

Decision No MC/2016/08

of the Management Committee of the Office of the Body of European Regulators for Electronic Communications (BEREC Office) on the Rules Governing the Traineeship Programme of the BEREC Office

The Management Committee of the BEREC Office;

Having regard to Regulation (EC) No 1211/2009 of the European Parliament and of the Council of 25 November 2009 establishing the Body of European Regulators for Electronic Communications (BEREC) and the Office¹;

Having regard to Decision MC/2014/1 of the BEREC Office Management Committee on the financial regulation applicable to the BEREC Office;

HAVING REGARD to the BEREC Office Work Programme 2016, and in particular point 4.2.4.2 on the implementation of a Traineeship Programme;

Whereas:

- (1) Traineeships can provide trainees with an understanding of the objectives and activities of the BEREC and the BEREC Office. The programme can enable trainees to acquire technical and operational experience by means of contacts made in the course of their everyday work in the Agency and to further put into practice the technical knowledge they have acquired during their studies and/or professional careers.
- (2) The aim of this traineeship programme is to attract highly qualified applicants who are competent and strongly motivated and to treat them in a professional manner, so that both parties can profit by the programme.
- (3) An official traineeship programme creates a pool of people with first-hand experience trained in the European Union and the BEREC Office specific procedures, who will be better prepared to collaborate with the Agency in the future. The Agency benefits from the input of enthusiastic graduates, who can give a fresh point of view and up-to-date academic knowledge, which will enhance the everyday work of the BEREC Office.
- (4) The Traineeship scheme creates long-term “goodwill ambassadors” for European ideas and values both within the European Union and outside.

¹ OJ L 337, 18.12.2009, p. 1

- (5) Taking into account the labour market conditions and the scarce resources of experts in the domains of BEREC and BEREC Office actions, it is important for the BEREC Office not only to be attractive for senior experts, but also to educate young graduates internally.
- (6) It is necessary to establish a clear set of rules under which the BEREC Office will organise and implement the traineeship programme, also taking into account the rules governing the official traineeship scheme of the European Commission.

HAS ADOPTED THIS DECISION:

Article 1

Subject matter and scope

1. The current Decision has the objective to establish the BEREC Office Traineeship Programme and to set up the rules governing this Programme.
2. Traineeships are intended to offer the possibility to gain experience in the work of the European Union in general and in the work of the BEREC Office in particular. The BEREC Office will benefit from the input of the specific skills of enthusiastic trainees, who will contribute to the enhancement of its daily work.

Article 2

Eligibility criteria

1. To be admitted to the Traineeship Programme, candidates must:
 - a) be nationals of a Member State of the European Union;
 - b) have by the beginning of the traineeship successfully completed at least three years of higher education course (university studies) or equivalent education in a field of interest to the BEREC Office attested by a diploma or relevant official certificate²;
 - c) have a very good knowledge of at least two EU official languages, whereas one language should be English (level C2 according to the Language levels of the Common European Framework of Reference)³ to fully profit from the traineeship and to be able to follow meetings and perform adequately.
2. The Administrative Manager of the BEREC Office may further specify eligibility and selection criteria according to the actual needs of the BEREC Office. Any such changes will be published on the BEREC Office website before the opening of the application period.

² ECTS points are not accepted as equivalent degree, proof of completion of full university studies shall be provided before the start of the traineeship. For examples of minimum national qualifications required by the legislation in the country where the diploma was obtained, see Annex I. Only qualifications issued by EU Member State authorities or recognised as equivalent by the relevant EU Member State authorities will be accepted. Where diplomas are obtained from a non EU country, trainees will be required to provide proof of their equivalence from a recognised authority.

³ English is the working language of the BEREC Office, as stated in the Management Committee Decision No MC/2016/02.

Article 3

Status

Admission to the traineeship programme shall not give trainees the status of staff of the European Union, and does not confer on trainees the statutes of officials or other servants of the European Union nor does it entail any right or priority with regard to an appointment in the service of BEREC Office. Trainees can apply to BEREC Office selection procedures at the same conditions of any other candidate.

Article 4

Organisation

1. The Administrative Manager shall determine the number of traineeships to be offered, the assigned unit, the starting dates and the duration thereof. The Administrative Manager shall take these decisions on the basis of the needs of the service, in light of the general availability of resources and budget, and after an analysis on the capacity of each unit to accommodate trainees.
2. Trainees shall be allocated to a unit within the BEREC Office. The unit to which the trainee is allocated shall guarantee the adequate support, coaching and guidance to the trainee. During the traineeship, trainees may be rotated within the assigned unit, or may be involved in cross projects falling within the competence of more than one unit. Upon a decision of the Administrative Manager the trainees may be reallocated to another position.
3. Trainees shall be placed under the responsibility of an adviser. The adviser must guide and closely follow the trainee during her/his traineeship, acting as her/his mentor. The adviser shall be responsible, in particular, for the workload of the trainee and, together with the line manager concerned, shall be responsible for the leave management of the trainee. The adviser shall notify immediately to the line manager concerned and the HR Officer of any significant incidents occurring during the traineeship, in particular professional incompetence, absences, sicknesses, accidents, bad behaviour or interruption of the traineeship, which come to his/her attention or for which the trainee has informed him/her.
4. Trainees shall be allowed and encouraged to attend meetings on subjects of interest of their work (unless these meetings are restricted or confidential), receive documentation and participate in the work of the unit to which they are attached at a level corresponding to their educational and working background. Subject to the approval of their adviser and providing it does not conflict with the accomplishment of the tasks assigned to them, they are entitled to attend meetings in a unit other than the one to which they are attached, unless these meetings are restricted or confidential. As a rule, trainees shall not be allowed to go on mission, except in duly justified and exceptional cases⁴. Linguistic trainings or any other training organized by the Agency and held in the premises of the BEREC Office, are open to the participation of trainees, previous authorization of the line manager concerned and in agreement with the adviser.

⁴ The prior agreement of the Administrative Manager is mandatory.

Article 5

Duration of the traineeship

1. Traineeship periods shall last at least six and at most twelve months. The BEREK Office shall advertise the requirements for trainees as the need arises. The number of trainees for each year may vary.
2. Training periods are initially offered for a period of six months with the option reserved to the Agency to extend the traineeship only once for a period to be determined by the Administrative Manager⁵. Further renewals shall not be possible. Trainees will be notified in advance if they are to receive an extension to their traineeship. Traineeship periods may not be repeated or extended beyond the maximum length laid down in these rules.

Article 6

Admission

1. Applications shall be made in accordance with the procedures established by the BEREK Office. All necessary instructions shall be published on the BEREK Office website.
2. If an application is unsuccessful a candidate may re-apply for a subsequent traineeship. It is however necessary to submit a new and full application.

Article 7

Selection procedure

1. The BEREK Office shall make the selection of trainees on the basis of the applications received following a publication. Spontaneous applications shall not be retained or examined. Candidates who are offered a traineeship will be required to provide documented evidence of the qualifications referred to in Article 2 prior to starting the traineeship. The vacancy notices will contain specific instructions to candidates concerning the application process and the supporting documents required and the modalities of their submission.
2. The Administrative Manager of the BEREK Office determines the number of traineeships to be offered, the starting date and the assigned units as described in Article 4, first paragraph. The Administrative Manager decides to launch the selection procedure, approves the vacancy notice and appoints a selection panel composed by at least a representative of each unit to which the trainee will be allocated and by the HR Officer. The Selection Committee shall be composed by at least three members.

⁵ The Administrative Manager will take the decision having regard to the maximum length of the traineeship periods laid down in these rules and on the basis of the needs of the Service and budget availability.

3. The vacancy notice shall be published on the BEREK Office website⁶. After the deadline for applications, the HR Officer checks the applications towards the eligibility criteria. Eligible applications are assessed by the Selection Committee, and a first pool of suitable candidates is to be identified. Such candidates may be contacted over the phone by the members of the Selection Committee⁷ in order to check the availability and discuss the mutual expectations prior to the final decision and in order to better assess the suitability of the candidate for the position and the motivation. For each position, the Selection Committee will finally establish a shortlist of candidates to be proposed to the Administrative Manager. The candidates may be ranked in order of merit or in alphabetical order.
4. The Administrative Manager makes the final selection of applicants on the basis of the proposals submitted by the Selection Committee. Regard will also be taken in respect of the maintenance of an appropriate gender balance and geographical distribution of the trainees. The Administrative Manager reserves the right to proceed with a further assessment or phone interviews before taking a decision on the successful trainees.
5. Successful applicants are informed about the outcome of the selection procedure and about the dates of the traineeship period according to the modalities established in the vacancy notice. The selection proceedings of trainees are confidential.

Article 8

Rights and duties of the trainees

1. Trainees shall be required to comply with instructions given by their advisers and by the Head of the Unit to which they are assigned. They must also comply with the rules governing the traineeship programme and the internal rules governing the functioning of the BEREK Office, in particular concerning human resources, security and confidentiality. Trainees must take part in all activities organized for them, respecting the timetables and programs laid down.
2. During their traineeship, trainees must consult their adviser, or, if unavailable, the line manager or the Administrative Manager, on any action they propose to take on their own initiative relating to BEREK Office's activities. Trainees must exercise the greatest discretion regarding facts and information that come to their knowledge during the course of their traineeship. They shall refrain, in any manner whatsoever, from any unauthorised disclosure of document or information received in the line of duty, unless that information has already been made public or is accessible to the public. The BEREK Office reserves its legal right to terminate the traineeship and to pursue any person who does not respect this obligation. Trainees will continue to be bound by this obligation after the end of their traineeship.
3. Any conflict of interest must be disposed of prior to the start of the traineeship. Trainees will be required to make a public declaration of interest upon starting their traineeship. Upon leaving, during the time period equivalent to the length of the traineeship, trainees are requested to inform BEREK Office of any occupational activity, paid or unpaid, they engage in. Within 15 working days from the date of the trainee's request for engaging in an occupational activity, the Agency will communicate any concern to the trainee regarding his

⁶ Publication in additional websites or on specialized press may be decided on a case by case base.

⁷ The task to contact the candidates may be delegated to the HR Officer or to a selection committee member assisted by the HR Officer.

her request. No reaction from the Agency after 30 working days implies tacit agreement to the occupational activity stated in the request.

4. Trainees must not have any professional connections with third parties, which might be incompatible with their traineeship (i.e. must not work for lobbyists, legal attachés, etc.). They are not permitted to exercise any other gainful or non-gainful employment during the period of the traineeship⁸. If a conflict of interest should arise during their assignment trainees should immediately report this to their adviser, to the HR Officer and to their line manager in writing.
5. Trainees must respect the same rules for communication and contacts with the press as other BEREK Office staff and follow the instructions provided. BEREK Office reserves the right to terminate the traineeship and to pursue any person who does not respect this obligation. Trainees must not, either alone or with others, publish or cause to be published any matter dealing with the work of the BEREK Office without the prior written permission of the Administrative Manager of the BEREK Office. The HR Officer shall be consulted and should receive a copy of those permissions, together with a copy of any publication, including thesis or article published. Such permission shall be subject to the conditions in force for all BEREK Office staff. All rights, for any articles or other work done for the Agency, shall be the property of the Agency.
6. At the end of their traineeship, trainees must submit to their adviser and to HR Officer a report on their activities during the training period. The advisers and the HR Officer may add comments or elements to this report as appropriate. Trainees must carefully record their activities and their daily working hours from the first day up to the final day of service. At the end of the traineeship, trainees have to follow the same departure procedures foresee for the staff of the Agency, including the drafting of the handover and the transmission to the Agency of any material entrusted to them.

Article 9

Absences

1. Working time arrangements of the Agency apply to trainees. Trainees shall work the same number of hours foreseen for the staff and are entitled to 2 days of leave per month. This entitlement is acquired pro rata to the months worked. Days of leave not taken are not paid in lieu. Trainees are not permitted to take special leave. In duly documented cases, the Administrative Manager may approve a leave request for exam days (a maximum of 3 days per traineeship) and for serious family situations (a maximum of 3 days per traineeship). The supporting documents will be assessed by the HR Officer, who will advise the Administrative Manager on the validity of the request. Trainees shall not telework neither take flexitime recuperations or swap BEREK Office holidays with working days. The line managers concerned shall oversee that the above rules are respected.

⁸ The Administrative Manager may admit to the Programme trainees seconded by other organizations or national entities.

2. In case of sickness, trainees must notify the line manager, the adviser and the HR Officer immediately and, if absent for longer than three calendar days, must produce a medical certificate, indicating the probable length of absence, which must be forwarded to the HR Officer. A trainee who is absent because of illness may be subject to medical checks in the interest of the service.
3. When trainees are absent without justification or without notifying their adviser, the line manager or the HR Officer, the Administrative Manager may decide to immediately terminate the traineeship without further notice. Any overpayment of the grant shall be reimbursed to BEREK Office. The trainee shall also not be entitled to receive the travel allowance.

Article 10

Maternity leave

1. A trainee who is pregnant shall be granted maximum maternity leave of twelve weeks, during which period she shall receive the grant as set out in Article 11 of these rules. The leave shall start not earlier than six weeks before the expected date of confinement as shown in a medical certificate, which must be provided to HR Officer, and end not earlier than six weeks after the actual date of childbirth.
2. For health and safety reasons, a trainee who is pregnant must inform the HR Officer at the latest fifteen weeks before the expected date of confinement. Maternity leave cannot go beyond the duration of the traineeship contract.

Article 11

Grants

1. Trainees shall be entitled to a monthly grant amounting to 25% of a basic monthly salary of a temporary agent in grade AD5, step 4⁹, applicable at the starting date of the Traineeship¹⁰. Trainees who continue to be paid by their employer or to be in a receipt of a grant from another source or another subsistence allowance shall only be entitled to a financial contribution from the BEREK Office if the sum they receive is less than the amount of the traineeship grant. In that case, they shall receive a difference. If the trainee terminates his/her contract early, he/she will be required to reimburse part of the grant which he/she may have received relating to the period after the termination date.
2. Upon presentation of the proper justification, disabled trainees may receive a supplement to their grant equal to a maximum of 50% of the amount of the grant. The HR Officer may request a medical advice if necessary.

⁹ The correction coefficient applicable in Latvia shall be taken into account for the calculation of the grant.

¹⁰ Thus excluding any later annual salary adjustment.

Article 12

Travel expenses at the beginning and end of the traineeship programme

1. Trainees who receive a grant and, whose place of recruitment at the beginning of the traineeship is more than 150 km from Riga, are entitled to compensation for the travel expenses incurred at the beginning and end of the training period as determined under this article. The trainee is responsible for informing the HR Officer immediately of any change of address.
2. The trainee must complete a minimum of three months of the training period to qualify for the travel allowance. Trainees whose place of recruitment is less than 150 km from the place of employment are not entitled to a travel allowance. The address used in BEREK Office traineeship agreement awarding the traineeship shall be considered to be the place of recruitment.
3. Travel expenses for the inward journey and for the outward journey are compensated on the basis of the BEREK Office rules concerning the financial contribution towards travel and subsistence expenses for persons invited by the BEREK Office to attend written and oral tests in a selection procedure, an interview or a medical examination. Unless specific provision is made to the contrary, where the place of recruitment is outside the European territory of a Member State, travel expenses shall be reimbursed only from the point in the European territory of a Member State, which is nearest to the place of recruitment.

Article 13

Tax arrangements

Traineeship grants awarded to trainees are not subject to the special tax regulations applying to officials and other servants of the European Union. Trainees have sole responsibility to complying with Tax regulations of their home state or any other state, which may apply to grants they receive from the BEREK Office.

Article 14

Social insurance, sickness insurance and accident insurance

The BEREK Office does not provide private social or health insurance. Trainees are responsible for arranging their own social and health insurance¹¹. Any social and health contributions that is required to be paid under Latvian national law or any other law shall be arranged by the trainee.

¹¹ The BEREK Office would appreciate receiving a certified copy of the insurance policy stating that the trainees have an adequate insurance coverage.

Article 15

Interruption and termination of training and sanctions

1. Under exceptional circumstances, at the written request of the trainee stating the relevant reasons and with proper justification, the Administrative Manager may, after consultation with the line manager concerned, authorise an interruption of training for a given period. The grant is then suspended and the trainee is not entitled to reimbursement of any travel expenses incurred during that period. The trainee may return to complete the unfinished part of the training but only up to the end of the same traineeship period. No extension is possible.
2. If a trainee wishes to terminate his/her traineeship earlier than the date specified in the contract, a written request must be submitted by the trainee to the Administrative Manager for approval. The request should state the relevant reasons and must be submitted at least four weeks in advance of the new termination date. The trainee must submit the request via his/her adviser and the line manager. Trainees may only terminate their contract on the 1st and 16th of the month. Where appropriate, the equivalent part of the grant must be reimbursed to the BEREC Office.
3. The traineeship shall end when the period for which it was awarded expires. Trainees must exercise their duties and behave with integrity, courtesy and consideration. If the conduct of the trainee does not prove satisfactory, the Administrative Manager, in response to a reasonable request by the adviser and approved by the line manager concerned, and after hearing the trainee, may at any moment decide to terminate the traineeship. The Administrative Manager, following a justified request by the adviser and approved by the line manager concerned, reserves the right to terminate the traineeship if the level of the trainee's professional performance or knowledge of the working language is insufficient for the proper execution of his/her duties.
4. The Administrative Manager reserves the right to terminate the traineeship at any moment it becomes apparent that the trainee knowingly made wrongful declarations, or provided false statements or papers at the moment of application or during the traineeship period.

Article 16

Disputes

1. Any trainee or applicant wishing to challenge a decision taken in application of this Decision shall make a reasoned submission to that effect to the Administrative Manager or, where the disputed decision was taken by the Administrative Manager, to the Vice Chair of the Management Committee of the BEREC Office. The Administrative Manager or, where applicable, the Vice Chair of the Management Committee, shall make a reasoned reply to the trainee within three months.
2. Decisions taken in application of these Rules may also be challenged before the General Court of the European Union in accordance with Article 263 of the Treaty on the Functioning of the European Union (TFEU). A submission pursuant to paragraph 1 of this Article shall not have the effect of suspending the deadline for the institution of court proceedings in accordance with Article 263 TFEU.

Article 17

Data protection

The BEREC Office shall process any personal data needed for the implementation of this decision in accordance with Regulation EC No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (Official Journal of the European Communities L 8 of 12 January 2001).

Article 18

Entry into force

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

Done at Vienna, on 3 June 2016.

For the Management Committee

(s)

**Wilhelm Eschweiler
BEREC Chair 2016**