



The Authority

The European Banking Authority (“EBA”) is an independent EU Authority established on 1 January 2011 by Regulation (EC) No. 1093/2010 of the European Parliament and of the Council of 24 November 2010, and published in the Official Journal of the European Union (L 331/12) on 15 December, 2010 as amended by Regulation (EU) No 1022/2013 of the European Parliament and of the Council of 23 October 2013 regarding the conferral of specific tasks on the European Central Bank pursuant to Council Regulation (EU) No 1024/2013 and published in the Official Journal of the European Union (L 287/6) on 29 October 2013.

The Mission

With a view to improving the functioning of the EU 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 ESFS, the EBA works closely together with her sister authorities, EIOPA and ESMA, as well as the Joint Committee and the ESRB.

The EBA is currently inviting applications for a position as a Legal Expert on secondment at its offices in London, United Kingdom.

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

LEGAL EXPERT

Job description

The European Banking Authority is seeking suitable candidates for the position of Legal Expert on secondment 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

Candidates will be considered eligible for selection on the basis of the following criteria to be fulfilled by the deadline for applications:

1.1 General

- Thorough knowledge of one of the languages of the European Union and a satisfactory knowledge of another language of the European Union;
- Be a national of a Member State of the European Union, of an EFTA Member State, or a country with which the Council has decided to open accession negotiations; and
- Be entitled to his/her full rights as a citizen.

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.

Only qualifications awarded by EU Member State authorities or EEA authorities or qualifications recognised as equivalent by the relevant EU or EEA Member State 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

Candidates must have, in addition to above, at least 12 years of relevant proven fulltime professional experience after completing the education as mentioned above, of which at least 6 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, 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.

2. Selection criteria

In addition to the above, the candidate must have:

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

Applications will be assessed on the basis of 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 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

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

4. Appointment and conditions of engagement, duration and starting date

The position will be offered to the successful candidate as a secondment from a national supervisory authority for a minimum period of **12 months up to 24 months renewable**. The home authority shall remain as the employer during the period of secondment.

According to the EBA decision laying down rules on the secondment of national experts to EBA¹, the seconded national experts (SNEs) are staff employed by a member of the European System of Financial Supervision or by an IGO. In individual cases, SNEs may be accepted from other employers referred to in the decision.

The person to be seconded must have worked for his/her employer on a permanent or contract basis for at least 12 months before his/her secondment and shall remain in the service of that 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.

The estimated starting date is **1 September 2016**.

5. Conditions of secondment

In accordance with the EBA decision laying down rules on the secondment of national experts to the EBA, 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. 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.

¹ Decision EBA DC 135, <http://www.eba.europa.eu/documents/10180/16082/Secondment+of+National+Experts+%28EBA+DC+135+%29.pdf/238af15a-6480-4994-b046-598e3feca196>

6. Place of employment

Offices of the European Banking Authority on Floor 45 - 46, One Canada Square, London E14 5AA – United Kingdom.

7. Submission of Applications

Applications including a curriculum vitae in the Europass format: <https://europass.cedefop.europa.eu/editors/en/cv/compose>, motivation letter, eligibility criteria grid, motivation letter, and **a statement of the employer issued by the applicant's seconding authority/institution** (member of the European System of Financial Supervision or an IGO) supporting his/her application for a position on secondment should be submitted in English to the following address: vacancies@eba.europa.eu **by 3 June 2016 at 12:00 noon London time**. Only complete applications will be accepted and considered.

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.

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). PhD s 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 revenue) 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 CV will be used as the location from which the candidates invited to interviews travel.

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

8. 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.

9. Appeal Procedure

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

9.1 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: e-mail address: vacancies@eba.europa.eu.

9.2 Appeals

a) The candidate may lodge a complaint under Article 90(2) of the Staff Regulations of Officials of the European Communities and Conditions of employment of other servants of the European Communities, within the time limits provided for, at the following address:

The Executive Director
European Banking Authority
Selection procedure: **Ref. LEG SEC 09/2016**
Floor 45 - 46, One Canada Square,
London E14 5AA – United Kingdom

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

European Union Civil Service Tribunal
Boulevard Konrad Adenauer
Luxembourg 2925

Please note that the appointing authority does not have the power to amend the decisions of a selection board. The Civil Service Tribunal has consistently held that the wide discretion enjoyed by

selection boards is not subject to review by the Civil Service Tribunal unless rules which govern the proceedings of selection boards have been infringed.

For details of how to submit an appeal, please consult the website of the European Union Civil Service Tribunal: <http://curia.europa.eu>. The time limits for initiating these two types of procedure start to run from the time you are notified of the act allegedly prejudicing your interests.

9.3 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 Ombudsman's duties, published in Official Journal of the European Union L 113 of 4 May 1994:

European Ombudsman
1 Avenue du Président Robert Schuman
CS 30403
67001 Strasbourg Cedex
France
<http://www.ombudsman.europa.eu>

Complaints made to the 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 European Union Civil Service Tribunal under Article 270 of the Treaty on the Functioning of the EU. Furthermore under Article 2(4) of the general conditions governing the performance of the Ombudsman's duties, any complaint lodged with the Ombudsman must be preceded by the appropriate administrative approaches to the institutions and bodies concerned.