

DECISION AB n° 12/2011

**ON THE GENERAL IMPLEMENTING PROVISIONS CONCERNING THE
CRITERIA APPLICABLE TO CLASSIFICATION IN GRADE AND STEP
ON APPOINTMENT OR ENGAGEMENT**

THE ADMINISTRATIVE BOARD OF THE AGENCY FOR THE COOPERATION OF
ENERGY REGULATORS,

HAVING REGARD to the Staff Regulations of Officials of the European Communities and
Conditions of Employment of Other Servants of the European Communities (CEOS), laid
down by Council Regulation (EEC, EURATOM, ECSC) No 259/68 and the amendments
thereto, and in particular to Articles 5, 29, 30, 31 and 32 of the Staff Regulations and Articles
10 and 15 of the Conditions of Employment,

HAVING REGARD to Regulation (EC) No 713/2009 of the European Parliament and of the
Council of 13 July 2009 establishing a European Agency for the Cooperation of Energy
Regulators (hereafter referred to as the "ACER Regulation" and "ACER" respectively), and in
particular to Article 28(2) thereof,

After consultation of the Staff Committee and in agreement with the European Commission
pursuant to Article 28(2) of Regulation (EC) No 713/2009 and Article 110 of the Staff
Regulations,

Whereas

- (1) The ACER's recruitment policy constitutes an essential part of its staff policy;
- (2) Pursuant to the second paragraph of Article 32 of the Staff Regulations, the Authority
Habilitated to Conclude Contracts (AHCC) may allow candidates additional seniority
of step in grade in order to take account of their specific professional experience,



HAS ADOPTED the following implementing provisions:

Article 1

These general implementing provisions shall apply when any permanent official is appointed to the ACER or any temporary agent is engaged.

Article 2

Taking account of professional experience

1. Any duly certified professional activity relevant to the functions to be performed within the Agency or its areas of activity shall be taken into account.
2. Where additional periods of training and study are accompanied by periods of professional activity, only the latter shall be considered as professional experience.
3. Compulsory military service or equivalent civilian service shall be taken into consideration.
4. For grading purposes, professional activities pursued part-time shall be calculated pro rata, on the basis of the certified percentage of full-time hours worked.

In the case of freelance translators, the length of professional experience shall be calculated, within the limits of the period spent on such activities, on the basis of the number of pages translated.

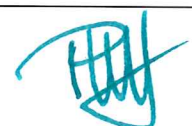
In the case of freelance interpreters, the length of professional experience shall be based on both the number of days worked as an interpreter and the time spent on the necessary preparations.

In the case of other freelance and/or self-employed activities, the length of professional experience shall be based on official documents and declarations showing registration of the company and allowing assessment of the time spent working.

5. A given period may be counted only once.
6. According to the rules on access to function groups (Article 5(3) of the Staff Regulations), professional experience shall be counted as follows:

B* and C*/AST:	<p>from the time when a post-secondary education diploma was awarded: where the official duration of the course is less than three years, the difference shall be deducted from the professional experience;</p> <p>where no such diploma has been awarded and a</p>
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	<p>secondary-education certificate and three years' professional experience have been accepted as an alternative, those three years shall be deducted from the experience acquired;</p> <p>where professional training of an equivalent level is accepted as an alternative, from the time when the diploma or certificate relating to this training was awarded;</p> <p>where equivalent professional experience is accepted as an alternative, the duration of the professional experience within the meaning of Article 2 shall be reduced by the number of years of equivalent experience specified in the notice of competition or selection procedure; where no such number is specified, three years shall be deducted from the professional experience.</p>
<p>A*5/AD5 and A*6/AD6:</p>	<p>from the time when, on completion of a minimum of three years of study, the university degree giving access to these grades was awarded;</p> <p>where no such degree has been awarded and "professional training of an equivalent level" has been accepted as an alternative in the competition or selection procedure, from the date when the diploma or certificate relating to this training was awarded.</p>
<p>A*7/AD7 to A*16/AD 16:</p>	<p>from the time when a university degree was awarded on completion of a minimum of four years of study;</p> <p>where a university degree has been awarded on completion of less than four years of study, the difference between the official duration of the course and four years shall be deducted from the professional experience;</p> <p>where no such degree has been awarded and "professional training of an equivalent level" has been accepted as an alternative in the competition or selection procedure, from the date when the diploma or certificate relating to this training was awarded.</p>



Article 3

Candidates shall be responsible for providing documents evidencing

- the official duration of their studies/training,
- the level of a degree or diploma/the equivalent level of a training period,
- the length of professional experience,
- professional activity during periods of training and further study.

Article 4

Professional experience requirements

For the purposes of determining the minimum years of professional experience required per grade, the Appointing Authority shall refer to the years as indicated in annex.

Article 5

Additional seniority of step in grade

For the purposes of determining professional experience, the Appointing Authority shall allow additional seniority of step 2 in grade for professional experience equal to or more than the number of years indicated below and in annex:

- For grades A*14/AD14 to A*16/AD16: 21 years
- For grades A*11/AD11 and A*13/AD13: 18 years
- For grades A*9/AD9 to A*10/AD 10: 15 years
- For grade A*8/AD8: 12 years
- For grade A*7/AD7: 9 years
- For grade A*6/AD6: 6 years
- For grade A*5/AD5: 3 years
- For grade B*4/AST4: 12 years
- For grade B*3/AST3: 9 years
- For grade C*2/AST2: 6 years
- For grade C*1/AST1: 3 years



By way of exception, where a temporary agent is hired at level B*/AST5, 6, 7 or 8 additional seniority of 24 months shall be granted in respect of professional experience of 15 years or more.

The length of the professional experience to be counted shall provisionally be established at the time when the job offer is made. It shall be definitively determined at the date on which duties for the Agency are effectively taken up. Where the period between this date and that on which the appointment is actually taken up has an impact on the classification in step, the appointing authority shall adopt a new decision in this regard.

Article 6

Temporary staff members appointed as permanent officials

1. Temporary staff who are appointed as permanent officials to posts in the same grade immediately after their period of temporary employment shall maintain their seniority in step.
2. Any temporary staff who are appointed as permanent officials in a lower grade immediately after their period of temporary employment shall be classified according to one of the following options, whichever is most favourable:
 - as new recruits,
 - in the same step and with the same seniority in step in the grade acquired as a member of the temporary staff, or
 - with the same seniority in step, but in the step which they would have occupied had they been hired as temporary staff in the grade to which they are appointed as permanent officials.
3. Any temporary staff who are appointed as permanent officials in a higher grade immediately after their period of temporary employment shall be classified according to one of the following options, whichever is more favourable:
 - in accordance with Article 46 of the Staff Regulations; or
 - as new recruits.

Article 7

Any permanent officials who are appointed at a higher grade as a result of an open competition shall be classified according to one of the following options, whichever is more favourable:

- on the basis of Article 46 of the Staff Regulations;
- as a new recruit.



The same shall apply to any temporary staff who, immediately after a period of temporary employment, are hired in a higher grade as temporary staff following a selection procedure.

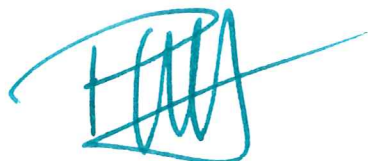
Article 8

Entry into force

This decision shall take effect on the day following that of its adoption.

Done at Ljubljana, on 01 June 2011

For the Administrative Board:

A handwritten signature in blue ink, consisting of a large, stylized initial 'P' followed by several vertical strokes and a long horizontal line extending to the right.

Piotr Woźniak

Chairman of the ACER Administrative Board

ANNEX

	<u>step 1</u> required years of professional experience, after the a conditions mentioned in <u>Article 2 point 6</u>	<u>step 2</u> after the a conditions mentioned in <u>Article 2 point 6</u>
AD 16	15	21
AD 15	15	21
AD 14	15	21
AD 13	15	18
AD 12	15	18
AD 11	15	18
AD 10	12	15
AD 9	12	15
AD 8	9	12
AD 7	6	9
AD 6	3	6
AD 5	0	3

	<u>step 1</u> after the a conditions mentioned in <u>Article 2 point 6</u>	<u>step 2</u> after the a conditions mentioned in <u>Article 2 point 6</u>
AST 11		
AST 10		
AST 9		
AST 8	12	15
AST 7	12	15
AST 6	12	15
AST 5	9	15
AST 4	6	12
AST 3	3	9
AST 2	1	6
AST 1	0	3