

ANNEX I

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 and Herzegovina, the former Yugoslav Republic of Macedonia, Kosovo^{*}, 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

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244 (1999) and the ICJ Opinion on the Kosovo declaration of independence.

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.
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 (for the Director and Deputy Director), one month (for the other officials) 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.
30. In the selection procedure, the Director shall be supported by a Selection Committee, which shall consist of at least four members: the Director, one representative of the Presidency and two representatives of the European Commission. Other staff of the Secretariat can also be included in the Selection Committee. In specific cases, in particular for selection procedures for experts, one additional external member may be designated following a proposal by the European Commission.

31. The Selection Committee shall evaluate applications and agree, for each vacancy, on a shortlist of applicants that meet the eligibility criteria and best match the selection criteria required by the vacancy notice.
32. The Selection Committee shall invite the shortlisted applicants for interviews.
33. Should the Selection Committee find it necessary, it may decide to invite the shortlisted applicants to written tests to take place on the same days as the interviews. The content of the tests shall be defined in accordance with the level and profile of the position published. The written tests, tailored according to the profile of the post, shall consist of at least the following components:
 - (a) 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
 - (b) assessing the quality of writing style and presentation.
34. On the basis of the shortlisted applicants and having regard to the results of the interviews, the Director may establish a reserve list. This reserve list shall be valid up to 12 months from the date of its establishment and its validity may be extended by decision of the Director.
35. 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. Applicants shall be informed of the outcome of the selection procedure.
36. Any Contracting Party is entitled to obtain a copy of any of the protocols under point 35 upon written request to the Director.

Non-discrimination

37. Discrimination on any grounds during the selection procedure shall be prohibited.
38. All posts shall be open equally to women and men without any reference to religion, nationality, race or creed.

Competition and professionalism

39. No particular post shall be reserved for particular persons and/or citizens of any Contracting Party.

40. 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 vacancy notices shall state clearly the formal requirements concerning education, experience, language skills, etc.

41. 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.

IV. WORKING CONDITIONS OF STAFF

42. The Director shall ensure 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 staff of the Secretariat be provided with the necessary working conditions in terms of equipment, working area, access to available information, etc.

43. Any official of the Secretariat has the right to request from the Director that her or his working conditions be improved. The request shall be properly justified. In case the request cannot be fulfilled, the Director or any other authorised member of the staff shall provide the official with a relevant answer in writing.

44. The Director may adopt internal rules on the working conditions in accordance with points 42 and 43.

V. GEOGRAPHICAL EQUILIBRIUM IN RESPECT OF STAFF

45. The Director shall provide for an equitable distribution of posts among citizens of the Contracting Parties, as far as possible and in accordance with the interests of the Secretariat.

VI. FINAL PROVISIONS

46. These Rules shall become effective on the day of their adoption by the Regional Steering Committee.
