

Vacancy Notice
LEGAL OFFICER
REF: LC TA 3/2021

Type of contract	Temporary Agent ¹
Function group and grade	AD 5
Duration of contract	3 years, with the possibility of extension
Department/Unit	Legal and Compliance Unit
Place of employment	Paris, France
Deadline for applications	14 April 2021 at 12.00 noon Paris time
Reserve list valid until	31 December 2022

The Authority

The European Banking Authority 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 2010².

The EBA contributes to ensuring a high quality, effective and consistent level of regulation and supervision in the European Union banking and other relevant areas of the single market under its competence. It promotes public goods 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 guarantee a level playing field, strengthen international supervisory coordination, promote supervisory convergence and advise the Union institutions in the areas of banking, payments and e-money regulation and supervision, and related governance, auditing and financial reporting issues.

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

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

¹ According to the Article 2(f) of the Conditions of Employment of Other Servants of the European Union (CEOS)

² Regulation (EU) No 1093/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Banking Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/78/EC (OJ L 331, 15.12.2010, p. 1).

The European Banking Authority is seeking a suitable candidate for the position of a **Legal Officer** at its offices in Paris, France.

Job description

Main purpose

Providing legal advice and support to the governing bodies, management and core policy and operational functions of the EBA. Ensuring a sound legal environment for the EBA's overall functioning, identification and prevention of legal risks, proposal and development of solutions, and provision of risk and compliance functions.

Main responsibilities:

Legal Officers at the EBA typically work in one or a combination of the following areas:

Regulatory and supervisory convergence

- Providing legal support for the EBA's regulatory and supervisory convergence 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.

Institutional law, risk and compliance

- Providing legal analysis and advice on internal governance and institutional matters and on the EBA's operations, including on matters such as human resources and procurement, coordinating handling of complaints/queries received from the public or lodged with the European Ombudsman;
- Providing risk and compliance functions, in particular in the areas of ethics, data protection, anti-fraud, risk management and access to documents requests;
- 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 legal analysis, advice and assistance in relation to litigation, in particular cases before the Board of Appeal and CJEU.

Legal Officers may also:

- Participate in EBA working groups and representing the EBA at technical level and cooperating effectively in their areas of responsibility with the other ESAs, EU institutions, bodies and agencies, and with competent authorities;
- Monitor and advise on relevant developments in areas of EU law relating to the EBA's tasks and functioning;
- Contribute to the development of the Unit's knowledge base.

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 one of the Member State of the European Union, or a national of the European Economic Area (Iceland, Liechtenstein, Norway);³
- Be entitled to his/her full rights as a citizen;⁴
- 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 Union⁵ and a satisfactory knowledge⁶ of another language of the European Union;
- Be physically fit to perform the duties linked to the post.⁷

1.2 Specific

1.2.1 Qualifications⁸

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.

Candidates must indicate in their applications the official graduation dates for all the diplomas they have obtained.

1.2.2 Knowledge of languages

For working purposes, as English is the working language of the EBA⁹, an excellent knowledge of the English language, both written and spoken, is required. Native English speakers will be tested to prove their second language skills, in accordance with section 1.1 of the vacancy notice.

2. Selection criteria

Applications will be assessed based on the Eligibility and Essential Selection Criteria specified in sections 1 and 2 of this vacancy notice. **Candidates are required to clearly indicate in their CVs how**

³ Due to the withdrawal of the United Kingdom from the European Union on the 31/01/2020, candidates with UK nationality who do not hold the nationality of a Member State of the European Union or of the European Economic Area, are not eligible for calls for applications at the EBA due to the fact that they do not fulfil the requirements of Article 12 (2)(a) of the Conditions of Employment of Other Servants

⁴ Prior to the appointment, the successful candidate will be asked to provide a police certificate confirming the absence of any criminal record.

⁵ The official languages of the European Union: 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.

⁶ 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 \(CEFR\)](#)

⁷ 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).

⁸ 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.

⁹ Decision EBA DC 003 of the Management Board on Internal Language Arrangements.

they acquired the knowledge and experience allowing them to meet the selection criteria mentioned below, and give specific examples.

2.1 Essential selection criteria

In addition to the eligibility criteria above, the following essential selection criteria will be used. **Please note that all essential criteria are mandatory, meaning that no application will be assessed further if a candidate obtains a zero score in any of them:**

- Academic and professional qualifications relevant to the main areas of work specified in the job description;
- At least 2 years of professional experience in advising on legal matters acquired in a legal function (e.g. lawyer in private practice, in-house lawyer, legal adviser in a policy/supervisory function);
- Knowledge of EU law and the EU institutional framework relevant to the EBA gained through professional experience;
- Knowledge of financial services regulation/supervision and/or operational/institutional issues relevant to the EBA gained through professional experience;
- Professional experience of writing on legal issues in English, the EBA's working language.

2.2 Advantageous criteria

Candidates who meet all of the essential selection criteria will be scored against the following advantageous criteria:

- Experience in carrying out investigations into breaches of regulatory or legislative requirements or managing litigation;
- Experience in drafting regulatory requirements in guidelines or legislative acts;
- Experience as a Legal Officer within a financial services, supervisor or resolution authority;
- Experience as a Legal Officer within an EU institution, agency or body advising on applicable data protection, access to documents, Staff Regulations and/or ethics requirements;
- Professional experience of writing on legal issues in French, the language of the EBA's host State and working language of the CJEU.

2.3 Supplementary criteria

In addition to the above, candidates are expected to fulfil the following competencies which may be assessed during interviews:

- Strong sense of responsibility, commitment and co-operation;
- Ability to analyse complex information from a wide range of sources, consider options and propose/implement solutions/recommendations;
- Ability to manage own workload and work without close supervision;
- Being a good team player with strong inter-personal skills;
- Ability to work efficiently under time pressure.

3. Equal opportunities

As a European Union Authority, the EBA is committed to providing equal opportunities to all its employees and applicants for employment. As an employer, the EBA is committed to ensuring gender equality and to preventing discrimination on any grounds. It actively welcomes applications from all qualified candidates from diverse backgrounds, across all abilities, without any distinction on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age, marital status or other family situation or sexual orientation, and from the broadest possible geographical basis amongst the EU Member States.

In particular, the EBA encourages the applications of women for the positions where they are currently under-represented.

4. Selection procedure

The selection procedure will include the following:

4.1. A selection committee will be established for each vacancy notice whose members are of the same or higher grade than the advertised position. Candidates invited to interviews and to sit written tests shall be informed of the composition of the selection committee in the invitation.

4.2. The selection committee will analyse the 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. **Candidates who do not meet all of the eligibility criteria will be excluded from the selection procedure. Candidates who do not meet all of the essential selection criteria will not be assessed further. Eligible candidates who meet all of the essential selection criteria will be scored against the advantageous criteria.** Shortlisted candidates may be invited to interviews and to sit written tests. Interviews and written tests may possibly be held remotely.

Written tests will be carried out 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 points. The minimum score to pass: 6 points.

The interview will aim to assess the motivation and the professional knowledge of the candidates as well as their suitability to perform the duties mentioned under main responsibilities. The interview will be held in English. The total mark for the interview: 10 points. The minimum score to pass: 6 points.

Successful candidates with a total score equal to and above 12 points will be placed on the reserve list, which will be valid until **31 December 2022**. It may be renewed. Inclusion on 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. When a vacancy becomes available, candidates on the reserve list may be contacted for additional interviews.

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 agent¹⁰ fixed-term contract of three years with a probation period of nine months and the possibility of extension.

The estimated starting date is **1 June 2021**.

Information reserved for candidates employed as temporary agents under Article 2 (f) of the CEOS in other EU agencies: If the successful applicant from the external selection procedure is already a member of temporary staff 2(f) in another EU Agency, the relevant provisions of the Decision of the Management Board laying down general implementing provisions on the procedure governing the engagement and use of temporary staff under Article 2(f) of the Conditions of Employment of Other Servants of the European Union(EBA/DC/2015/126)¹¹ will apply.

5.2 Function group and grade:

The successful candidates shall be recruited as a temporary agent at grade AD 5. The estimated monthly basic salary is from € 4,917.29

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 France 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;

¹⁰ See footnote 1

¹¹ <https://www.eba.europa.eu/documents/10180/15766/Decision+on+temporary+agents+%28EBA+DC+126%29.pdf/21960254-0f33-4631-8ed4-b5dc2a501fb3>

- Leave entitlements: annual leave - 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; maternity leave; parental and family leave;
- Working arrangements: flexible working hours, teleworking arrangements, part-time working arrangements;
- EU Pension Scheme (after 10 years of service);
- EU Joint Sickness and Insurance Scheme, accident and occupational disease insurance coverage, unemployment and invalidity allowance;
- Free Access to an Accredited European School offering European education for children (please check the conditions on the school's website: <http://www.ee-parisladefense.ac-versailles.fr/en/>);
- Travel insurance when travelling on missions.

5.4 Place of employment

The offices of the European Banking Authority are located on Floors 24 - 27, Europlaza, 20 Avenue André Prothin, 92927 Paris, La Défense, France.

5.5 Ethics obligations

Independence and high standards of professional conduct are crucial for ensuring high standards and excellence for the work of the EBA. The Agency also strives to ensure that its staff do not have any interests that could affect their impartiality.

The successful candidate will be required to make a declaration of commitment to act independently in the public interest and to make an annual declaration with respect to any interests which might be considered prejudicial to his/her independence. In addition, the successful candidate will be bound to professional secrecy and to confidentiality requirements while working at the EBA and after having left; he/she will have to confirm their compliance with these requirements on a specific declaration of intention.

Before recruiting a member of staff, the EBA's Executive Director will examine whether the candidate has any personal interest which may impair his/her independence or any other conflict of interest. To that end, the applicant, using a specific form, shall inform the Executive Director of any actual or potential conflict of interest.

Former staff members will be bound to seek clearance from the EBA before engaging in another activity for two years after leaving the Agency. If that activity is related to the work carried out during the last three years of service at the EBA, and it could lead to a conflict with the legitimate interests of the EBA, the Agency can give its approval subject to any conditions it sees fit or forbid the activity.

For more information on ethics obligations, please refer to the following documents:

- Decision of the Management Board EBA DC 006 of 12 January 2011 on EBA Code of Good Administrative Behaviour;¹²
- Decision of the Executive Director EBA DC 104rev1 of 10 May 2017 on the EBA's Policy on Independence and Decision Making Processes for avoiding Conflicts of Interest (Conflict of Interest Policy) for Staff and other Contractual Parties;¹³

¹² EBA Code of Good Administrative Behaviour (EBA DC 006)

¹³ EBA Conflict of Interest Policy (EBA DC 104 rev1)

- Commission Decision C(2018) 4048 final of 29 June 2018 on outside activities and assignments and on occupational activities after leaving the Service;¹⁴
- Decision of the Executive Director EBA DC 271 of 26 April 2019 on the Ethics Guidelines for EBA staff.¹⁵

6. Submission of Applications

Applications including a **curriculum vitae in the Europass format¹⁶**, a **motivation letter**, and the **completed eligibility criteria grid** should be submitted in English in **pdf format** to the following address: **EBA-Applications@eba.europa.eu** by **14 April 2021 at 12.00 noon Paris time**.

Please indicate the reference number of this selection, your name and surname in the subject of your email.

The 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 and a copy of the document formally recognising your qualification within the EU, if applicable, (see footnote 8) 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 on the curriculum vitae is only counted from the time the candidate obtained the certificate or diploma required for the position and if it is on a paid basis (including study grants or internship grants). PhDs may be counted as professional experience if the candidate received a study grant or salary during the period of the PhD studies. The maximum duration counted for a 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 they were full time or part time must be indicated on 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 of supporting documents clearly showing duration and nature of experience upon request.

¹⁴ Outside activities and Occupational activities after leaving the Service

¹⁵ EBA Ethics Guideline for EBA staff (EBA DC 271)

¹⁶ <http://www.eba.europa.eu/about-us/careers/practical-information>

The address indicated on 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.) unless it is to demonstrate the recognition of your qualification within the EU, if applicable, (see footnote 8).

7. Data protection

EBA will ensure that candidates' personal data are processed as required by Regulation (EU) 2018/1725¹⁷. 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 calendar 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. LC TA 3/2021**
DEFENSE 4 – EUROPLAZA
20 Avenue André Prothin
CS 30154
92927 Paris La Défense CEDEX
France

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/>

¹⁷ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39)

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 duties¹⁸.

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.

¹⁸ OJ L 113 of 4 May 1994.