

VACANCY NOTICE

LEGAL EXPERT

REF: LEGAL TA 08/2017 Repl

Type of contract	Temporary Agent
Function group and grade	AD 9
Duration of contract	3 years, with possibility of extension
Department/Unit	Legal Unit
Place of employment	London, United Kingdom Due to the decision of the United Kingdom to leave the European Union the EBA may be relocated to a different EU Member State. As no decisions have been taken yet, therefore the timing of the move and the location of the new seat of the EBA are unknown at present.
Deadline for applications	18 August 2017 at 12.00 noon London time
Reserve list valid until	31 December 2017

The Authority

The European Banking Authority (“EBA”) is an independent European Union Authority established on 1 January 2011 by Regulation (EU) No. 1093/2010 of the European Parliament and of the Council of 24 November 2010.¹

The Mission

With a view to improving the functioning of the European Union internal market, the EBA contributes to ensuring a high quality, effective and consistent level of regulation and supervision in its areas of competence. It also promotes public values such as the stability of the financial system, the transparency of markets and financial products, and the protection of depositors and investors.

It works to prevent regulatory arbitrage and guarantee a level playing field, strengthens international supervisory coordination, promotes supervisory convergence and provides advice to the Union institutions in the areas of banking, payments and e-money regulation and supervision, and related corporate governance, auditing and financial reporting issues.

As an integral part of the European System of Financial Supervision (ESFS), the EBA works closely together with her sister authorities, the European Insurance and Occupational Pensions Authority (EIOPA) and the European Securities Market Authorities (ESMA), as well as the Joint Committee and the European Systemic Risk Board (ESRB).

Further information on the EBA is available on the EBA website: www.eba.europa.eu.

¹ OJ L 56, 4.3.1968, p. 1, as last amended by Regulation (EU, Euratom) No 1023/2013 of the European Parliament and of the Council of 22 October 2013, OJ L 287, 29.10.2013, p.15.

Job description

The European Banking Authority is seeking suitable candidates for the position of Legal Expert in the Legal Unit of the EBA. Under the responsibility of the Head of the Legal Unit, the Legal Expert will play an important role in providing legal support to the governing bodies and panels, to the management and to the core policy and operational functions of the EBA.

In particular, under the overall management of the Head of the Legal Unit, the Legal Expert will contribute to ensuring a sound legal environment for the EBA's overall functioning, identification and prevention of legal risks, proposal and development of solutions, in particular by providing legal analysis and support to the regulatory, oversight and consumer protection and financial innovation functions of the EBA.

Main responsibilities:

- Using specialist knowledge and experience to provide expert legal support for the EBA's policy and oversight activities, including advising on and drafting technical standards, guidelines, recommendations and opinions; analysing and advising on the interpretation and application of existing and proposed sectoral legislation;
- Providing legal analysis and advice on the EBA's tasks and powers under the EBA Regulation and sectoral legislation, including investigation of breaches of Union law, settlement of disputes between competent authorities, action in emergency situations and restrictions of financial activities;
- Using specialist knowledge and experience to provide expert legal analysis and advice on internal governance and institutional matters;
- Drafting and interpretation of internal implementing rules, rules of procedure and decisions in order for the EBA to carry out its tasks and exercise its powers effectively;
- Managing provision of legal analysis, advice and assistance in relation to litigation, and representing the EBA before the Board of Appeal and the Court of Justice;
- Providing and coordinating legal advice to EBA standing committees and other groups and representing the EBA at technical level and ensuring effective cooperation in his/her areas of responsibility with the other ESAs, EU institutions, bodies and agencies, and with competent authorities;
- Monitoring and advising on relevant developments in areas of EU law relating to the EBA's tasks and functioning;
- Liaising with external stakeholders such as competent authorities, EU institutions, agencies and bodies;
- Executing other related tasks as sought by the Head of the Legal Unit.

Requirements

1. Eligibility Criteria

To be considered eligible, candidates must satisfy all the criteria listed below, by the deadline for submitting applications.

1.1 General

- Be a national of a Member State of the European Union, or a national of the European Economic Area (Iceland, Liechtenstein, Norway);
- Be entitled to his/her full rights as a citizen;²
- Have fulfilled any obligations imposed by the applicable laws on military service;
- Have a thorough knowledge of one of the official languages of the European Union³ and a satisfactory knowledge of another language of the European Union;
- Be physically fit to perform the duties linked to the post.⁴

1.2 Specific

1.2.1 Qualifications

To be eligible, a candidate must have

a) A level of education which corresponds to completed university studies of law attested by a diploma⁶ and appropriate professional experience of at least one year when the normal period of university education is at least three years, or

b) A level of education which corresponds to completed university studies of law attested by a diploma⁵ when the normal period of university education is four years or more.

1.2.2 Professional experience

To qualify for the position a candidate must have, in addition to the above, at least 13 years (on the basis of 1.2.1 a), or at least 12 years (on the basis of 1.2.1 b) of relevant proven fulltime professional experience after completing the education as mentioned above of which at least 9 years must have been in a legal function.

² Prior to the appointment, the successful candidate will be asked to provide a police certificate confirming the absence of any criminal record.

³ The official languages of the European Union are: Bulgarian, Croatian, Czech, Danish, Dutch, English, Estonian, Finnish, French, German, Greek, Hungarian, Irish, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish, and Swedish.

⁴ Before the appointment, the successful candidate will be examined by one of the European Union medical centres in order to confirm that the candidate fulfils the requirements of Article 12(2)(d) of the Conditions of Employment of Other Servants of the European Union (CEOS).

⁵ Only qualifications awarded by EU Member State authorities or European Economic Area (EEA) authorities or qualifications recognised as equivalent by the relevant authorities will be taken into consideration. If the main studies took place outside the European Union, the candidate's qualification must have been recognised by a body delegated officially for the purpose by one of the European Union Members States (such as a national Ministry of Education) and a document attesting so must be submitted with the application by the closing date.

1.2.3 Knowledge of languages

For working purposes, as English is the working language of the EBA,⁶ an excellent knowledge of the English language, both written and spoken, is required.⁷

Native English speakers will be tested to prove their second language skills, in accordance with section 1.1.

2. Selection criteria

In addition to the above, the following selection criteria will be used:

- Proven experience of giving legal advice in areas relevant to the EBA's tasks (as set out under 'Main responsibilities' above) whether in a national or EU context;
- Proven knowledge of EU law and of the EU institutional framework;
- Proven knowledge of EU banking regulation and supervision;
- Proven experience of drafting on legal matters in English, the EBA's working language.

It would be desirable for the candidate to have:

- Proven experience of advising on or carrying out investigations into breaches of regulatory requirements;
- Proven experience in advising on and/or drafting answers to questions from stakeholders on the application of regulatory requirements.

Applications will be assessed on the basis of the Eligibility and Selection criteria specified in parts 1 and 2.

For this position the candidates are expected to fulfil the following competencies to be assessed during interviews:

- Be able to investigate and analyse complex information from a wide range of sources, consider options and propose and implement effective solutions to challenging legal and practical issues;
- Be able to present to policy and operational colleagues on legal developments;
- Strong sense of responsibility, commitment and cooperation;
- Flexibility to take on new tasks in a dynamic and evolving institutional environment;
- Proactive attitude;
- Ability to work efficiently under pressure.

3. Equal opportunities

⁶ Decision EBA DC 003 of the Management Board on Internal Language Arrangements.

⁷ The knowledge is required at least at B2 level. The assessment at B2 level is done in accordance with the Common European Framework of Reference for Languages (CEFR) (<http://europass.cedefop.europa.eu/sites/default/files/cefr-en.pdf>)

As a European Union Authority, the EBA will apply a policy of equal opportunities and will take care to avoid any form of discrimination in its recruitment procedures.

4. Selection procedure

The selection procedure will include the following:

4.1. The selection committee will be established. All the candidates invited to interviews shall be informed on the composition of the selection committee in the invitation to the interview.

4.2. The selection committee will analyse application documents (curriculum vitae, motivation letter, and eligibility criteria grid) of applicants with reference to the eligibility and selection criteria and will establish a shortlist. Short listed candidates may be invited to sit written tests and interviews.

Written tests will be done in English and will be related to the job and designed to test the ability to communicate in written English, knowledge and competencies related to the job, and drafting skills. Total mark for written test: 10. The minimum score to pass: 6.

The interview will aim to assess the suitability of the candidate to perform the duties, professional knowledge and motivation. The interview will be held in English. Total mark for interview: 10. The minimum score to pass: 6.

Successful candidates with the total score equal to and above 12 will be placed on the reserve list, which will be valid until **31 December 2017**. It may be renewed. Inclusion in the reserve list does not guarantee recruitment. The successful candidate will be selected from the established reserve list which may also be used for the recruitment of a similar post depending on the needs of the EBA.

In accordance with Articles 11 and 11a of the Staff Regulations (SR) and Articles 11 and 81 of the Conditions of Employment of Other Servants of the European Union (CEOS) **the successful candidate will be required to make a declaration of the conflict of interest before recruitment**. The EBA's Executive Director will examine whether the successful candidate has any personal interest which may impair his/her independence or any other conflict of interest in relation to the position offered and will adopt appropriate measures. To that end, the successful candidate, using a specific form shall inform the Executive Director of any actual or potential conflict of interest.

Please note that the selection committee's work and deliberations are strictly confidential and that any contact with its members is strictly forbidden. Any contact made by the candidates or third parties in order to influence the members of the selection committee in relation to the selection constitutes grounds for disqualification from the selection procedure.

5. Appointment and conditions of employment

5.1 Contract type, duration and starting date:

The successful candidate will be offered a temporary agent⁸ fixed-term contract of three years with a probation period of nine months and the possibility of extension.

The estimated starting date is **1 January 2018**.

5.2 Function group and grade:

The successful candidates shall be recruited as a temporary agent at grade AD 9. The estimated monthly basic salary is from € 7,600.25.

The details of the whole remuneration package are provided in Articles 62 – 70 and Annex VII to the Staff Regulations. For more information, please refer to Careers page of the EBA: <http://www.eba.europa.eu/about-us/careers>

5.3 Summary of the conditions of employment

- Salaries are exempted from national tax; instead a Union tax at source is paid;
- The correction coefficient applicable to the remuneration of officials and other servants under Article 64 of the Staff Regulations for the United Kingdom shall apply;
- Depending on the individual family situation and the place of origin, staff members may be entitled to the following: expatriation allowance, household allowance, dependent child allowance, education allowance, installation allowance and reimbursement of removal costs, initial temporary daily subsistence allowance, and other benefits;
- Annual leave entitlement - two days per calendar month plus additional days for age, grade, and 2.5 days of supplementary home leave granted to staff entitled to the expatriation allowance or foreign residence allowance;
- EU Pension Scheme (after 10 years of service);
- EU Joint Sickness and Insurance Scheme, accident and occupational disease insurance coverage, unemployment and invalidity allowance;
- Travel insurance when travelling on missions.

5.4 Place of employment

The offices of the European Banking Authority are located on Floors 45 – 46, One Canada Square, Canary Wharf, London E14 5AA – United Kingdom.

6. Submission of Applications

Applications including **a curriculum vitae in the Europass format,⁹ a motivation letter, and a filled eligibility criteria grid**, dated and signed before the deadline should be submitted in English to the following address: vacancies@eba.europa.eu **by 18 August 2017 at 12.00 noon London time.**

⁸ See footnote 1

⁹ <http://www.eba.europa.eu/about-us/careers/practical-information>

EBA will disregard any application received after deadline. Applicants are strongly advised not to wait until the last day to submit their applications, since heavy internet traffic or fault with the internet connection could lead to difficulties in submission. The EBA cannot be held responsible for any delay due to such difficulties.

Only complete applications will be accepted and considered. In order for the application to be considered complete candidates must send all documents: curriculum vitae in the Europass format, motivation letter, and eligibility criteria grid dated and signed before the deadline.

Candidates should assess and check before submitting their application whether they fulfil all the requirements as specified in the vacancy notice, particularly in terms of qualifications and relevant professional experience.

Professional experience indicated in the curriculum vitae are counted only from the time the candidate obtained the certificate or diploma required for the position and if it is on paid basis (including study grants or internship grants). PhDs may be counted as professional experience if the candidates received a study grant or salary during the time of PhD studies. The maximum duration counted for PhD is three years provided that the PhD has been successfully concluded by the closing date for applications of the selection procedure.

Start and end dates of all previous positions and whether full time or part time work should be indicated in the curriculum vitae. Freelance or self-employed candidates must provide either a copy of the entry in the relevant trade register, or any official document (for example a tax return document) showing clearly the length of the relevant professional experience. Details of any professional experience, training, research or studies must be given on the application form. Candidates must be able to provide photocopies of supporting documents clearly showing duration and nature of experience upon request.

The address indicated in the curriculum vitae will be used as the location from which the candidates invited to interviews travel.

At this stage, please do not send supporting documents (copies of ID cards, passports, diplomas, etc.)

7. Data protection

EBA will ensure that candidates' personal data are processed as required by 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 processing of personal data by the Community institutions and bodies and on the free movement of such data. This applies in particular to the confidentiality and security of such data.

8. Appeal Procedure

Candidates who consider that their interests have been prejudiced by any decision related to the selection procedure can take the following actions:

8.1 Request for review of the decisions taken by the Selection Committee

Within ten days of the date of the letter notifying the candidate of a decision taken by the Selection Committee, he/she may submit a written request for a review of such a decision, setting out the reasons for the request, to the following e-mail address: vacancies@eba.europa.eu.

8.2 Appeals

a) The candidate may lodge a complaint under Article 90(2) of the Staff Regulations within the time limits provided for, at the following address:

The Executive Director
European Banking Authority
Selection procedure: **Ref. LEGAL TA 08/2017 Repl**
Floor 45 – 46, One Canada Square,
Canary Wharf, London E14 5AA
United Kingdom

b) The candidate can submit a judicial appeal to the General Court under Article 270 of the Treaty on the Functioning of the European Union and Article 91 of the Staff Regulations.

For details of how to submit an appeal, please consult the website of the General Court: <http://curia.europa.eu/>

8.3 Complaint to the European Ombudsman

It is also possible to lodge a complaint to the European Ombudsman pursuant to Article 228(1) of the Treaty on the Functioning of the European Union and in accordance with the conditions laid down in the Decision of the European Parliament of 9 March 1994 on the Staff Regulations and the general conditions governing the performance of the European Ombudsman's duties¹⁰.

For details of how to lodge a complaint, please consult the website of the European Ombudsman: <http://www.ombudsman.europa.eu/>

Please note that complaints made to the European Ombudsman have no suspensive effect on the period laid down in Articles 90(2) and 91 of the Staff Regulations for lodging, respectively, a complaint or an appeal with the General Court. Furthermore under Article 2(4) of the general conditions governing the performance of the European Ombudsman's duties, any complaint lodged with the European Ombudsman must be preceded by the appropriate administrative approaches to the institutions and bodies concerned.

¹⁰ OJ L 113 of 4 May 1994.