



## VACANCY NOTICE

### LEGAL OFFICER

(F/M)

**REF.: ESMA/2016/VAC23/FGIV**

<b>Type of contract</b>	Contract Agent <sup>1</sup>
<b>Function group and grade</b>	FGIV
<b>Duration of contract</b>	1-3 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>	24/10/2016 (23:59 hrs, Paris local time)
<b>Reserve list valid until</b>	31/12/2017 <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>

<sup>1</sup> According to the Article 3 (a) of the [Conditions of Employment of Other Servants \(CEOS\)](#) of the European Union.

<sup>2</sup> Contract agents may be engaged under their first contract for a fixed-term period. The contract may be renewed for a second fixed-term period, and upon its second renewal converted into a contract of 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 to recruit **Legal Officers**, and establish a list of suitable candidates, which can be employed in one of the below mentioned areas.

The Legal, Convergence and Enforcement Department of ESMA is responsible for providing support and expertise to other Departments of ESMA, to senior management and to ESMA's Board of Supervisors (BoS) in the following three main areas:

- Legal services;
- Enforcement, and
- Supervisory Convergence.

The Legal and Enforcement teams are tasked with legal analysis and advice, conducting enforcement procedures and representing ESMA in proceedings, notably before the European Supervisory Authorities' (ESAs) Board of Appeal, the General Court, and the Court of Justice of the European Union.

**Depending of the needs of the hiring Department, the successful candidates might be offered a short term contract (between 1 to 3 years).**

Under the responsibility of the Head of Department and/or Team Leader, the successful candidate will be responsible for some of the following tasks:

- drafting legal advice on questions relating to ESMA's tasks and powers (including breach of Union law, settlement of disagreements (between national supervisors), action in Emergency Situations, procedures before the ESAs' Board of Appeals (BoA)), or litigation;
- drafting legal advice on administrative issues arising in the context of an EU agency, such as access to documents, data protection and intellectual property rights;
- carrying out legal research and analysis of case-law, in particular from the European Court of Justice and/or decisional practice of the Board of Appeal;
- drafting and reviewing legal texts, including draft technical standards;
- drafting and/or reviewing implementing rules and guidelines;
- encrypting, preparing and monitoring access to investigation files in the context of enforcement proceedings at Board level;
- drafting and verifying operational procedures and legal templates;
- participating in defining new tools for document management, creating and feeding the Authority's databases with material related to law;
- monitoring developments in relevant regulatory legislation, and
- fulfilling other tasks on an ad hoc basis within the post's area of responsibility.

### 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 diploma<sup>5</sup>, and after having obtained the diploma, one year of proven professional experience<sup>6</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>7</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>8</sup> and a satisfactory knowledge<sup>9</sup> of another language of the European Union, and
- be physically fit to perform the duties linked to the post<sup>10</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 6 best 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 diploma (required under the part 3A) must be acquired in law;
- b) At least two (2) years of proven experience (including the required experience under the part 3A) must be acquired in a legal function;

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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 "Candidates Guidelines" document published on ESMA's website <http://www.esma.europa.eu/page/Vacancies-0>

<sup>7</sup> Prior to the appointment, the successful candidate will be asked to provide a police certificate confirming the absence of any criminal record.

<sup>8</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>9</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 in both oral and written form for candidates invited for interviews.

<sup>10</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 82(3)(d) of the CEOS (physical fitness to perform the duties).



- c) Experience or knowledge (acquired by education) of financial services law in the area relevant to ESMA's scope of action as provided for in Article 1(2) and 1(3) of ESMA's founding Regulation;
- d) Proven experience of legal drafting in English;
- e) Excellent written and oral English<sup>11</sup>.

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

- a) Proven experience in the area of EU law covered by Directive 2004/39/EC<sup>12</sup>, Directive 2003/71/EC<sup>13</sup> and Directive 2004/109/EC<sup>14</sup> and their implementing acts;
- b) Experience or knowledge of EU institutional law;
- c) Experience in drafting legislative and regulatory provisions, as shown by example(s);
- d) Experience in providing legal advice, as shown by example(s);
- e) Experience in regulation, supervision, enforcement, control or litigation function;
- f) Experience in the use of IT tools, such as legal research databases and/or encryption software tools, supported by example(s);
- g) Work experience in a multicultural environment, in particular within the EU institutional framework;
- h) 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**

- a) Excellent organisational and planning skills;
- b) Attention to details and accuracy;
- c) Capacity to work as a part of a team;
- d) Excellent communication and presentation skills, orally and in writing, and
- e) Ability to work under pressure and deliver high quality work under very tight timelines.

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, via email to [vacancies@esma.europa.eu](mailto:vacancies@esma.europa.eu):

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<sup>11</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 1095/2020](#) establishing ESMA.

<sup>12</sup> Directive 2004/39/EC of the European Parliament and of the Council of 21 April 2004 on markets in financial instruments amending Council Directives 85/61/EEC, OJ L 145, 30.4.2004, p.1

<sup>13</sup> Directive 2003/71/EC of the European Parliament and of the Council of 4 November 2003 on the prospectus to be published when securities are offered to the public or admitted to trading and amending Directive 2001/34/EC, OJ L 345, 31.12.2003, p. 64–89

<sup>14</sup> Directive 2004/109/EC of the European Parliament and of the Council of 15 December 2004 on the harmonisation of transparency requirements in relation to information about issuers whose securities are admitted to trading on a regulated market and amending Directive 2001/34/EC, OJ L 390, 31.12.2004, p.38



- 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\_2016\_VAC23\_FGIV\_FAMILY NAME\_First name\_CV  
*Example: ESMA\_2016\_VAC23\_FGIV\_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\_2016\_VAC23\_FGIV\_FAMILY NAME\_First name\_Motivation letter

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 three years as a contract agent. The contract may be renewed for a second fixed-term period, and upon its second renewal converted into a contract of indefinite duration.
- Successful external candidates will be recruited in the respective grade, and classified in the step 1.

Function group/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)	Monthly salary <sup>18</sup>	Monthly net salary, including specific allowances <sup>19</sup>
FGIV 13 step 1	Post-secondary education + up to 8 years' experience	3,720 €	4,533 €
FGIV 14 step 1	Post-secondary education + more than 8 years' experience	4,210 €	5,001 €
FGIV 16 step 1	Post-secondary education + more than 21 years' experience	5,389 €	6,098 €

- The monthly basic salary is multiplied by the correction coefficient for France (currently 114.6%).
- Salaries are subject to a Union tax deducted at source and are exempt from national

<sup>15</sup> See footnote nr 11.

<sup>16</sup> <http://europass.cedefop.europa.eu/en/documents/curriculum-vitae>

Please refer in your CV to all selection criteria.

<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> The basic salary weighted by the correction coefficient for France (currently at 114.6 %).

<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.

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.
- 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.

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](#).