

# PROCEDURAL ACT OF THE ENERGY COMMUNITY SECRETARIAT

---

## 2025/26/ECS-ENC: ON THE ADOPTION OF A SPECIAL PROCEDURE FOR DISCIPLINARY ACTION IN CASES OF ALLEGED HARASSMENT

The Energy Community Secretariat (“the Secretariat”),

Recognising that psychological and sexual harassment in the work environment adversely affects a person’s mental, physical and sexual health, dignity and social well-being,

Determined to establish and foster a work environment for zero tolerance towards harassment,

Committed to complementing the clear and unequivocal prohibition of harassments and the consequences of such behaviour with procedural rules that uphold to due process for all Staff Members involved,

Taking into account the experience with the special procedure in the past three years,

Acknowledging the need for a two-level system for handling potential cases of psychological and sexual harassment, with an emphasis on accessible processes that can effectively address concerns raised,

Based on Section 3.4 of the Staff Regulations and Article 67(e) of the Treaty,

ADOPTS THE FOLLOWING PROCEDURAL ACT:

### Article 1 General principles

1. All persons involved in the procedures described in this Procedural Act shall be treated with dignity and respect throughout the process.
2. All persons involved in the procedures described in this Procedural Act shall be bound by strict confidentiality and impartiality.
3. Fairness of the process shall be ensured at all levels.



## Article 2

### Reporting of alleged harassment

1. Any Personnel (including Staff Members, Seconded Staff, Delegated Experts, Locally Recruited Persons, Research Fellows and Interns) who considers that (s)he or another Personnel has been exposed to harassment as defined in the Staff Regulations by another Personnel, may report the matter in writing to any of the Counsellors within three (3) months from the occurrence of the alleged offence.
2. The report shall not require any specific format but must provide sufficient details to substantiate the allegation. The person shall describe the specific offensive acts, the time, location, and circumstances under which they occurred, as well as any other information deemed relevant. The report must include information about the alleged harasser as well as about any witnesses or other individuals that may possess relevant information.
3. In case the Director is the alleged harasser, Personnel may report to the President and the Vice-President of the PHLG in line with the Staff Regulations.

## Article 3

### Counsellors

1. A pool of three Counsellors shall be appointed by the Director for a term of three (3) years, with the possibility of extension, to handle reported cases of alleged harassment at first instance. The appointment can be terminated upon request by the Counsellor if (s)he is no longer able to fulfill the task.
2. Counsellors shall be Staff Members who have formally consented to assume such role and with proven training on the topic of harassment.
3. Counsellors shall be selected from different units of the Secretariat and shall include at least one Staff Member holding the position of Head of Unit. The selection and appointment of Counsellors shall have regard to geographical and gender balance as well as to appropriate level of seniority.
4. The names and functions of the appointed Counsellors shall be duly communicated to the Personnel, including in the on-boarding process of new Personnel.

## Article 4

### Procedure before the Counsellor

1. Upon review of the reported allegation, if the Counsellor considers that a personal, institutional or hierarchical bias exists that may bring his/her neutrality and impartiality into question, the Counsellor may decide to recuse from handling the case and shall inform the reporting Personnel of such recusal as soon as possible, and in any event no later than five (5) working days from the date of receipt of the report. The Counsellor may decide to recuse from the case if objective circumstances (e.g. holidays, sick leave) prevent him/her to deal with the case without delay and within the timeframes established in this Procedural Act.
2. The Counsellor shall have the right to consult another Counsellor on a matter in a confidential manner.
3. The Counsellor shall present the allegation to the alleged harasser and decide whether to request a written response by the alleged harasser within ten (10) working days. If the Counsellor considers appropriate, (s)he shall request a written response within five (5) working days.
4. No later than twenty (20) working days following receipt of the report on the alleged harassment, the Counsellor shall convene a joint or separate meeting with the alleged harasser and the Personnel subject to the alleged harassment. The meeting shall serve the purpose to address the matter and agree on steps forward, if necessary.
5. The Counsellor shall submit to the Director as well as the alleged harasser and the Personnel subject to the alleged harassment a report no later than thirty (30) working days following receipt of the report on the alleged harassment. The report shall include a record of the proceedings, a summary of the matter, and the outcome of the joint or separate meeting(s). The report shall remain strictly confidential and shall not be disclosed to any other Personnel or their supervisor.
6. If the Personnel subject to the alleged harassment does not consider the matter to be effectively addressed by the above process, it may bring the matter to the attention of the Director by submitting a report in line with Article 2 of this Procedural Act.

#### Article 5 Staff Committee

1. Within two (2) working days from the date when the Director is informed in line with Article 4(6) of this Procedural Act, (s)he will nominate a Staff Committee to investigate the matter.
2. The Staff Committee shall include members from different units of the Secretariat, including at least one member at the same hierarchical level with the Personnel subject to

the alleged harassment, and at least one member at the same hierarchical level with the alleged harasser. It shall include at least one member of each gender.

3. The members of the Staff Committee shall be bound to strict secrecy, including vis-à-vis all other Personnel.

## Article 6

### Procedure before the Staff Committee

1. The Staff Committee shall receive the written report referred to in Article 2. The chair of the Staff Committee shall present the report to the alleged harasser and request a written response within ten (10) working days. If the Staff Committee considers appropriate, it shall request a written response within five (5) working days. The Staff Committee may invite both the Personnel subject to the alleged harassment and the alleged harasser for separate interviews and shall be entitled to request any additional document or information considered relevant. The Staff Committee is entitled to request any additional document or information relevant and may require Personnel to furnish evidence, either orally or in writing. Personnel requested to furnish evidence shall be bound by strict confidentiality obligations, including with respect to other Personnel.
2. The Staff Committee shall adopt and submit to the Director a report no later than thirty (30) working days following the receipt of the report on the alleged harassment. The report shall contain a record of the proceedings and a summary of the matter and the Staff Committee's recommendations, supported by a justification. The Staff Committee's report shall represent the opinion of the majority of its members. Separate opinions may be attached to the Staff Committee's report. The report shall not be shared with other Personnel, including the alleged harasser and the Personnel subject to the alleged harassment.
3. The Staff Committee's recommendations may include, but not be limited to, the following disciplinary measures:
  - a. a written warning;
  - b. mandatory training and counselling at the Personnel's expense;
  - c. termination of the employment agreement for misconduct, in accordance with Section 3.4 and 6(d) of the Staff Regulations;
  - d. termination of the employment agreement without notice for any form of misbehaviour, based on sexual or other motives, in accordance with Section 8(e) of the Staff Regulations.

The severity of the disciplinary measures recommended shall be commensurate with the gravity of the harassment. In assessing the gravity of the harassment, the Staff Committee shall take into account all relevant circumstances, including the nature and context of the misconduct, recurrence, and the conduct of the alleged harasser throughout the course of his/her career, etc.

#### Article 7

### Decision by the Director

1. Within ten (10) working days from receipt of the Staff Committee's report, the Director shall issue a written decision to the Personnel subject to the alleged harassment and the alleged harasser, including any disciplinary measures, with a copy to the Staff Committee. Before taking his/her decision, the Director may invite both the Personnel subject to the alleged harassment and the alleged harasser for separate interviews.
2. The decision by the Director shall be subject to the remedies envisaged by the Staff Regulations, as well as the Procedural Act laying down the rules governing the arbitration procedure in staff matters under Article 14 of the Staff Regulations.

#### Article 8

### Entry into force

This Procedural Act enters into force on the day of its adoption.

Upon its entry into force, PA 2023/06/ECS: On the adoption of a special procedure for disciplinary action in cases of alleged harassment shall be repealed.

For the Energy Community



Artur Lorkowski  
Director

Done in Vienna on 23 December 2025