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(Announcements)

ADMINISTRATIVE PROCEDURES

EUROPEAN COMMISSION

Call for expression of interest in the appointment as technically qualified member of the Board of Appeal of the European Chemicals Agency

(2020/C 116/06)

Description of the Agency

The **European Chemicals Agency** (the Agency) created on 1 June 2007 and located in Helsinki, Finland, plays a central role in the implementation of the REACH, CLP, BPR and PIC Regulations.

REACH ⁽¹⁾ is the Regulation on Registration, Evaluation, Authorisation and Restriction of Chemicals. It entered into force on 1 June 2007. The provisions under Articles 75 to 111 of REACH regulate the functioning of the Agency and describe the tasks it shall perform.

CLP ⁽²⁾ is the Regulation on Classification and Labelling and Packaging of chemicals. It entered into force on 20 January 2009. Article 50 of the Regulation describes the tasks of the Agency.

BPR ⁽³⁾ is the Biocidal Product Regulation, which entered into force on 1 September 2013 and concerns the placing on the market and use of biocidal products. The provisions under Article 74 of BRP describe the role of the Agency.

PIC ⁽⁴⁾ is the Prior Informed Consent Regulation, which entered into force on 1 March 2014 and administers the import and export of certain hazardous chemicals and places obligations on companies who wish to export these chemicals to non-EU countries. The provisions under Article 6 of PIC describe the tasks to be performed by the Agency.

The Agency has been also entrusted recently with specific tasks within the Waste Framework Directive ⁽⁵⁾ and the Regulation on persistent organic pollutants ⁽⁶⁾.

For further information please consult the following website: <http://www.echa.europa.eu/>

The Board of Appeal

Articles 89 to 94 of Regulation (EC) No 1907/2006 of the European Parliament and of the Council ⁽⁷⁾ set out the relevant provisions in relation to appeals. Article 89 provides for the establishment of a Board of Appeal. The Board is responsible for deciding on appeals against certain individual decisions of the Agency, as defined in Article 91 of REACH.

⁽¹⁾ OJ L 396, 30.12.2006, p. 1.

⁽²⁾ OJ L 353, 31.12.2008, p. 1.

⁽³⁾ OJ L 167, 27.6.2012, p. 1.

⁽⁴⁾ OJ L 201, 27.7.2012, p. 60.

⁽⁵⁾ OJ L 150, 14.6.2018, p. 109.

⁽⁶⁾ OJ L 169, 25.6.2019, p. 45.

⁽⁷⁾ OJ L 396, 30.12.2006, p. 1.

The Board of Appeal is also responsible for deciding on appeals against decisions of the Agency as defined in Article 77 of the Biocidal Products Regulation (EU) No 528/2012 ⁽⁸⁾.

The Board of Appeal consists of a Chair and two other members. They are staff of the Agency. They shall have alternates, who are not staff of the Agency, to replace them in their absence. The qualifications of the members are defined in Commission Regulation (EC) No 1238/2007 of 23 October 2007 laying down rules on qualifications of the members of the Board of Appeal of the European Chemicals Agency ⁽⁹⁾. According to this Regulation, the Board of Appeal shall consist of technically and legally qualified members.

The Chair and the other members of the Board of Appeal shall be independent. In making their decisions, they shall not be bound by any instructions. They shall not perform any other duties in the Agency.

The Chair and the other members of the Board of Appeal, when deciding on appeals, will observe the rules on organisation established in, and follow the procedure set up by, Commission Regulation (EC) No 771/2008 ⁽¹⁰⁾ as modified by Commission Implementing Regulation (EU) 2016/823 ⁽¹¹⁾.

To ensure that the Board of Appeal can operate smoothly, the Board of Appeal is assisted in the exercise of its duties by a Registry, which is led by a Registrar.

We propose

The task of the Technically Qualified Member of the Board of Appeal shall include the following:

- examine and decide on appeals in an independent and impartial manner;
- respect legal principles and rules in the proceedings;
- act as rapporteur for appeals as designated by the Chair;
- carry out the initial analysis of appeals;
- participate in adoption of procedural decisions (e.g. interventions, stay of proceedings);
- propose procedural measures (e.g. requesting parties to provide additional information in relation to certain aspects of the case; putting questions to the parties);
- participate in oral hearings;
- draft final decisions on appeals in a timely and thorough manner.

Candidates must (eligibility criteria)

In order to be considered for the selection phase, candidates must fulfil the following formal criteria by closing date for applications:

- be a national of a Member State of the European Union ⁽¹²⁾ or a national of the European Economic Area (Iceland, Liechtenstein, Norway);
- have a recognised degree, either:
 - following successful completion of university studies where the normal duration of university education is four years or more giving access to postgraduate studies; or
 - following successful completion of university studies attested by a degree where the normal duration of university education is three years, and an additional year of relevant professional experience (this one year's professional experience cannot be included in the postgraduate professional experience required below);

⁽⁸⁾ Regulation (EU) No 528/2012 of the European Parliament and of the Council of 22 May 2012 concerning the making available on the market and use of biocidal products (OJ L 167, 27.6.2012, p. 1).

⁽⁹⁾ OJ L 280, 24.10.2007, p. 10.

⁽¹⁰⁾ OJ L 206, 2.8.2008, p. 5.

⁽¹¹⁾ OJ L 137, 26.5.2016, p. 4.

⁽¹²⁾ The Member States of the European Union are: Belgium, Bulgaria, Czech Republic, Denmark, Germany, Estonia, Ireland, Greece, Spain, France, Croatia, Italy, Cyprus, Latvia, Lithuania, Luxembourg, Hungary, Malta, Netherlands, Austria, Poland, Portugal, Romania, Slovenia, Slovakia, Finland and Sweden.

- have a minimum of 12 years' professional experience in scientific or technical fields relevant to REACH and/or Biocidal Products Regulations, including hazard assessment, exposure assessment or risk management with regard to human health or environment risks of chemical substances or related fields (acquired following the award of the university degree or the degree and the experience or equivalent qualification mentioned above). The required professional experience shall include at least five years in the regulatory management of chemicals or analogous regulatory systems ⁽¹³⁾;
- have a thorough knowledge of one of the official languages of the European Union ⁽¹⁴⁾ and a satisfactory knowledge of at least one other official language of the European Union to the extent necessary for the performance of their duties.
- At the deadline for applications, candidates must be able to complete the full five-year mandate in accordance with Article 47(a) of the Conditions of Employment of Other Servants of the European Union before reaching retirement age. For temporary staff of the EU entering the service as from 1 January 2014, retirement age is defined as being the end of the month in which the person reaches the age of 66 ⁽¹⁵⁾.

In addition, candidates must fulfil the following formal criteria on the closing date for applications:

- enjoy their full rights as a citizen;
- have fulfilled any obligations imposed by the laws concerning military service;
- produce appropriate character references as to their suitability for the performance of their duties ⁽¹⁶⁾;
- be physically fit to perform their duties ⁽¹⁷⁾.

We look for (selection criteria)

The candidates should have:

- the ability to make decisions and work collegially with others;
- strong communication and inter-personal skills, being able to have effective and efficient discussions within a collegial body;
- proven knowledge and experience of the subject matters under the competence of the Board of Appeal;
- a very good command of English (the predominant language of communication within the Agency), both oral and written communication skills;
- a good knowledge and understanding of the technical aspects of REACH and EU legislation on biocides or analogous regulatory systems ⁽¹⁸⁾.

The following will be considered an asset:

- knowledge and understanding of procedures in the context of regulatory appeal and/or arbitration procedures;
- experience in European Union law, related to chemicals, or in another analogous regulatory field;
- experience of working in a collegial body;
- experience of working in a multicultural environment.

⁽¹³⁾ This means regulatory systems such as those governing plant protection products, biocides, food additive es, pharmaceuticals or cosmetics, the Water Framework Directive, the Integrated Pollution Prevention and Control Directive, the Seveso Directive, or regulatory provisions on occupational safety and health in relation to chemicals.

⁽¹⁴⁾ The official languages of the European Union 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.

⁽¹⁵⁾ Staff Regulation of Officials and Conditions of Employment of Other Servants of the European Union: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A01962R0031-20140501>.

⁽¹⁶⁾ Before the appointment, successful applicants will be required to produce an official document showing that they do not have a criminal record.

⁽¹⁷⁾ Before the appointment, successful applicant will be required to undergo a medical examination to ensure that they fulfil the requirements of Article 28(e) of the Staff Regulations of the Officials of the European Communities.

⁽¹⁸⁾ OJ L 206, 2.8.2008, p. 5.

Selection, appointment and conditions of employment

Under the terms of Regulation (EC) No 1907/2006, the Management Board will decide on the appointment of the Technically Qualified Member on the basis of a list of qualified candidates proposed by the European Commission. The purpose of this call for expression of interest is to allow the Commission to establish a list of candidates to be proposed to the Management Board. Candidates should note that inclusion on the list of the European Commission does not guarantee appointment.

The European Commission will organise the selection of the Technically Qualified Member of the Board of Appeal. To this end, it will set up a selection panel which will invite candidates fulfilling all eligibility requirements listed above and having the best profile for the specific requirements based on their merits and the criteria set out above for an interview.

Following this interview, this selection panel draws up a list of the most suitable candidates. This list will be adopted by the European Commission and communicated to the Management Board of the Agency. Before the interview by the Management Board of the Agency, the candidates in the list will have to undergo testing by an assessment centre run by external recruitment consultants.

The Management Board will interview the candidates on the European Commission shortlist and appoint the member of the Board of Appeal.

For practical reasons and in order to complete the selection procedure as quickly as possible in the interest of the candidates as well as that of the Agency, the selection procedure will be carried out in English only. Nevertheless, selection panels will verify during the interview(s) whether candidates comply with the requirement of a satisfactory knowledge of another official EU language.

The Technically Qualified Member will be appointed as a member of the temporary staff at grade AD 11 in accordance with the Agency's general implementing provisions on the procedure governing the engagement and use of temporary staff under Article 2(f) of the Conditions of Employment of Other Servants of the European Union for a term of five years that may be extended once for a further period of five years.

The Technically Qualified Member will be required to declare any interests which may conflict with his/her duty to the Board of Appeal in compliance with Article 90(5) and (6) of Regulation (EC) No 1907/2006.

The reserve list for this position will be valid for a period of five years from the date of the decision of the Management Board on the appointment of a member.

The place of employment is at the Agency in Helsinki.

Submission of applications

Before submitting your application, you should carefully check whether you meet all the eligibility criteria ('Candidates must'), particularly concerning the required types of diploma and professional experience as well as your linguistic capacity. Failure to possess any of these eligibility requirements means an automatic exclusion from the selection procedure.

You must have a valid email address. This will be used to identify your registration as well as to remain in contact with you during the different stages of the selection process. Therefore, please keep the European Commission informed about any change in your email address.

To complete the application, the candidates need to send a CV and a letter of motivation to the following email address: GROW-ECHA-BOA-TQM@ec.europa.eu

You will receive an electronic mail confirming that your application has been registered.

If you require more information and/or encounter technical problems, please send an email to: grow-d1@ec.europa.eu

Closing date

The closing date for submissions of applications is **11 May 2020, 12.00 noon Brussels time**. It is your responsibility to complete your application and send it on time. We strongly advise you not to wait until the last few days before applying. Late submissions of applications are not accepted.

Important information for candidates

Candidates are reminded that the work of the selection committees is confidential. It is forbidden for applicants to make direct or indirect contact with members of these committees, or for anybody to do so, on their behalf.

For the applications to be valid, interested persons must send a curriculum vitae and a letter of motivation (maximum 8 000 characters) in PDF format.

The curriculum vitae should preferably be drafted using the European CV format. If any of these documents is not in English, then an English translation must be provided. Certified copies of degrees/diplomas, references, proof of experience, etc. should not be sent at this point but must be submitted at a later stage of the procedure if requested.

Independence and declaration of interests

Members of the Board of Appeal act independently in the public interest and must declare any interests that might be considered prejudicial to his/her independence. Candidates must confirm their willingness to do so in their application.

Due to the particular nature of the function, candidates invited to selection interviews will be required to sign a declaration relating to their past, current or future interests that might be considered prejudicial to their independence.

The candidates must also meet the eligibility criteria to safeguard the independence of the Board of Appeal, established by the Management Board of the ECHA in Annex 2 to the Procedure for the Prevention and Management of potential Conflict of Interest ⁽¹⁹⁾.

In accordance with Article 16 of the Staff Regulations ⁽²⁰⁾, whose provisions apply by analogy to temporary Agents, the Technically Qualified Member of the Board of Appeal shall, after leaving the service, continue to be bound by the duty to behave with integrity and discretion as regards the acceptance of certain appointments or benefits.

This includes the obligation to inform the Management Board of ECHA sufficiently in advance of the intention to engage in an occupational activity, whether gainful or not, during a period of two years after having left the service. If that activity is related to the work carried out during the last three years in service and could lead to a conflict with the legitimate interests of the Agency, the Management Board of the Agency may, having regard to the interests of the service, either forbid the ex-member from undertaking it or give its approval subject to any conditions it considers fit.

Equal opportunities

The European Union applies a policy of equal opportunities and non-discrimination in accordance with Article 1d of the Staff Regulations ⁽²¹⁾. It takes great care to avoid any form of discrimination in its recruitment procedures and actively encourages applications from women.

Protection of personal data

The Commission and ECHA will ensure that candidates' personal data are processed as required by Regulation (EU) 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, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC ⁽²²⁾. This applies in particular to the confidentiality and security of such data.

⁽¹⁹⁾ PRO-0067.04, as adopted by the Management Board on 25 February 2019:

https://echa.europa.eu/documents/10162/13608/pro_0067_04_coi_management_en.pdf/c4082b12-5830-4647-abf7-47c4a0879c86

⁽²⁰⁾ Staff Regulation of Officials and Conditions of Employment of Other Servants of the European Union:
<https://eur-lex.europa.eu/%20LexUriServ/LexUriServ.do?uri=CONSLEG:1962R0031:20140101:EN:PDF>

⁽²¹⁾ Ibid.

⁽²²⁾ OJ L 295, 21.11.2018, p. 39.