



## VACANCY NOTICE

### SENIOR LEGAL OFFICER (LEGAL OR ENFORCEMENT PROFILE)

(F/M)

REF.: ESMA/2017/VAC19/AD7

<b>Type of contract</b>	Temporary Agent <sup>1</sup>
<b>Function group and grade</b>	AD7
<b>Duration of contract</b>	5 years, with possibility of extension <sup>2</sup>
<b>Department</b>	Legal, Convergence and Enforcement Department
<b>Place of employment</b>	Paris, France
<b>Deadline for applications</b>	05/02/2018 (23:59 hrs, Paris local time)
<b>Reserve list valid until</b>	31/12/2019 <sup>3</sup>

#### 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 Regulation<sup>4</sup> and encompasses three objectives:

- **Investors' 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 its mission within the European System of Financial Supervision (ESFS) through active co-operation with National Competent Authorities (in particular with securities 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 focuses on the securities and financial markets dimension and the overarching European aspects of these objectives. For further information, please refer to ESMA's website: <http://www.esma.europa.eu>.

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<sup>1</sup> According to the Article 2(f) of the [Conditions of Employment of Other Servants \(CEOS\)](#) of the European Union.

<sup>2</sup> 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.

<sup>3</sup> The validity of the reserve list may be extended.

<sup>4</sup> 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.



## 2. Job framework and profile

ESMA is organising a selection procedure for the post of **Senior Legal Officer** within the Legal, Convergence and Enforcement (LCE) Department in view of filling a vacant 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 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 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:

- providing sound outcome-focussed legal analysis and advice in the remits of the teams, as described above, including on enforcement matters, strategic issues linked to the decision of the UK to leave the EU or the European Commission's proposal to review the European Supervisory Authorities' tasks and responsibilities;
- representing ESMA in proceedings notably before the Board of Appeal and the Court of Justice of the European Union and
- establishing strong working relationships with EU agencies and institutions and representing ESMA in external conferences/seminars.

The responsibilities of both teams are susceptible of being enhanced in the light of the European Commission's proposal for the review of the European Supervisory Authorities.

### 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 four years attested by a diploma<sup>5</sup>, and after having obtained the diploma, six years of proven professional experience<sup>6</sup>;  
OR
- have at least a level of education which corresponds to completed university studies of three years attested by a diploma<sup>7</sup>, and after obtained the diploma, seven years of proven professional experience<sup>8</sup>;
- be a national of a Member State of the European Union or the EEA (Norway, Liechtenstein, Iceland);
- enjoy full rights as a citizen<sup>9</sup>;
- 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 a thorough knowledge of one of the languages of the European Union<sup>10</sup> and a satisfactory knowledge<sup>11</sup> of another language of the European Union, and
- be physically fit to perform the duties linked to the post<sup>12</sup>.

#### B. Selection criteria

##### **PRE-SCREENING PHASE**

Applications which fulfil the above Eligibility criteria (part A) will be assessed against the 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 12 best candidates, who obtain the highest scores and reach a minimum score of 65%, will be invited for interviews and written tests.

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<sup>5</sup> 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.

<sup>6</sup> For more information on calculating the professional experience, please consult the “Candidates Guidelines” document published on ESMA’s website <https://www.esma.europa.eu/about-esma/careers>

<sup>7</sup> See footnote 13.

<sup>8</sup> See footnote 14.

<sup>9</sup> Prior to the appointment, the successful candidate will be asked to provide a police certificate confirming the absence of any criminal record.

<sup>10</sup> The languages of the EU 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>11</sup> At least at the level B2, according to the Common European Framework of Reference for Languages:

<http://europass.cedefop.europa.eu/en/resources/european-language-levels-cefr>

Knowledge of the 2<sup>nd</sup> EU language will be tested orally for candidates invited for interviews.

<sup>12</sup> Before the appointment, the successful candidate shall be examined by one of the EU medical centres in order to confirm that the candidate fulfils the requirements of Article 12(2) (d) of the CEOS (physical fitness to perform the duties).

## **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 six years of work experience in a legal function (acquired after the minimum university qualification, see point 3A above) in a public or an EU institution such as a national supervisory authority, a central bank, the European Commission, the European Court of Justice or in private practice/companies;
- c) Experience of financial services law in several areas relevant to ESMA's scope of action, as provided for in Article 1(2) and 1(3) of ESMA's founding Regulation<sup>13</sup>, and/or the legal rules applicable in enforcement cases;
- d) Very good written and oral English<sup>14</sup>.

## **B.2. Advantageous requirements**

- e) Experience in excess of the criterion "b" would be considered as asset;
- f) Very good knowledge, as shown by education and/or professional experience, of EU institutional law and administrative law;
- g) Proven experience in drafting legislative and regulatory provisions, including EU law or enforcement decisions;
- h) Experience of litigation, including before Union courts/bodies, as shown by professional experience;
- i) Experience in providing legal advice to public authorities, ideally in the context of supervisory activity (ongoing supervision, investigation, enforcement);
- j) Experience in coordinating work in a multicultural environment;
- k) Motivation for the advertised position.

## **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**

- l) Excellent organisation and prioritization skills and ability to handle large volume of work in an efficient and timely manner;
- m) Strong interpersonal skills and ability to interact smoothly and efficiently with multiple internal and external stakeholders;
- n) Ability to handle change and facilitate the necessary implementation steps;
- o) Critical thinking, problem solving skills and strong aptitude and interest in team work;
- p) Developed sense of initiative with proven ability to work independently.

<sup>13</sup> <https://www.esma.europa.eu/document/regulation-establishing-esma>

<sup>14</sup> 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 1095/2010](#) establishing ESMA.

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](mailto:vacancies@esma.europa.eu)

- The application must include both CV and motivation letter in English (working language of ESMA<sup>15</sup>);
- Application documents must be marked accordingly with the reference number of the vacancy notice (see templates below).

**CV in the European (Europass) format**<sup>16</sup>, saved as:  
ESMA\_2017\_VAC19\_AD7\_FAMILY NAME\_First name\_CV  
*Example: ESMA\_2017\_VAC19\_AD7\_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\_2017\_VAC19\_AD7\_FAMILY NAME\_First name\_Motivation letter

Indication in the subject line of the email:  
ESMA\_2017\_VAC19\_AD7\_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**

- 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.

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<sup>15</sup> See footnote nr 14.

<sup>16</sup> <http://europass.cedefop.europa.eu/en/documents/curriculum-vitae>  
Please refer in your CV to all selection criteria.

Grade/step	Minimum requirements for classification in step <sup>17</sup> (required level of university studies + minimum number of years of experience after university graduation)	Basic salary <sup>18</sup>	Monthly net salary, including specific allowances <sup>19</sup>
AD7 step 1	4 years' university degree + 6 years' experience	6,900 €	7,590 €
AD7 step 2	4 years' university degree + 9 years' experience	7,200 €	7,840 €

- 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/56<sup>20</sup>, 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 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 AD7 – AD8,

<sup>17</sup> 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](https://www.esma.europa.eu/sites/default/files/library/ta_rules_on_classification_in_grade_and_step.pdf)

<sup>18</sup> An indicative information on the monthly salary. The basic salary weighted by the correction coefficient for France (currently at 113.8 %).

<sup>19</sup> 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.

<sup>20</sup> <https://www.esma.europa.eu/sites/default/files/library/2015/10/2015-mb-56.pdf>

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 external vacancy notice (AD7)<sup>21</sup>.

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](#).

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<sup>21</sup> Classification in step will be based on Articles 15 or 55 of the CEOS, as appropriate.