

PROCEDURAL ACT OF THE ENERGY COMMUNITY SECRETARIAT

2018/02/ECS-EnC: Policy on the Use of Corporate Mobile Phones

The Energy Community Secretariat,

Having regard to the Staff Regulations of the Energy Community and employment related provisions thereof,

Whereas frequent travelling of its permanent employees shall allow good quality communications via phone and email with the headquarters in Vienna (or regional offices in Kiev and/or Tbilisi),

Having regard to the negotiated terms and conditions for the use of telecommunication services in Austria and abroad with the current service provider of Energy Community,

Whereas this interest needs to be reconciled with the limitations of the budget to be fully respected at all times,

Whereas use of the devices offered by the Energy Community shall require clear rules on its use at different duty stations of the Energy Community (Vienna, Kyiv, Tbilisi) or in one of the Contracting Parties,

ADOPTS THE FOLLOWING PROCEDURAL ACT:

Article 1 Right to a phone

- a) All permanently employed staff members by the Energy Community (hereafter "organization", "ECS" or "Secretariat") are entitled to a business mobile phone.
- b) Temporarily employed personnel (interns, secondees or research fellows) are not entitled to a business phone.
- c) The right to a phone implies that an employee has to be reachable during the working hours established in accordance with the Staff Regulations and further internal rules of the Energy Community Secretariat. The mobile phone shall enable, in principle, the performance of service related duties.
- d) This policy shall protect the security and integrity of Energy Community's data and technology infrastructure. The ECS employees must agree to the terms and conditions set forth in this policy.
- e) A phone is provided to an employee upon the initial appointment and shall be returned upon expiry or termination of the employment agreement in place, not later than on the last day of employment.
- f) The transfer of the mobile phone number is allowed in case of expiry or termination of employment agreement, upon employee's request.

Article 2 Devices in use

- a) ECS provides the best devices as required for the work performance and compatible with the internal server architecture.
- b) As of April 2018, Secretariat offers iOS technology based phones to its employees (iPhones). Based on budget availability, the standard device is iPhone SE [32GB]¹. An employee may require another type of phone or iPhone, subject to his/her own contribution to the purchase price. The price difference shall be calculated based on the current price list offered by the service provider of the telecommunication services.
- c) Device shall offer default features (SMS, phoning etc.) as well as connectivity to the ECS servers for the purpose of automatic synchronization of emails, calendar entries and phone contacts. The latter one, subject to the activation of the user-profiles in the initial setup of the phone.
- d) Devices in use are locked (A1 operator) and function only with A1 SIM-cards.
- e) No phone accessories (like headphones, microphones, carrying cases etc.) will be provided.

Article 3 Corporate Plan

- a) A1 is the current provider of services to the Energy Community (<https://www.a1.net/>). It offers a customised package (tariff: A1 Enterprise Network 50) for the needs and geographical scope of the Energy Community activities.
- b) The following is included in the Energy Community package² (per device and per month):
 - 3,000 min;
 - 3,000 SMS;
 - 7GB internet.
- c) The above services are provided on the whole territory of Austria. The employee is encouraged to use the app "*Mein-A1*"³ to get an overview of the consumed services and of the costs.
- d) The services outside the Energy Community package/area are charged at a higher price. The ECS administrator can activate the additional voice and data packages for roaming upon prior written request and justification provided (ie. travel to a country of the defined zones) before the commencement of the travel. The request for activation of such packages shall be submitted by email to accounting@energy-community.org.
- e) Corporate plan is managed via A1 web-based platform, by assigned administrator.

Article 4 Rules related to the use of a phone

- a) The organization assesses the *acceptable level of personal use* at its costs. International

¹ EUR 289 (incl. VAT) as per price offer of April 2018

² in AT, EU, Balkan, TR, MD, UA, BY, GE, AZ, AM and includes roaming

³ To be installed by administrator before handing over the phone

calls and texting (SMS) should be strictly for business activities.

- b) In particular, the use of internet shall be responsible and productive. Devices may not be used, at any time, to:
 - store or transmit illicit materials or
 - harass others.
- c) ECS will have a zero-tolerance policy for texting or emailing while driving.
- d) If the use of the phone is unreasonable, the organization may ask the employee to explain and reduce his/her private use of the mobile phone or ask to contribute to the cost incurred (roaming).
- e) The cost of use can be monitored via “Mein A1 App”, installed at the phone.

Article 5 Security and loss of a phone device

- a) The mobile phones will be replaced by ECS in case of loss, theft and damage of devices. The replacement device might be different to the standard model (see above), subject to budget available.
- b) In order to prevent unauthorized access, devices must be password protected using the features of the device.
- c) The device must lock itself with a password or PIN, if it is idle for five minutes. After three failed login attempts, the device will lock. Please, contact IT administrator to gain the access anew⁴.
- d) In cases of the *gross negligence*⁵ by an employee, that led to the loss, theft or damage of the business phone, the employee shall compensate the cost of device to Energy Community at the original price (less amortization) at which it was originally purchased
- e) Loss or theft of devices must be reported in writing (email) to the head of administration or an assistant immediately. In such cases, the SIM card will be locked immediately (online tool).
- f) In addition, theft of a mobile phone shall be reported to the police, by the employee. The copy of the police statement shall be presented to the administration. In this case, the employee is relieved from any liability to compensate the cost of stolen device to ECS.

Article 6 Other provisions

- a) The employee is expected to use his/her devices in an ethical manner at all times and adhere to the organization’s acceptable use policy as outlined above.
- b) In cases, where an employee leaves the organization (expiry or termination of the employment agreement) and he/she has contributed before to a price of the phone (in line with item 2b), the employee will be entitled to receive the phone for further private use.
- c) Any questions on the policy shall be addressed to administration, at any time when doubts

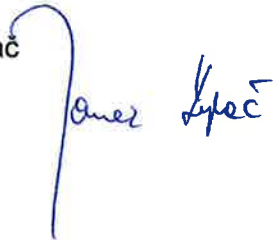
⁴ ECS Administrator has the possibility to obtain [online] the necessary PUK-code

⁵ *Gross negligence* is a conscious and voluntary disregard of the need to use reasonable care, which is likely to cause foreseeable grave injury or harm to persons, property, or both.

about the use, or the interpretation thereof, arise.

Done in Vienna, on 10 April 2018

Janez Kopac
Director

A handwritten signature in blue ink that reads "Janez Kopac".