

DIRECTOR DECISION 2020-06

of 3 July 2020

On the rules governing the traineeship programme of the European Union Agency for the Cooperation of Energy Regulators and repealing Director Decision 2017-13 of 23 June 2017 on the rules governing the traineeship programme of the Agency for the Cooperation of Energy Regulators

THE DIRECTOR OF THE EUROPEAN UNION AGENCY FOR THE COOPERATION OF ENERGY REGULATORS,

Having regard to Regulation (EU) 2019/942 of the European Parliament and of the Council of 5 June 2019 establishing a European Union Agency for the Cooperation of Energy Regulators (hereinafter referred to as “ACER”)¹, and, in particular, Article 24 thereof,

Having regard to the Staff Regulations of Officials of the European Union (“Staff Regulations”) and the Conditions of Employment of Other Servants of the European Union (“CEOS”), laid down by Council Regulation (EEC, Euratom, ECSC) No 259/68²,

Having regard to the Decision of the EEA Joint Committee Decision No 93/2017 of 5 May 2017 amending Annex IV (Energy) to the EEA Agreement [2019/205]³, and, in particular, Article 1(5)(k) thereof,

HAS ADOPTED THIS DECISION:

Article 1

The rules governing the traineeship programme of the European Union Agency for the Cooperation of Energy Regulators, provided in Annex I, are hereby adopted.

Article 2

Decision No 2017-13 of the Director of the Agency for the Cooperation of Energy Regulators of 23 June 2017 on the rules governing the traineeship programme of the Agency for the Cooperation of Energy Regulators is hereby repealed.

¹ OJ L 158, 14.6.2019, p. 22.


² OJ L 56, 4.3.1968, p. 1, as last amended by Regulation (EU, Euratom) No 1023/2013 of the European Parliament and of the Council of 22 October 2013, OJ L 287, 29.10.2013, p.15.

³ OJ L 36, 7.2.2019, p. 44–51.

Article 3

The present Decision shall enter into force on the day following its adoption and will be applicable to the Traineeship Agreements concluded as from 1 September 2020.

Done at Ljubljana on 3 July 2020.



Christian Zinglensen
Director

ANNEX I

Rules governing the traineeship programme of the European Union Agency for the Cooperation of Energy Regulators

Article 1

The traineeship programme and the traineeship call

- (1) The traineeship programme of ACER is addressed mainly to university graduates, without excluding those who, in the framework of lifelong learning, have recently obtained a university degree and are at the beginning of a new professional career.
- (2) ACER offers places in its traineeship programme twice a year, for traineeship periods starting on 1 March and on 1 September. A traineeship period lasts six months.
- (3) The number of available traineeship places for each traineeship period shall be defined on the basis of ACER's needs and shall be subject to the availability of resources.
- (4) A call for expression of interest for the traineeship programme shall be launched following the approval by the Authority Authorised to Conclude Contracts of Employment (hereinafter referred to as "AACC").
- (5) The call for traineeship shall be prepared by the Human Resources Team and shall be launched via the ACER's website:
 - a) As a close-ended call, whose duration is established for a minimum of three calendar weeks; or
 - b) As an open-ended call without a defined deadline, whereby applications will be included in a database and evaluated on a regular basis.
- (6) The call shall specify:
 - a) The requirements for each application to be considered valid;
 - b) The eligibility criteria for the screening of applications in line with Article 3 of these rules of procedure;
 - c) The knowledge of languages required as per the interest of the service⁴;
 - d) An outline of the different steps of the selection procedure;
 - e) The conditions of the traineeship agreement.

⁴ Trainees' language skills should meet at least the level C1 for English language, according to the Common European Framework of Reference for Languages.

- (7) The place of engagement shall be set in Ljubljana, Slovenia. In duly justified cases, the AACC may decide to defer the place of engagement in the interest of the service.

Article 2

Eligibility criteria

- (1) To be admitted to ACER's traineeship programme, applicants shall, by the starting date of a specific traineeship period:
- a) Be 18 years of age or older;
 - b) Be nationals of a Member State of the European Union, Norway, Iceland or Lichtenstein;
 - c) Have language skills at level C1 for the first language (thorough knowledge) and at level B2 for the second language (satisfactory knowledge) of the official languages of the European Union⁵ or Norway, Iceland and Liechtenstein, these levels being defined by the Common European Framework of Reference for Languages (CEFR);
 - d) Have a level of education which corresponds to completed university studies attested by a diploma, when the normal period of university education is three years or more⁶.
- (2) Applications will not be accepted from applicants who, for more than 6 weeks:
- a) Have already benefited or are benefitting from any kind of traineeship within any of the organisations listed in Annex IA; or
 - b) Have had or have employment of any kind in an organisation listed in Annex IA.

Article 3

Application process

3.1 Submission of applications

- (1) Applications shall be submitted in accordance with the requirements of the published call.

⁵ The languages of the EU are Bulgarian, Croatian, Czech, Danish, Dutch, English, Estonian, Finnish, French, Irish, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovene, Spanish, and Swedish.

⁶ ECTS points are not accepted as equivalent degree, the proof of completion of the full university degree needs to be provided by the start date of the traineeship.

- (2) Incomplete applications, applications not in line with the requirements of the published call and those received after the closing date for applications in case of closed-ended calls will be automatically rejected.

3.2 Eligibility check and screening

- (1) Upon receipt of the submitted applications, the eligibility of the applicants will be examined by the Human Resources Team against the criteria defined in Article 3 of this rules of procedure.
- (2) The Human Resources Team will share the eligible applications with the Head(s) of the recruiting Department(s) and the respective Team Leader(s).

3.3 Selection and decision of the AACC

- (1) The Head(s) of the recruiting Department(s), with the assistance of the respective Team Leaders, shall assess each application and identify the candidates who best suit the profiles, in particular with regard to their educational background, qualifications, competences, motivations and preferences; the result of this assessment shall be communicated to the Human Resources Team.
- (2) Based on the results of the assessment by the Head(s) of the recruiting Department(s), the Human Resources Team proposes the list of the selected candidates to the AACC.
- (3) The AACC shall authorise the proposed list of candidates taking into account the number of traineeship places available.
- (4) Prior to the final selection decision, candidates may be contacted to verify their suitability to the profile and language skills.

3.4 Notification

- (1) All applicants shall be informed in writing about the outcome of the application and the selection procedure.
- (2) The selected candidates shall receive a traineeship offer from ACER, together with all necessary information concerning the traineeship programme.
- (3) For the selected candidates, prior to the start of the traineeship, ACER shall request a certificate of criminal record to assess the appropriate character references as to the suitability to perform their tasks and a certificate of coverage by a sickness insurance scheme. If a candidate is unable to provide the requested document(s) within the given deadline, ACER may withdraw the traineeship offer.

- (4) Applicants should note that subsequent to completing a traineeship period at ACER, they might not be eligible for a further traineeship in other European Institutions, Agencies, and/or Bodies.
- (5) Non-successful applicants may re-apply for a subsequent traineeship period.

3.5 Withdrawal

At any stage of the application process, applicants may withdraw their application by informing ACER's Human Resources Team in writing.

Article 4

Duration of the traineeship

- (1) On the first day of the traineeship, a traineeship agreement shall be signed between the AACC and the trainee.
- (2) The traineeship shall start on 1 March or on 1 September and shall run for a fixed period of six months.
- (3) In exceptional and duly justified cases, and in consultation with the recruiting Department, the AACC may defer the start date of the traineeship agreement. The starting date shall be on the 1st or 16th calendar day of the month and the traineeship shall run until the end of the relevant traineeship period.
- (4) Taking into account ACER's needs, the availability of resources and the evaluation of the trainee's performance, the AACC may decide to renew the traineeship agreement once, for a subsequent traineeship period of not more than six months. The total duration of the traineeship shall not exceed twelve months. The trainee's Head of Department shall submit the renewal request to the Human Resources Team of ACER at least three weeks before the end of the first traineeship period.

Article 5

Rights and duties

5.1 Status

Admission to the traineeship programme does not confer on trainees the status of Official or Other Servants of the European Union, nor does it entail any right or priority with regard to future employment at ACER. Trainees may not benefit from any privileges and immunities granted by the host country to Temporary or Contract Staff of ACER.

5.2 The role and duties of the trainee's Supervisors

A Supervisor shall be appointed for each trainee by the respective Head of Department, and the trainee shall work under his/her supervision. The Supervisor shall:

- (a) Introduce, accompany and coach the trainee in his/her area of work;
- (b) Prepare a Traineeship Plan together with the trainee;
- (c) Integrate learning tasks into work activities based on the Traineeship Plan;
- (d) Involve the trainee in the (working) activities of ACER/Department;
- (e) Oversee the productivity and progress of the trainee;
- (f) Ensure the positive evolution of the traineeship;
- (g) Provide coaching to complete tasks, offer guidance and demonstrate the correct task fulfilment;
- (h) Establish regular communication with the trainee;
- (i) Provide regular and constructive feedback in a neutral and respectful manner;
- (j) Help the trainee through difficulties and obstacles, seek advice from the Human Resources Team if necessary;
- (k) Inform the Human Resources Team of any significant event occurring during the traineeship (in particular, but not limited to, professional incompetence, absences, illnesses, accidents, inappropriate behaviour and interruption of traineeship);
- (l) Maintain records of progress;
- (m) Write and submit an evaluation of the traineeship to the Human Resources Team, upon receipt of the self-assessment report submitted by the trainee and at the latest 2 weeks before the end of the traineeship period.

5.3 General obligations for trainees

Trainees shall comply with the following obligations:

- (a) Trainees shall contribute to the work of the Department to which they are assigned, according to the indications provided by the trainee's Supervisor, the relevant Team Leader and the Head of Department: to this extent they may attend meetings on subjects of interest to their work, receive documentation and participate in the work of the Department to which they are assigned at the level corresponding to their educational and professional background;
- (b) Trainees shall comply with the instructions given to them in the Department to which they are assigned, and with the administrative guidelines of ACER, including the rules concerning confidentiality and security. They shall comply with the internal rules applicable to trainees;
- (c) Trainees shall maintain the confidentiality of data, facts and information that come to their knowledge during the course of their traineeship. They shall not disclose to any unauthorised person any document or information which is not already public. Trainees

are bound by this obligation also after the end of their traineeship period. The AACC reserves the right to terminate the traineeship and to take action against any trainee who does not respect this obligation;

- (d) Trainees shall consult and inform their Supervisor, Team Leader or Head of Department, or if unavailable, the Human Resources Team, before taking any action on their own initiative relating to ACER's activities;
- (e) Trainees shall not have any professional connection with third parties which might be incompatible with their traineeship and they are not permitted to exercise any other gainful employment during the traineeship period which may adversely affect the work assigned during the traineeship;
- (f) Trainees shall inform their Supervisor of any change in their professional connection with third parties that might give rise to a potential conflict of interests;
- (g) Upon starting their traineeship period, trainees will be requested to sign the relevant documentation on confidentiality obligations, the documentation on the code of good administrative behaviour and a declaration on the absence of conflict of interests;

5.4 Traineeship certificate

- (1) Trainees shall, one month before the end of their traineeship period, submit to the Human Resources Team a self-assessment report on the activities performed during the traineeship period. The Human Resources Team shall forward this report to the trainee's Supervisor in order to enable him/her to evaluate the trainee's performance.
- (2) At the end of the traineeship period, after submitting a self-assessment report to the Human Resources Team and receiving the traineeship evaluation from the trainee's Supervisor, a trainee shall receive a certificate specifying the duration of his/her traineeship, the Department to which the trainee was assigned and the tasks performed.

Article 6

Working hours, leave and absences

6.1 Working hours and leave

- (1) Trainees shall comply with the working hours of ACER, and shall not be subject to the flexitime regime.
- (2) Trainees shall be entitled to the same official public holidays as ACER's staff members; special leave entitlements, teleworking and change of holidays shall not apply to trainees.
- (3) Trainees are entitled to 2 days of leave per month. Leave requests shall be approved by the Head of Department, on recommendation of the trainee's Supervisor.

6.2 Absence

- (1) In the event of illness, trainees shall notify their Supervisor and the Human Resources Team immediately and, if absent for more than 3 days, shall provide a medical certificate.
- (2) When trainees are absent without justification or without notifying their Supervisor or the Human Resources Team, they shall provide within 5 working days a written justification for the unauthorised absence. These days are automatically deducted from the trainee's annual leave entitlement. The AACC will decide, following the evaluation of the justification given, or if no justification is given in 5 working days, on an appropriate action to be taken.

6.3 Interruption

In exceptional and duly justified cases, following a written request from the trainee setting out the relevant reasons, and after prior consultation of the Human Resources Team and the respective Head of Department, the AACC may authorise an interruption of the traineeship for a specific period. The trainee is not entitled to receive traineeship grant or any financial contribution from ACER during this period. The trainee may return to complete the remaining part of the traineeship, but only until the day specified as the end day of the traineeship period.

6.4 Missions

- (1) In exceptional and duly justified cases, following a written request from the respective Head of Department, the AACC may grant authorisation for trainees to travel on mission, on the condition that the mission is of technical and not of representative nature.
- (2) For the reimbursement of the mission expenses, the general rules for missions applicable to ACER's staff shall apply.

Article 7

Financial matters

7.1 Grant

- (1) Trainees shall declare on their first day of traineeship if they receive any salary, scholarship or other form of financial support for the completion of the traineeship programme (hereinafter referred to as "external support"). Trainees are required to declare any change in the above status occurring during their traineeship programme.
- (2) Trainees not receiving external support shall be awarded a monthly grant during the traineeship period. The amount of the monthly grant is set at the 25 % of the basic salary of a Temporary Staff member in grade AD 5 step 1 corrected to country correction coefficient⁷.

⁷ The grant is adjusted to new correction coefficient as of January of the current year.

- (3) Trainees receiving external support may receive a top-up grant in case the external support is less than the grant.
- (4) The monthly grant shall be paid no later than the 15th calendar day of each month.

7.2 Financial contributions

- (1) In order to assess the financial contributions, the trainee's place of recruitment shall be determined on the basis of the information provided in the application form, taking into account the current place of residence (for example the most recent place of employment or place of education) and the place of engagement.
- (2) Trainees may be paid the following contributions depending on their place of recruitment:
 - A. Contribution towards travel expenses incurred at the beginning and at the end of traineeship
 - a) Trainees completing at least a 3-month traineeship period shall be entitled to receive reimbursement of their travel expenses incurred at the beginning and end of their traineeship.
 - b) Travel expenses are paid half at the beginning and half at the end of the traineeship period for travel from the place of recruitment to the place of engagement and back. Travel allowances shall be calculated in accordance with Article 7 of Annex 7 of the Staff Regulations.
 - c) Trainees whose place of recruitment is less than 200 km from the place of engagement are not entitled to the reimbursement of travel expenses.
 - B. Public transport travel contribution
 - a) Trainees may be entitled to a monthly pass for public transport within the place of engagement.
 - b) Trainees who are not entitled to the accommodation allowance, upon providing appropriate evidence, shall be entitled to a monthly public transport travel contribution from their place of residence to their place of engagement.

7.3 Early Termination of the Traineeship Agreement

- (1) If a trainee wishes to terminate the traineeship earlier than the date specified in the traineeship agreement, he/she shall submit to the Human Resources Team a written request for the approval of the AACC. The trainee shall communicate this request, stating the reasons, to his/her Supervisor and submit it to the Human Resources Team at least one month before the requested termination date. Trainees may only terminate their traineeship agreement on the 15th or the last day of the month.

- (2) Where appropriate, ACER may recover proportionally the part of the grant and financial contribution paid to the trainee.

7.4 Fiscal Arrangements

- (1) The traineeship grant and financial contribution awarded to trainees are not subject to the special tax regulations applying to Officials and Other Servants of the European Union.
- (2) Trainees are solely responsible for the payment of any taxes due on ACER's grants by virtue of the laws in force in the State concerned.
- (3) The Human Resources Team shall provide, upon request, a certificate for tax purposes at the end of the traineeship period. This certificate shall state the amount of grant received and confirm that tax and social security contributions have not been paid.

Article 8 Insurance

- (1) During their traineeship, trainees shall be covered by ACER against accidents at work.
- (2) At the latest on the first day of the traineeship period, trainees shall provide proof that they are covered by a sickness insurance scheme for the entire duration of the traineeship agreement. If a trainee fails to provide such a proof, the traineeship agreement will be terminated.

Article 9 Liability

- (1) The trainee shall have sole responsibility for complying with any civil obligations incumbent on him/her, particularly, but not exclusively, arising from:
 - establishing temporary residency in ACER's host country;
 - military service.
- (2) Except in cases of force majeure, the trainee shall make good any damage caused to ACER.
- (3) The trainee shall not represent ACER, nor hold out to represent ACER. The trainee is liable to inform adequately third parties that he/she is not a European civil servant.

Article 10

Conduct, sanctions and disciplinary measures

- (1) Trainees shall perform their duties and act with ethics and integrity, and shall follow the applicable provisions of the Code of Good Administrative Behaviour of the European Commission as applicable to ACER's staff members.
- (2) If the behaviour of a trainee does not prove satisfactory, in response to a request from the trainee's Supervisor, and after having heard the trainee, the AACC may terminate the traineeship. Further to this, on the basis of a justified request from the trainee's Supervisor, the AACC may terminate the traineeship for any of the following reasons:
 - a) If the level of the trainee's professional performance or his/her knowledge of the working language is insufficient for the performance of his/her duties;
 - b) If the trainee knowingly made false statements or submitted false documentations at the time of the application or during the traineeship period;
 - c) If the trainee's professional connection with third parties may give rise to a potential conflict of interest.

Article 11

Protection of personal data

- (1) The applications for traineeships and supporting documents shall not be returned to the applicants and shall be kept on file by ACER.
- (2) ACER will ensure that applicants' personal data are processed in accordance with Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data.

Annex IA - List of European Institutions, Agencies and Bodies referred to in Article 2(2)b of Annex I

EU Institutions:

- European Parliament
- European Council
- Council of the European Union
- European Commission
- Court of Justice of the European Union
- European Court of Auditors
- European Ombudsman
- European Data Protection Supervisor

Financial bodies:

- European Investment Bank
- European Investment Fund
- European Central Bank

Advisory bodies:

- European Economic and Social Committee
- Committee of the Regions

Inter-institutional bodies:

- European External Action service
- Publications Office of the European Union
- European Personnel Selection Office
- European Administrative School

EU Agencies:

- Decentralised Agencies
- Agencies under Common Security and Defence Policy
- Executive Agencies
- EURATOM Agencies and Bodies