



VACANCY NOTICE

LEGAL OFFICER

(F/M)

REF.: ESMA/2021/VAC06/AD5

Type of contract	Temporary Agent ¹
Function group and grade	AD5
Duration of contract	5 years, with possibility of extension ²
Department	Legal & Enforcement Department (Legal Unit)
Place of employment	Paris, France
Deadline for applications	22/07/2021 (23:59 hrs, Paris local time)
Reserve list valid until	31/12/2022

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 Regulation³ 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 activities⁴:

- 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.

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 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.

⁴ <https://www.esma.europa.eu/about-esma/esma-in-short/esma-organigramme>



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>

2. Job framework and profile

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

The LEX Department is a transversal Department responsible for providing support and expertise to other Departments/Directorate and to senior management, as well as to ESMA's Board of Supervisors and Management Board regarding legal and enforcement matters, ethics, anti-fraud and data protection. It comprises one Unit and one team, respectively in charge of:

- providing legal services; and
- leading independent investigations.

The Legal (LEG) Unit 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 namely Credit Rating Agencies, Trade Repositories (TRs), Securitisation Repositories and Tier 2 Third-country CCPs and as regards the recognition of third-country CCPs, third-country TRs and third-country CSDs. It is also responsible for assuring the legal quality control regarding the drafting of Technical Standards, Guidelines & Recommendations, Opinions as well as other legal acts of ESMA. Last but not least, the Legal Unit is also tasked with assisting and representing ESMA in any litigation proceeding.

The Enforcement (ENF) Team is in charge of conducting independent investigations in the context of enforcement action against credit rating agencies and trade repositories, securitisation repositories and Tier 2 third country CCPs 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. Last, the Enforcement Team coordinates a Network of enforcers at National Competent Authorities.

Reporting to the LEG Head of Unit, jointly with other colleagues, the successful candidate(s) will be responsible for:

- providing sound outcome-focussed legal analysis and advice;
- drafting or reviewing legal documents, in respect of the legal acts within ESMA's scope of action, including any supervisory actions or measures;
- preparing emergency, intervention (such as product intervention) or convergence measures; and
- contributing to legal proceedings notably before the Board of Appeal and the Court of Justice of the European Union.

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 diploma⁵;
- be a national of a Member State of the European Union or the EEA (Norway, Liechtenstein, Iceland);
- enjoy full rights as a citizen⁶;
- have fulfilled any obligations imposed by the applicable laws concerning military service;
- have a thorough knowledge of one of the languages of the European Union⁷ and a satisfactory knowledge⁸ of another language of the European Union, and
- be physically fit to perform the duties linked to the post⁹.

B. Selection criteria

PRE-SCREENING PHASE

Applications which fulfil the above Eligibility criteria (part A) will be assessed and scored against the Essential requirements (part B.1). Candidates who do not meet all the Essential requirements (part B.1) will be excluded from the selection process.

Candidates who meet all the Essential requirements (part B.1) will be scored against the Advantageous requirements (part B.2).

Within this comparative evaluation of applications, the **15 best candidates** (who obtain the highest scores) will be invited first for the written test¹⁰ (1st part of the selection procedure). Consequently, the candidates, who reach a minimum score of 60% for the written tests, will then be invited for the interviews¹¹ with the ESMA Selection Board (2nd part of the selection procedure).

B.1. Essential requirements

- a) University degree¹² in law;

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

⁷ 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.

⁸ 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.

⁹ Before the appointment, the successful candidate shall be examined by ESMA's medical centre in order to confirm that the candidate fulfils the requirements of Article 12(2) (d) of the CEOS (physical fitness to perform the duties).

¹⁰ The tests may be performed remotely (via dedicated online platform).

¹¹ Interviews may be organised remotely (via video Teams application).

¹² As required under part 3A of the vacancy notice.

- b) At least one (1) year of work experience¹³ as a lawyer or legal officer:
- in a national public body or an EU institution, body, office or agency (such as a national supervisory authority, a central bank, the European Commission, the European Court of Justice)
 - or
 - in private practice advising on issues of securities' law or corporate law;
- c) Proven experience in drafting legal advice or legal provisions;
- d) Knowledge, as shown by education and/or professional experience, of EU financial law, institutional law and/or administrative law; and
- e) Excellent written and oral English and clear and concise writing style¹⁴.

B.2. Advantageous requirements

- f) At least three (3) years of work experience¹⁵ in financial services law, ideally in area relevant to ESMA's scope of action;
- g) Experience in providing legal advice to public authorities, ideally in the context of supervisory activity (ongoing supervision, investigation, enforcement)
- h) Knowledge or professional experience in intellectual property law or data protection; and
- i) 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

- j) Very good organisation and prioritization skills and ability to handle large volume of work in an efficient and timely manner;
- k) Very good analytical skills and ability to prepare a well-structured legal advice;
- l) Critical thinking, problem solving skills and strong aptitude for teamwork;
- m) Strong interpersonal skills and ability to interact smoothly and efficiently with multiple internal and external stakeholders;

The candidates who receive at least 60% of the maximum points in both the interviews 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.

The Selection Board's work and deliberations are strictly confidential and any contact with its members is strictly forbidden. Any contact made by the candidates or third parties in order to

¹³ Experience must be acquired after the minimum education, as required under part 3A.

¹⁴ At least at C1 level <https://europass.cedefop.europa.eu/resources/european-language-levels-cefr>, as evidenced in the CV/motivation. English is the internal working language of ESMA, as decided by ESMA Management Board with the decision ES-MA/2011/MB/3 of 11/01/2011. This decision implements Article 73 (2) of the ESMA [Regulation \(EU\) No 1095/2010](#) establishing ESMA.

¹⁵ Experience must be acquired after the minimum education, as required under part 3A.



influence the Members of the Selection Board in relation to the selection constitutes grounds for disqualification from the selection procedure.

4. How to apply

You must submit your application through [e-Recruitment](#). ESMA does not accept applications submitted by any other means.

All sections of the application must be completed in English. In order to be considered, applications must be received by 23:59:59 CET on the closing date. We advise you to submit your application well ahead of the deadline, in order to avoid potential problems due to heavy traffic on the website.

Please consult the [Candidates Guidelines](#) for instructions on completing your application. Following the submission of the application candidates will receive an automatic email acknowledging receipt of the application.

Please note that all correspondence will take place by email, so candidates should ensure that the email address associated with applicant's account is correct and that it is checked regularly.

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.

5. 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 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 net salary without allowances ¹⁷	Monthly net salary, including specific/family allowances ¹⁸
AD5 step 1	3 years' university degree	4,688 €	6,768 €
AD5 step 2	3 years' university degree + 3 years' experience	4,864 €	6,997€

- The monthly basic salary is multiplied by the correction coefficient for France (currently 120.5%).
- Salaries are subject to a Union tax deducted at source and are exempt from national

¹⁶ ESMA Management Board Decision ESMA-2014-MB-14, adopting of general implementing provisions concerning the criteria applicable to classification in step on appointment or engagement - Commission decision (C(2013) 8970 of 16/12/2013): https://www.esma.europa.eu/sites/default/files/library/decision_on_classification_in_step_2013.pdf

¹⁷ An estimation of net salary, including the correction coefficient for France, deduction for tax and social security, without any allowances (this estimation has been calculated for a candidate who is not entitled for expatriation allowance in France and has no family).

¹⁸ An estimation of net salary, including the correction coefficient for France, 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.

6. Data protection

Candidates' personal data are processed as required by the Regulation (EU) No 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data.¹⁹ This applies in particular to the confidentiality and security of such data. For more information, please check the [privacy statement on recruitment procedures](#).

ESMA will take all necessary measures to ensure the confidentiality of the procedure, however it cannot be ruled out that candidates see one another on the day of the interview or written test.

¹⁹ Regulation (EU) No 2018/1725 of the European Parliament and of the Council of 23 October 2018, OJ L 295, 21.11.2018, p. 39