

VACANCY NOTICE

LEGAL OFFICER

REF: LEG SEC 01/2018

Type of contract	Seconded National Expert (SNE)
Duration of contract	12 up to 24 months (with possibility of extension)
Department/Unit	Legal Unit
Place of employment	London, United Kingdom. It is expected that the EBA will be relocated to Paris ¹
Deadline for applications	31 January 2018 at 12:00 noon London time
Reserve list valid until	31 December 2018

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 2010.²

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 See section 5.3 – Place of employment

² 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.

The EBA is seeking a suitable candidate on secondment³ for the position of a **Legal Officer on secondment** at its offices in London, United Kingdom.

Job description

The European Banking Authority is seeking suitable candidates for the position of Legal Officer on secondment in the Legal Unit of the EBA. Under the responsibility of the Head of the Legal Unit, the Legal Officer 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, the Legal Officer 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, including advising on EBA Single Rulebook Q&As;
- 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 and settlement of disputes between competent authorities;
- 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;
- 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

³Decision EBA/DC/2016/135 on Secondment of National Experts.

- Be a national of a Member State of the European Union, of an European Free Trade Association Member State (Iceland, Liechtenstein, Norway, and Switzerland), or a country with which the Council has decided to open accession negotiations and which has concluded a specific agreement on staff secondments;
- Be entitled to his/her full rights as a citizen;
- Have a thorough knowledge of one of the official languages of the European Union⁴ and a satisfactory knowledge of another language of the European Union;
- Be employed by a) a member of the ESFS (as specified in Article 2 of Regulation (EU) no. 1093/2010), b) a country with which the Council has decided to open accession negotiations and which has concluded a specific agreement on staff secondments for participation in EBA's work within the meaning of Article 75 of the Regulation, c) a public intergovernmental organisation, who are seconded to EBA so that it can use their expertise in a particular field.⁵
- Have worked for their employer on a permanent or contract basis for at least 12 months before their secondment.

1.2 Specific

1.2.1 Qualifications

To be eligible, a candidate must have a level of education which corresponds to completed university studies of at least three years attested by a diploma.⁶

1.2.2 Professional experience

In addition to above, candidates must have at least 6 years of relevant proven fulltime professional experience after completing the education as mentioned above, of which at least 3 years must have been in a legal function.

The work experience for eligibility purposes is counted from the award of diploma up to the closing date of applications.

1.2.3 Knowledge of languages

For working purposes, as English is the working language of the EBA,⁷ an excellent knowledge of the English language, both written and spoken, is required.⁸

Native English speakers will be tested to prove their second language skills.

2. Selection criteria

⁴ 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.

⁵ In accordance with Article 1 paragraph 2 of the EBA Decision on Secondment of National Experts, the Executive Director of EBA may, on a case-by-case basis, authorise the secondment of an SNE from another employer if the interests of EBA warrant bringing in specific expertise as a temporary measure.

⁶ 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.

⁷ Decision EBA DC 003 of the Management Board on Internal Language Arrangements.

⁸ 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>).

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 banking law
- Proven experience of drafting on legal matters in English, the EBA's working language

Applications will be assessed based on the Eligibility and Selection criteria specified in the vacancy notice (in parts 1 and 2) and these must be met by the deadline for submitting applications.

For this position the candidates are expected to fulfil the following competencies to be assessed during the 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 communicate legal issues effectively to policy and operational colleagues;
- 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

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 (CV, 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 **31/12/2018**. 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.

The selection committee's work and deliberations are strictly confidential and 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 secondment

5.1 Contract type, duration and starting date:

The successful candidate will be offered the position of Seconded National Expert **for a minimum period of 12 months** with the possibility of extension.

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

5.2 Conditions of secondment

The person to be seconded shall remain in the service of his/her employer throughout the period of secondment. The SNE's employer shall thus undertake to continue to pay the salary, to maintain the social rights, particularly social security and pension.

In accordance with the EBA Decision on secondment of national experts, an SNE shall be entitled to a daily subsistence allowance and a monthly subsistence allowance (established by the Commission each year) paid by the EBA throughout the period of secondment. The allowances are intended to cover SNE's living expenses in the place of secondment on a flat-rate basis and shall in no circumstances be construed as remuneration paid by EBA.

These allowances are subject to the exchange rate as published monthly by the European Commission and the country correction coefficient currently applicable for the UK (133.5 %).

5.3 Place of secondment

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

Paris, France has been selected as the new seat for the EBA. The EBA and its staff will move to the new location following the adoption of legislation to formally change the EBA's seat.

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, and a statement of the employer issued by the applicant's**

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

employer supporting his/her application for a position on secondment before the deadline should be submitted in English to the following address: vacancies@eba.europa.eu **by 31 January 2018 at 12.00 noon London time.**

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, eligibility criteria grid dated and signed, and **a statement of the employer issued by the applicant's employer** (as defined in 1.1. fourth bullet point) and supporting his/her application for a position on secondment 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. LEG SEC 01/2018**
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

¹⁰ OJ L 113 of 4 May 1994.

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.