

**VACANCY NOTICE**  
**SECONDED NATIONAL EXPERT**

**Legal Officer**

REF: LC SEC 1/2022

<b>Type of contract</b>	Seconded National Expert (SNE)
<b>Duration of contract</b>	6 up to 24 months (with the possibility of extension)
<b>Department/Unit</b>	Legal and Compliance Unit
<b>Place of employment</b>	Paris, France
<b>Deadline for applications</b>	<b>18 May 2022 at 12:00 noon Paris time</b>
<b>Reserve list valid until</b>	31 December 2023

### 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<sup>1</sup>. It 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. As part of the European System of Financial Supervision (ESFS), the EBA works closely with the European Insurance and Occupational Pensions Authority and the European Securities Market Authorities, and the European Systemic Risk Board.

Further information on the EBA is available on the EBA website: [www.eba.europa.eu](http://www.eba.europa.eu).

<sup>1</sup> 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 EBA is seeking a suitable candidate on secondment<sup>2</sup> for the position of a **Legal Officer** in the Legal and Compliance Unit, at its offices in Paris, France.

## Job description

### Main purpose

Under the responsibility of the Head of the Legal and Compliance Unit, the Legal Officer on secondment will provide legal advice and support, to the governing bodies, management and core policy and operational functions of the EBA; he/she will ensure a sound legal environment for the EBA's overall functioning, identification and prevention of legal risks, proposal and development of solutions.

### Main responsibilities:

The Legal Officer on secondment at the EBA will typically work in one or a combination of the following areas:

- 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, including advising on 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, settlement of disputes between competent authorities, action in emergency situations and restrictions of financial activities.

The Legal Officer on secondment may also:

- Provide legal analysis and advice on internal governance and institutional matters;
- Participate in EBA working groups, representing the EBA at a technical level and cooperating effectively in their areas of responsibility with the other ESAs, EU institutions, bodies and agencies, and with 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;
- Provide legal analysis, advice and assistance in relation to litigation, in particular cases before the Board of Appeal and CJEU;
- 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.

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<sup>2</sup> EBA DC 304 - Decision of the Management Board on Secondment of National Experts of 13 December 2019

## 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, 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;<sup>3</sup>
- Be entitled to his/her full rights as a citizen;<sup>4</sup>
- Have an excellent knowledge of English as this is the working language of the EBA and a satisfactory knowledge<sup>5</sup> of another European Union language<sup>6</sup>;
- 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<sup>7</sup>;
- 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<sup>8</sup>

To be eligible, candidates 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 duration of studies and the graduation dates for all the diplomas they have obtained.**

<sup>3</sup> 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 an EFTA Member State, are not eligible for calls for applications at the EBA.

<sup>4</sup> Prior to the appointment, the successful candidate will be asked to provide an official document showing the absence of any criminal record.

<sup>5</sup> 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 \(CEFR\)](#)

<sup>6</sup> 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.

<sup>7</sup> 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.

<sup>8</sup> 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.

### 1.2.2 Professional experience

In addition to the above, candidates must have at least three years of proven fulltime professional experience in administrative, legal, scientific, technical, advisory or supervisory functions after completing the education as mentioned under section 1.2.1 of the vacancy notice.

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<sup>9</sup>, 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 curricula vitae how 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:**

- At least 2 years of professional experience (these years are included in the three years of professional experience mentioned in section 1.2.2) in advising on legal matters acquired in a legal function (e.g. lawyer in a private practice, in-house lawyer, legal adviser in a policy/supervisory function);
- Knowledge of EU law relevant to the EBA gained through professional experience;
- Professional experience of writing on legal issues in English, the EBA's working language; please give specific examples in your application.

### 2.2 Supplementary criteria

In addition to the above, candidates are expected to fulfil the following competencies that may 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 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.

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<sup>9</sup> Decision EBA DC 003 of the Management Board on Internal Language Arrangements.

### 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. Eligible candidates will then be scored on the essential criteria. Candidates who do not meet all of the essential selection criteria will not be assessed further.** The selection committee will invite to the interview and written phase the candidates (maximum of 15) who best correspond to the profile sought and on the condition that they have achieved a score of least 60% during the evaluation of applications. Interviews and written tests may possibly be held remotely.

The written test will be 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 be held in English and 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 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 2023**. 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 an additional interview.

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 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 6 up to 24 months** with the possibility of extension.

The estimated starting date is **1 July 2022**.

### 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.<sup>10</sup>

These allowances shall be multiplied by the correction coefficient currently applicable for France (119.9%).

### 5.3 Place of secondment

The offices of the European Banking Authority are located on Floors 24 to 27 of the EUROPLAZA, 20 Avenue André Prothin, 92400, Courbevoie, France.

### 5.4 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.

At the end of the secondment the SNE shall continue to have a duty of loyalty to the European Union and be bound by the obligation to act with integrity and discretion in the exercise of new duties assigned to him and in accepting certain posts or advantages.

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;<sup>11</sup>

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<sup>10</sup> For more information, please refer to Careers page of the EBA: [The different parts of your pay - Overview of the remuneration package](#)

<sup>11</sup> EBA Code of Good Administrative Behaviour (EBA DC 006)

- 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;<sup>12</sup>
- Commission Decision C(2018) 4048 final of 29 June 2018 on outside activities and assignments and on occupational activities after leaving the Service;<sup>13</sup>
- Decision of the Executive Director EBA DC 271 of 26 April 2019 on the Ethics Guidelines for EBA staff.<sup>14</sup>

## 6. Submission of Applications

Applications including **a curriculum vitae in the Europass format<sup>15</sup>, a motivation letter, a completed eligibility criteria grid and a statement<sup>16</sup> of the employer issued by the applicant's employer supporting his/her application for a position on secondment** before the deadline, should be submitted in English in **pdf format** to the following address: [EBA-Applications@eba.europa.eu](mailto:EBA-Applications@eba.europa.eu) **by 18 May 2022 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, eligibility criteria grid, a copy of the document formally recognising your qualification within the EU, if applicable, (see footnote 8) before the deadline and **a statement of the employer issued by the applicant's employer** (as defined in section 1.1. of the vacancy notice, 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 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 – please indicate clearly on your CV if this is the case.** 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.

**Exact start and end dates of all professional experience (in format dd/mm/yyyy) and whether full time or part time work must be clearly 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.

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<sup>12</sup> EBA Conflict of Interest Policy (EBA DC 104 rev1)

<sup>13</sup> Outside activities and Occupational activities after leaving the Service

<sup>14</sup> EBA Ethics Guideline for EBA staff (EBA DC 271)

<sup>15</sup> <https://eba.europa.eu/about-us/careers/practical-information>

<sup>16</sup> The template for the employer's statement can be downloaded from the EBA's website [here](#).

Details of any professional experience, training, research or studies must be given on the application form. Candidates must be able to provide supporting documents clearly showing duration and nature of experience upon request.

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) 2018/1725<sup>17</sup>. 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: [EBA-vacancies@eba.europa.eu](mailto:EBA-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 SEC 1/2022**  
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/>

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<sup>17</sup> 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 duties<sup>18</sup>.

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.

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<sup>18</sup> OJ L 113 of 4 May 1994.