

VACANCY NOTICE

LEGAL TEAM LEADER

(F/M)

REF.: ESMA/2016/VAC21/AD9

Type of contract	Temporary Agent ¹
Function group and grade	AD9
Duration of contract	5 years, with possibility of extension ²
Division/Unit	Legal Convergence and Cooperation Department
Place of employment	Paris, France
Deadline for applications	30/09/2016
Reserve list valid until	31/12/2017 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:

- **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>

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

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, OJ L 331, 15.12.2010, p.84.

2. Job framework and profile

ESMA is organising a selection procedure for the post of **Legal Team Leader** within the Legal, Convergence and Enforcement (LCE) Department.

The LCE Department is responsible for providing support and expertise to other Departments of ESMA, to senior management and to ESMA's Board of Supervisors (BoS). 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 legal analysis and advice, and with representing ESMA in proceedings, notably before the Board of Appeal and the Court of Justice of the European Union.

Under the oversight of the LCE Head of Department, the jobholder will:

- Ensure sound outcome-focussed legal advice is provided to the ESMA Chair, Executive Director, Board of Supervisors and Management Board, senior executives and all the Departments and Units of the Authority, particularly in respect of:
 - drafting technical standards, guidelines and recommendations and other instruments available to ESMA;
 - the supervision of credit rating agencies, trade repositories and the recognition of third country CCPs;
 - the enforcement process before the ESMA Board of Supervisors, potentially giving rise to sanctions;
 - the execution of ESMA's powers in particular in relation to Breach of Union Law, mediation and action in emergency situations;
 - application of ESMA's founding regulation and of EU law within ESMA's scope of action, as provided for in Article 1(2) and 1(3) of ESMA's founding Regulation;
 - preparation of relevant implementing rules, rules of procedures, decisions;
 - legal challenges/complaints against ESMA (e.g. Ombudsman, Board of Appeal, Court of Justice of the European Union);
 - other issues including cooperation arrangements with third countries, with National Competent Authorities of Member States, and cooperation between the ESAs and the Commission;
- have the legal skills, ability and experience to add value to the legal output of team members, and the ability to coach members of the legal team in both technical and soft skills.

The jobholder will also be responsible for:

- planning and organising the effective allocation of the work between the various members of the team;
- ensuring the timely delivery of sound outcome-focussed legal advice;
- representing the team and ESMA in meetings with internal and external stakeholders;
- developing effective cooperation and communication within the team, across ESMA, and with the legal teams of other relevant bodies such as EBA, EIOPA, the Commission, and NCAs.

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 diploma⁵ in a field relevant for this position, and after having obtained the diploma, twelve years of proven professional experience⁶ in some or all of the fields covered by the job description;
OR
- have at least a level of education which corresponds to completed university studies of three years attested by a diploma⁷ in a field relevant for this position, and after obtained the diploma, thirteen years of proven professional experience⁸ in some or all of the fields covered by the job description;
- be a national of a Member State of the European Union or the EEA (Norway, Liechtenstein, Iceland);
- enjoy full rights as a citizen⁹;
- 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 Union¹⁰ and a satisfactory knowledge¹¹ of another language of the European Union, and
- be physically fit to perform the duties linked to the post¹².

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,

⁵ 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.

⁶ 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>

⁷ See footnote 5.

⁸ See footnote 6.

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

¹⁰ 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.

¹¹ 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 2nd EU language will be tested orally for candidates invited for interviews.

¹² 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).

the 6 best candidates who both obtain the highest scores and reach a minimum score of 65% will be invited for interviews and written tests.

B.1. Essential requirements

- a) A degree corresponding to completed university studies (as required by part A) either:
 - a. In any discipline, provided that the candidate holds a legal professional qualification (e.g. advocate, barrister, solicitor or rechtsanwalt); or otherwise
 - b. In law.
- b) A minimum of nine years of experience (acquired after the minimum qualification, see part A) as a lawyer in a law firm or as a legal expert in a public or private body;
- c) Proven experience in an EU institution (or body or agency), international organisation or in a national competent authority (ESFS);
- d) Proven experience with legal disputes under administrative appeals before national courts and/or Court of Justice of the European Union, supported by example(s);
- e) Proven experience of financial services law in areas relevant to ESMA's scope of action, as provided for in Article 1(2) and 1(3) of ESMA's founding Regulation, and
- f) Excellent written and oral English¹³.

B.2. Advantageous requirements

- a) Proven experience in managing a team or working in a managerial role;
- b) In-depth knowledge, as shown by education and/or professional experience, in the field of administrative law relevant to an EU agency, including but not limited to EU civil service law, EU financial regulations;
- c) In-depth knowledge, as shown by education and/or professional experience, in the field of EU institutional law (including but not limited to instruments of secondary law and EU decision-making process);
- d) Experience of drafting legislation, preferably at European level, and
- e) 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) Ability to lead and motivate staff and enhance work performance;
- b) Excellent organisational and planning skills;
- c) Excellent communication and presentation skills, orally and in writing, and
- d) Ability to work under pressure and deliver high quality work under very tight timelines.

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.

¹³ At least 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.

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 ESMA¹⁴);
- Application documents must be marked accordingly with the reference number of the vacancy notice (see templates below).

CV in the European (Europass) format¹⁵, saved as:
ESMA_2016_VAC21_AD9_FAMILY NAME_First name_CV
Example: ESMA_2016_VAC21_AD9_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_VAC21_AD9_FAMILY NAME_First name_Motivation letter

Indication in the subject line of the email:
ESMA_2016_VAC21_AD9_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.

Grade/step	Minimum requirements for classification in step ¹⁶ (required level of university studies + minimum number of years of experience after university graduation)	Monthly salary ¹⁷	Monthly net salary, including specific allowances ¹⁸
AD9 step 1	4 years' university degree + 12 years' experience	8,431 €	8,798 €

¹⁴ See footnote nr 13.

¹⁵ <http://europass.cedefop.europa.eu/en/documents/curriculum-vitae>

Please refer in your CV to all selection criteria.

¹⁶ 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

¹⁷ The basic salary weighted by the correction coefficient for France (currently at 114.6 %).

¹⁸ 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.

AD9 step 2	4 years' university degree + 15 years' experience	8,785 €	9,090 €
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- 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 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.

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/56¹⁹, 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 AD9 or AD10,

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 (AD9)²⁰.

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

¹⁹ <https://www.esma.europa.eu/sites/default/files/library/2015/10/2015-mb-56.pdf>

²⁰ Classification in step will be based on Articles 15 or 55 of the CEOS, as appropriate.



<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](#).