



European Securities and
Markets Authority

ESMA Recruitment

Policy





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1 Document information and approval

Document information			
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Person	Role [drafter, reviewer, approver]	Version	Date	Signature
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Verena Ross	Approver	V 1.0	[12/02/2016]	[Signed]



2 Introduction

Article 2 of the CEOS, as amended, has introduced, as of 1 January 2014, in its paragraph (f) a new category of temporary staff which is exclusively engaged by the agencies of the Union.

Article 56 of the CEOS requires each agency to adopt, in accordance with Article 110(2) of the Staff Regulations, general provisions on the procedures governing the engagement and use of temporary staff referred to in Article 2(f) of the CEOS.

The Management Board adopted on 23 September 2015 the Decision on the implementing rules on the engagement and use of temporary agents 2(f) (ESMA/2015/MB/56).

Article 6 of the Decision on the implementing rules on the engagement and use of temporary agents 2(f) requires the authority authorised to conclude contracts of employment (“AACC”) to issue a policy describing the process applicable to all internal and interagency selection procedures.

3 Purpose and scope

The objective of this policy is to achieve consistency of all selection procedures (external, internal and interagency) conducted at ESMA in full compliance with the principles of equal opportunities, fairness and transparency.

4 Legal basis

The legal basis for this policy, in order of hierarchy, is as follows:

1. Staff Regulations of Officials of the European Union (Staff Regulations) and the Conditions of Employment of Other Servants of the European Union (CEOS), laid down by Council Regulation (EEC, Euratom, ECSC) No 259/68, and in particular Articles 2(f) and 56 of the CEOS.
2. Implementing Rules:
 - ESMA/2015/MB/56: Decision on the implementing rules on the engagement and use of temporary agents 2(f).
 - C(2013)8970: Criteria applicable to classification in step on appointment or engagement, adopted at ESMA by analogy with ESMA/2014/MB/14.



5 Reference documents

The ESMA recruitment manual for Selection Committees (ESMA/2015/INT/100) defines further the procedures and roles of all actors in a selection procedure at ESMA. It is reviewed and updated when need arises, in order to reflect best practices and in compliance with the provisions included in the legal framework and in this policy.

6 Definitions

AACC *Authority Authorised to Conclude Contracts of Employment (at ESMA: Executive Director)*

CEOS *Conditions of Employment of Other Servants of the European Union*

7 Selection procedures

7.1 External selection procedures

External selection procedures are carried out in accordance with the legal basis for the recruitment as indicated in paragraph 4 above.

As indicated in the Article 2 of the Annex to ESMA/2015/MB/56, the Selection Committee shall be composed of at least three members whose function group and grade is at least equal to that of the post to be filled.

Further to that requirement, the following principles shall apply for external selection procedures conducted at ESMA:

- a. The Chair is usually proposed by the hiring department, or by Human Resources, and generally possesses the technical expertise in the field needed to identify the most suitable candidates;
- b. The second member can be selected from any department;
- c. The third member will be designated by the Staff Committee.
- d. In addition to the three members, there will be an HR representative who will ensure the respect of the principles of equal opportunities, fairness and transparency and the correct application of the relevant rules.
- e. The Selection Committee may include observer(s) or additional member(s) if deemed necessary.
- f. In accordance with article 12(2) of the CEOS, the applicants' knowledge of a second EU language will be evaluated orally during the test phase to ensure compliance with



the eligibility criteria on the satisfactory knowledge of the second EU language. In case the second language assessment cannot be conducted by the Selection Committee, an external assessor shall be consulted.

7.2 Interagency selection procedures

Interagency selection procedures follow the same principles as external selection procedures.

The function group and grade of the members of the Selection Committee shall be at least equal to the lowest grade included in the published range.

7.3 Internal selection procedures

Internal selection procedures follow the same principles as external selection procedures.

The following exceptions apply if the internal selection procedure is not run in parallel with the external selection procedure:

- a. The function group and grade of the members of the Selection Committee shall be at least equal to the lowest grade included in the published range.
- b. The length of the publication period on ESMA's intranet shall not be less than 10 working days.
- c. The written test is not compulsory.
- d. The knowledge of the second EU language will not be tested.
- e. The general eligibility criteria stated in the vacancy will not be assessed, if compliance with them is demonstrated by supporting documents included in the internal candidate's personal file.
- f. If there is only one eligible candidate who has applied to the internal selection procedure, the Executive Director may decide on the assignment of the candidate to the new position, with no need to organise a formal process with the Selection Committee.



8 Consultation status

ESMA Staff Committee, Data Protection Officer and Internal Control Officer have been consulted prior to the approval of the policy.

9 Data protection

Applicants' and Selection Committees' personal data for all selection procedures 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.

10 Records

The original and electronic versions of this policy are stored by HR.

11 Final provisions

This policy enters into force on the day following its adoption and shall be published on the intranet. The ESMA internal mobility policy (ESMA/2013/INT/64-3) of 8 August 2013 is repealed. The previous ESMA recruitment policy (ESMA/2013/INT/231) of 5 March 2013 is repealed and replaced by the present policy.