

Call for expression of interest: creating a panel of mediators

The objective of this call for expression of interest is to establish a panel of mediators to provide assistance to the Energy Community Dispute Resolution and Negotiation Centre (“the Centre”).

I. Background information:

The Centre was established on 25 September 2016. Its activity focuses on three pillars:

- a. facilitation of negotiations in third-party energy disputes,
- b. mediation within Energy Community dispute settlement procedures (as per Article 19(2) of the Dispute Settlement Procedures), and
- c. provision of negotiation support to parties, participants or observers to the Treaty establishing the Energy Community.

According to Article 15 of the Procedural Act 2016/3/ECS, the Centre shall establish a panel of mediators of high moral character and recognised competence in the fields of energy negotiations (“the Panel”).

For the time being, the mediators on the Panel shall

- a. facilitate the negotiations in third-party energy disputes in the cases when the staff of the Centre will lack capacity, and
- b. conduct mediations as part of the Energy Community dispute settlement procedure (as per Article 19(2) of the Dispute Settlement Procedures).

II. Nationality: All nationalities are encouraged to apply.

III. Legal form of the applicants: Only natural persons are eligible.

IV. Languages:

- Fluency in English (C2 level) is a pre-requisite.
- Fluency in other official languages of the EU, the official languages of the Energy Community Contracting Parties, as well as Russian, constitutes an advantage. Specific appointments of mediators may also take into account the official languages of the parties involved.

V. Selection criteria for inclusion on the panel:

- a. University studies of at least masters level in relevant fields: law, economy, social sciences, technical studies;
- b. At least five years of relevant work experience in one of the fields above (out of which at least three years in a position in which management skills are required);

c. Negotiation or mediation experience (either as party, party representative, or mediator).

VI. Exclusion criteria: the candidates will also submit a declaration on their honour that they are not in one of the following situations:

- a. they have been convicted for a crime (regardless of the nature of the crime) by a judgment which has the force of “res judicata”;
- b. they are bankrupt or have their affairs administered by the courts;
- c. they have been convicted of an offence concerning their professional conduct by a judgment of a competent authority which has the force of “res judicata”;
- d. they have been found liable for grave professional misconduct by the relevant authorities;
- e. they are not in compliance with their obligations concerning payment of social security contributions and or payment of taxes in accordance with the legal provisions of the country in which they are due.

VII. Application: all interested candidates shall send their applications at mediators@energy-community.org. The application will contain the CV of the candidates, in Europass format, documents proving compliance with the selection criteria in V. above, as well as a declaration as per VI. above.

VIII. Two- step appointment procedure:

a. Inclusion on the Panel

A selection committee (the “Committee”) will be constituted by decision of the Chairman of the Centre. The Chairman of the Centre shall be part of the Committee.

The Committee shall assess the applications received on a rolling basis and publish the names of the successful candidates on the website of the Centre, under a section called “The Energy Community’s Panel of Mediators”.

b. Case assignment

Whenever mediation services are needed, the registrar of the Centre will send a notice to all the mediators on the Panel and request them to apply to serve as a mediator in that case. The notice will mention whether the services are needed for the facilitation of negotiations in third-party disputes or for mediation within Energy Community dispute settlement procedures. The notice will also contain a short description of the case (respecting the confidentiality obligations), as well as specific criteria for the case at hand (e.g., technical expertise and language requirements).

If a mediator from the Panel is interested in being appointed in a particular case, he/she shall send a letter to the Director of the Secretariat and the Chairman of the Centre. The letter shall explain why the mediators consider themselves suitable to mediate the case at hand.

Upon assessment of the letters, the Committee will publish the name of the selected mediator on the Centre’s webpage.

IX. Declaration: Upon appointment, the selected mediator shall sign a declaration of impartiality and independence.

X. Mediators' fees:

The fees shall be based on the time reasonably spent by the mediator in the proceedings. The fees shall be fixed by the Chairman of the Centre after consulting the mediator and the parties, shall be reasonable and shall take into account the amount in dispute and the complexity of the proceedings.

Any other costs, such as out of pocket expenses and travel costs, must be agreed in advance with the Chairman of the Centre.

XI. Contact: Please send any requests for information to smaranda.miron@energy-community.org.