



VACANCY NOTICE
LEGAL OFFICER (F/M)
REF.: ESMA/2018/VAC8/AD5

Type of contract	Temporary Agent ¹
Function group and grade	AD 5
Duration of contract	5 years, with possibility of extension ²
Division/Unit	Legal Convergence and Enforcement Unit
Place of employment	Paris, France
Deadline for applications	14/05/2018 (23:59 hrs, Paris local time)
Reserve list valid until	31/12/2019 ³

1. The Authority

ESMA is an independent EU Authority that was established on 1 January 2011. ESMA's mission is to enhance investors' protection and promote stable and orderly financial markets. This mission is derived from ESMA's founding Regulation⁴ and encompasses three objectives:

- **Investor protection:** to have the needs of financial consumers better served and to reinforce their rights as investors while acknowledging their responsibilities;
- **Orderly markets:** to promote the integrity, transparency, efficiency, and well-functioning of financial markets and robust market infrastructures, and
- **Financial stability:** to strengthen the financial system in order to be capable of withstanding shocks and the unravelling of financial imbalances while fostering economic growth.

ESMA achieves these objectives through four activities:

- assessing risks to investors, markets and financial stability;
- completing a single rulebook for EU financial markets;
- promoting supervisory convergence; and
- directly supervising specific financial entities.

ESMA achieves its mission within the European System of Financial Supervision (ESFS) through active co-operation with National Competent Authorities (in particular with securities

¹ According to the Article 2(f) of the Conditions of Employment of Other Servants (CEOS) of the European Union
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:1962R0031:20140101:EN:PDF>

² Temporary agents may be engaged under their first contract for a fixed period of 5 years. Any further renewal shall be in principle for an indefinite duration. Probationary period for the first contract is nine months.

³ The validity of the reserve list may be extended.

⁴ Regulation (EU) No 1095/2010 of the European Parliament and of the Council of 24 November 2010 establishing a European Supervisory Authority (European Securities Markets Authority), amending Decision No 716/2009/EC and repealing Commission Decision 2009/77/EC.



market regulators) as well as with the European Banking Authority (EBA) and the European Insurance and Occupational Pensions Authority (EIOPA). ESMA has a unique position within the ESFS as it exercises direct supervisory responsibilities at Union level as regards credit rating agencies, trade repositories and third country CCPs. The EU institutions are currently considering proposals aimed at enhancing further ESMA's role and responsibilities. The full text of the proposal can be found on the [EU Commission's website](#)⁵. For further information, please refer to ESMA's website: <http://www.esma.europa.eu>.

2. Job description

ESMA is organising a selection procedure for the post of **Legal Officer** within the Legal, Convergence and Enforcement (LCE) Department in view of filling a new post in the Legal team and to constitute a reserve list for both the Legal Team and the Enforcement Team.

The LCE Department is responsible for providing support and expertise to the Departments of ESMA, to senior management and to the ESMA Board of Supervisors (BoS), including as regards ethics matters and data protection. It comprises three teams, respectively in charge of:

- Legal services;
- Convergence of supervisory practices of national securities and markets Authorities; and
- Leading independent investigations in the context of enforcement proceedings.

The responsibilities of the Legal Convergence and Enforcement Department are susceptible of being enhanced in the light of the European Commission's proposal for the review of the European Supervisory Authorities⁶.

The Legal Team is tasked with providing sound outcome-focussed legal advice to the Senior and Middle Management when ESMA is exercising its tasks and powers under its founding regulation and the relevant EU sectoral legislation, including legal advice on ESMA's powers as direct supervisor of CRAs and trade repositories and as regards the recognition of third country CCPs. It is also responsible for assuring the legal quality control regarding the drafting of Technical Standards, Guidelines & Recommendations as well as other soft law instruments by ESMA. The Legal Team is also tasked with assisting and representing ESMA in any litigation proceeding.

The Enforcement Team is in charge of conducting independent investigations in the context of enforcement action against credit rating agencies and trade repositories as well as providing advice on related material and procedural questions. Besides, the team handles complaints received against alleged breaches of Union law by national securities markets regulators, which may lead to requests for information and investigations in the context of ESMA's breach of Union law powers.

Under the responsibility of the Head of the Department and the oversight of the Team Leader, jointly with other colleagues, the successful candidate(s) will be responsible for:

⁵ https://ec.europa.eu/info/law/better-regulation/initiatives/com-2017-536_en

⁶ See footnote 5 above

- Assuring the legal quality control regarding the drafting of Technical Standards, Guidelines & Recommendations, opinions and warnings as well as other soft law/ supervisory convergence instruments by ESMA;
- Providing to the Management and the other departments of ESMA sound outcome-focussed legal analysis and advice on institutional, regulatory and supervisory issues in the remits of the teams, as described above, including :
 - the ESMA founding Regulation and the relevant EU sectoral legislation ;

Issues linked to the ESMA direct supervisory activity

- issues linked to the decision of the UK to leave the EU; and/or
- the review of the European Supervisory Authorities' tasks and responsibilities; and/or
- legal proceedings notably before the Board of Appeal and the Court of Justice of the European Union;

- Establishing strong working relationships with EU agencies and institutions and representing ESMA in external conferences/seminars.

3. Professional qualifications and other requirements

A. Eligibility criteria

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

- Have at least a level of education which corresponds to completed university studies of **three years** attested by a diploma⁷,
- Be a national of a Member State of the European Union or the EEA (Norway, Liechtenstein, Iceland);
- Enjoy full rights as a citizen⁸;
- Have fulfilled any obligations imposed by the applicable laws concerning military service;
- Produce the appropriate character references as to their suitability for the performance of their duties;
- Have thorough knowledge of one of the languages of the European Union and a satisfactory knowledge⁹ of another language of the European Union;
- Be physically fit to perform duties linked to the post¹⁰;

B. Selection criteria

PRE-SCREENING PHASE

Applications which fulfil the above Eligibility criteria (part A) will be assessed against the

⁷ Only qualifications that have been awarded in EU Member States or that are subject to the equivalence certificates issued by the authorities in the said EU Member States shall be taken into consideration.

⁸ Prior to the appointment, the successful candidate will be asked to provide a police certificate confirming the absence of any criminal record.

⁹ At least at the level of B2, according to the Common European Framework of Reference for Languages: <http://europass.cedefop.europa.eu/en/resources/european-language-levels-cefr>

Knowledge of 2nd language will be tested in the oral and written form for candidates invited for interviews.

¹⁰ Before the appointment, the successful candidate shall be examined in a medical centre indicated by ESMA in order to confirm that the requirements of Article 12(2) (d) of the CEOS of EU are met (fit for work/medical clearance certificate).

Essential requirements (part B.1). Candidates who do not meet all of the Essential requirements (part B.1) will be excluded from the selection process.

Candidates who meet all of the Essential requirements (part B.1) will be scored against the Advantageous requirements (part B.2). Within this comparative evaluation of applications, the **15 candidates** who obtain the highest scores and reach a minimum score of 65% will be invited for interviews and written tests.

B.1. Essential requirements

- a) The university diploma (required under part A) must have been acquired in:
EITHER
 - i. LawOR
 - ii. Any other discipline, provided that the candidate holds a legal professional qualification (e.g. advocate, barrister, solicitor or rechtsanwalt);
- b) At least **three (3)** years of work experience as a lawyer in a public or an EU institution such as a national supervisory authority, a central bank, the European Commission, the Court of Justice of the European Union or in private practice¹¹;
- c) Knowledge, as shown by education and/or professional experience, of EU institutional law and administrative law;
- d) Excellent written and oral English¹²;
- e) Motivation for the advertised position.

B.2. Advantageous requirements

- f) Experience in excess of the criterion “b” would be considered as asset;
- g) Proven experience of providing legal advice on financial services law ideally in area relevant to ESMA’s scope of action, as provided for in Article 1(2) and 1(3) of ESMA’s founding Regulation;
- h) Proven experience in drafting legislative provisions;
- i) Experience in providing legal advice in relation to public authorities’ acts, ideally in the context of supervisory activity (ongoing supervision, investigation, enforcement);
- j) Work experience in a multicultural environment.

INTERVIEWS & WRITTEN TESTS PHASE

Candidates invited for interviews and written tests will be assessed against all selection criteria (parts B1 & B2 & B3).

B.3. Supplementary requirements

- k) Very good organisation and prioritization skills and ability to handle large volume of work

¹¹ For more information on calculating the professional experience, please consult “Candidates Guidelines” document published on ESMA’s website <http://www.esma.europa.eu/page/Vacancies-0>

¹² At least at B2 level. English is the internal working language of ESMA, as decided by ESMA Management Board with the decision ESMA/2011/MB/3 of 11/01/2011. This decision implements Article 73 (2) of the ESMA [Regulation \(EU\) No 1095/2020](#) establishing ESMA.

- in an efficient and timely manner;
- l) Strong interpersonal skills and ability to interact smoothly and efficiently with multiple internal and external stakeholders;
 - m) Ability to handle change and to adapt to new situations;
 - n) Critical thinking, problem solving skills and strong aptitude and interest in team work;
 - o) Developed sense of initiative.
 - p) Ability to focus on the key issues and provide short and comprehensive briefing to the Head of the Department and the Team Leader.

Candidates who receive at least 65% of the maximum points in both the interview and written test will be included in the reserve list of suitable candidates.

The established reserve list may be used for the recruitment of a similar post depending on the needs of ESMA. Please note that inclusion in the reserve list does not guarantee recruitment.

B.4. How to apply

Candidates must apply by sending the following documents, by the specified deadline, to vacancies@esma.europa.eu

- The application must include both CV and motivation letter in English (working language of ESMA¹³);
- Candidates shall declare their EU nationality/citizenship, their mother tongue and their second EU language – to show that they meet the eligibility requirements.
- Application documents must be marked accordingly with the reference number of the vacancy notice (see templates below).

CV in the European (Europass) format¹⁴, saved as:
ESMA_2018_VAC8_AD5_FAMILY NAME_First name_CV
Example: ESMA_2018_VAC8_AD5_SMITH_Anna_CV

Motivation letter of no more than 2 pages, explaining the interest and motivation of the candidate for this particular post, saved as:
ESMA_2018_VAC8_AD5_FAMILY NAME_First name_Motivation letter

Indication in the subject line of the email:
ESMA_2018_VAC8_AD5_FAMILY NAME_First name

Applicants will be assessed on the basis of the eligibility and selection criteria specified in the vacancy notice (as explained in part 3) and these must be met by the deadline for submitting applications.

4. Summary of conditions of employment

¹³ See footnote nr 16.

¹⁴ <http://europass.cedefop.europa.eu/en/documents/curriculum-vitae>
Please refer in your CV to all selection criteria.

- Successful external candidates may be offered an employment contract for five years as a temporary agent. Any further renewal shall be in principle for an indefinite duration.
- Successful external candidates will be recruited in the grade and classified either in step 1 or 2.

Grade/step	Minimum requirements for classification in step ¹⁵ (required level of university studies + minimum number of years of experience after university graduation)	Basic salary ¹⁶	Monthly net salary, including specific allowances ¹⁷
AD5 step 2	3 years' university degree + 3 years' experience	5,600 €	6,100 €

- The monthly basic salary is multiplied by the correction coefficient for France (currently 114.8%).
- Salaries are subject to a Union tax deducted at source and are exempt from national taxation.
- Depending on the individual family situation and the place of origin, the successful jobholder may be entitled to: expatriation allowance (16% of the basic salary), household allowance, dependent child allowance, education allowance, pre-school allowance, installation allowance, reimbursement of removal costs, initial temporary daily subsistence allowance, and other benefits.
- Reimbursement of schooling costs in Paris may be provided.
- Annual leave entitlement of two days per calendar month plus additional days for age, grade, 2,5 days home leave if applicable, and in addition on average 17 ESMA holidays per year;
- EU Pension Scheme (after 10 years of service);
- EU Joint Sickness and Insurance Scheme (JSIS), accident and occupational disease coverage, unemployment and invalidity allowance and insurance, and
- General and applicable professional training, plus professional development opportunities.

Information reserved for applicants employed under Article 2(f) of the CEOS, in EU agencies other than ESMA:

According to ESMA Management Board decision ESMA/2015/MB/56¹⁸, adopting the implementing rules on the procedure governing the engagement and use of temporary staff under Article 2(f) of the CEOS, and in particular Article 12 (2), if a successful applicant from this

¹⁵ ESMA Management Board Decision ESMA/2011/MB/55, adopting of implementing rules on classification in grade and step on appointment or engagement - Commission decision (C(2004) 1313 of 07/04/2004): https://www.esma.europa.eu/sites/default/files/library/ta_rules_on_classification_in_grade_and_step.pdf

¹⁶ An indicative information on the monthly salary. The basic salary weighted by the correction coefficient for France (currently at 114.8 %).

¹⁷ An estimation of net salary, including the deduction for tax and social security and adding the allowances (this estimation has been calculated with expatriation allowance, household allowance and with one dependent child allowance). Allowances depend in any case on the personal situation of the candidate.

¹⁸ <https://www.esma.europa.eu/sites/default/files/library/2015/10/2015-mb-56.pdf>

external selection procedure, on the closing date for applications, as well as on the day of taking up duty at ESMA

- is a member of temporary staff under Article 2(f) of the CEOS, and
- is employed within his/her agency in function group and grade included in the range AD5 – AD6,

ESMA shall offer the applicant, in writing, the opportunity either:

- a) to be assigned to the post by means of mobility, as per Article 10 of ESMA/2015/MB/56. In this case the contract at ESMA will be in continuity with the contract of the previous agency (namely with regard to grade, step, seniority in step, and duration),
OR
- b) to be assigned to the post on the basis of a new contract for a fixed period of five years, subject to the probationary period of 9 months, at the grade indicated in this external vacancy notice (AD5)¹⁹.

For more information, please refer to Careers' page of ESMA:

<https://www.esma.europa.eu/about-esma/careers>

5. Data protection

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 the 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. For more information, please check the [privacy statement on recruitment procedures](#).

¹⁹ Classification in step will be based on Articles 15 or 55 of the CEOS, as appropriate.