adopt the Secretariat Organigram, based on a proposal by the Director.

15. Any person who is a citizen of any Contracting Party may apply for any announced position in the Secretariat.

16. Applicants shall apply in their personal capacity.

***Changes to legislation:** There are currently no known outstanding effects for the Council Decision (EU) 2019/299. (See end of Document for details)*

17. The Secretariat shall be responsible for the organisation of the selection procedures in accordance with these Rules. The Secretariat may involve external consultancy to support its work at any stage of the selection procedures.

18. The staff, except Deputy Directors, shall be selected and appointed by the Director.

19. 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 the post.

20. Any appointment shall be for a fixed term, following a probationary period in accordance with these Rules, and shall be renewable.

21. A probationary period of six months from appointment shall be established for any position. In accordance with point 23(b), the probationary period may be extended by a maximum of six months.

22. Any period of past service with the Secretariat as an established official may be considered, in whole or in part, a probationary period. This shall be applicable when the main obligations under the job description of the previous position and that of the position to which the official has been appointed in accordance with these Rules coincide.

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

(a) that the official's appointment be confirmed;

(b) that the official's probationary period be extended by a maximum of six months; or

(c) that the official's appointment be terminated.

24. The report referred to in point 23 shall be transmitted before the end of the fifth month to the Director for a decision.

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

26. Upon a proposal by any Contracting Party, the Director, in consultation with the European Commission, may appoint a seconded expert from that Contracting Party for a period up to three years, subject to administrative and financial capacity. The Director shall adopt detailed rules concerning the status of seconded experts.

Transparency and selection procedure

27. The Secretariat shall launch the selection procedure by publishing vacancy notices which specify the criteria concerning general and specific competencies and key qualifications required as well as the possible duration of the appointment, the function and the main steps of the selection procedure.

28. Any vacancy notice shall be published in English on the website of the Secretariat as well as in the international and specialist press at least two months before the start of the relevant selection procedure. The information shall also be distributed to all Contracting Parties.

29. The Director may identify information, subject to confidentiality, which shall be announced only to shortlisted applicants. Such information, however, may not refer to the job description itself.