

Legal Officer (enforcement profile)

REF.: ESMA/2023/VAC23/AD5

Type of contract	Temporary Agent ¹
Function group and grade	AD5
Duration of contract	5 years, with possibility of extension ²
Department	Legal and Enforcement Department (Enforcement Team)
Place of employment	Paris, France – office based
Deadline for applications	24/11/2023 (23:59 hrs, Paris local time)
Reserve list valid until	31/12/2024

1 The Authority

The European Securities and Markets Authority (ESMA) is an independent EU authority established in January 2011. ESMA's mission is to enhance investors' protection and promote stable and orderly financial markets as specified in its [founding Regulation](#).

The Authority has published its [ESMA Strategy 2023-2028](#) identifying for the coming years three strategic priorities:

- fostering effective markets and financial stability;
- strengthening supervision of EU financial markets;
- enhancing protection of retail investors;

and two thematic drivers:

- enabling sustainable finance; and
- facilitating technological innovation and effective use of data.

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

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.

Insurance and Occupational Pensions Authority (EIOPA). ESMA has a unique position within the ESFS as it exercises direct supervision over a number of financial markets participants established in the EU or offering financial services in the EU from third countries.

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 (enforcement profile) to staff a vacant post and to constitute a reserve list of suitable candidates.

The Legal and Enforcement (LEX) Department 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 areas of legal services and enforcement.

The LEX Department is composed of one Unit and one Team:

The Legal Unit is responsible for giving advice, assistance and assuring the legislative quality control regarding the drafting of Technical Standards, Guidelines & Recommendations and other Guidance Instruments, on ESMA's tasks and powers and when ESMA acts in its capacity as supervisor (of Credit Ratings Agencies, Trade and Securitization Repositories, Data Service Providers, Critical Benchmarks and third-country Central Counterparties). The team also acts as legal counsel to ESMA's middle and senior management as well as ESMA's Board of Appeal, and closely liaises with legal officers of the EBA and the EIOPA.

The Enforcement Team is responsible for independent enforcement investigations (potentially resulting in supervisory measures and fines) in the context of ESMA's supervisory activities, and for providing legal advice on material and procedural questions when ESMA acts as an enforcer. In addition, the team:

- aims to enhance supervisory convergence between National Competent Authorities in enforcement matters;
- handles complaints against National Competent Authorities and assesses whether investigations into a potential breach of Union law should be initiated; and
- is in charge of responding to the growing number of requests related to fraud concerning ESMA's logo and identity and combating this type of fraud.

More information about [ESMA's Departments](#) and [organigramme](#).

This profile is for you if you:

- are interested in legal analysis, as well as supervision and enforcement at the EU level;
- have excellent written and oral communication skills;
- are a problem solver and have critical, analytical thinking skills;
- are a good team player;

- like to coordinate and work on several workstreams in parallel;
- thrive in a culturally diverse work environment.

Main duties:

- providing sound outcome-focussed legal analysis and advice, notably on breach of Union law and enforcement matters;
- handling complaints against National Competent Authorities and requests related to fraud concerning ESMA's logo and identity;
- assisting the work of the Enforcement Working Group and the Senior Supervisors' Forum (Enforcement configuration);
- providing timely and legally-sound support to independent investigation officers; and
- contributing to the advice of the BoS on enforcement matters.

3 Professional qualifications and other requirements

3.1 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 diploma³;
- be a national of a Member State of the European Union or the EEA (Norway, Liechtenstein, Iceland);
- enjoy full rights as a citizen⁴;
- have fulfilled any obligations imposed by the applicable laws concerning military service;
- have a thorough knowledge of one of the languages of the European Union⁵ and a satisfactory knowledge⁶ of another language of the European Union, and
- be physically fit to perform the duties linked to the post⁷.

³ Only qualifications that have been awarded in EU Member States or that are subject to equivalence certificates issued by the authorities of an EU Member State shall be taken into consideration.

⁴ Prior to the appointment, the successful candidate will be asked to provide a police certificate confirming the absence of any criminal record.

⁵ 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.

⁶ At least at the level B2, according to the [Common European Framework of Reference for Languages](#). Knowledge of the 2nd EU language will be tested orally for candidates invited for interviews.

⁷ 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).

3.2 Selection criteria

Applications which fulfil the above Eligibility criteria (part 3.1) will be assessed and scored against the Essential requirements (part 3.2.1). Candidates who do not meet all the Essential requirements (part 3.2.1) will be excluded from the selection process.

Candidates who meet all the Essential requirements (part 3.2.1) will be scored against the Advantageous requirements (part 3.2.2).

Within this comparative evaluation of applications, the **10 best candidates** (who obtain the highest scores) will be invited first for a written test⁸ (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 interviews with the Selection Board (2nd part of the selection procedure).

3.2.1 Essential requirements

- a) University degree⁹ in either law OR any other discipline, provided that, in the second case, the candidate holds a legal professional qualification (e.g. advocate, barrister, solicitor or Rechtsanwalt);
- b) At least one (1) year of work experience¹⁰ as a lawyer in a law firm OR as a 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, etc.);
- c) Experience in advising on EU financial law OR EU institutional / administrative law; and
- d) Excellent written and oral English and clear and concise writing style⁶.

3.2.2 Advantageous requirements

- e) Experience in providing legal advice in the context of supervisory or investigatory activity (e.g. ongoing supervision, requests for information, investigation, inspection) (please provide examples in your application);
- f) Experience in drafting legal advice or decisions in an enforcement context, ideally on financial services matters (please provide examples in your application);
- g) Experience in coordinating the work of multiple stakeholders (please provide examples in your application); and
- h) Motivation for the advertised position.

Candidates invited for interviews and written tests will be assessed against all selection criteria (parts 3.2.1 & 3.2.2 & 3.2.3).

⁸ Tests and/or interviews may be performed remotely.

⁹ As required under the part 3.1.

¹⁰ Experience must be acquired after the minimum education, as required under part 3.1.

3.2.3 Supplementary requirements

- i) Very good organisation and prioritisation skills and ability to handle large volume of work in an efficient and timely manner;
- j) Very good analytical skills and ability to prepare well-structured legal advice;
- k) Critical thinking, problem solving skills and strong aptitude for teamwork;
- l) 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 written tests and interviews will be included in the reserve list of suitable candidates.

The established reserve list may be used for the recruitment to 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 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. 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, to avoid potential problems due to increased activity on the recruitment platform.

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 ¹¹ <i>(required level of university studies + minimum number of years of experience after university graduation)</i>	Monthly net salary, without expatriation or family allowances (incl. correction coefficient for France)	Monthly net salary, with expatriation and without family allowances (incl. correction coefficient for France)	Monthly net salary, with expatriation and family allowances for one child (incl. correction coefficient for France)
AD5 step 1	3 years university degree	€ 4,987.57	€ 5,996.16	€ 7,200.14
AD5 step 2	3 years university degree + 3 years experience	€ 5,174.78	€ 6,225.76	€ 7,443.94

- The monthly basic salary is multiplied by the correction coefficient for France (currently 115.6%).
- Salaries are subject to a Union tax deducted at source and are exempt from national taxation. In the above-mentioned examples, tax is already deducted.
- 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.

¹¹ [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).

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.¹² This applies in particular to the confidentiality and security of such data. For more information, please check the [data protection statement](#) and [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.

7 Ethics obligations

ESMA Staff members act as ambassador of ESMA and abide by, and actively promote, the highest ethical, integrity and good administration principles as set out in [ESMA's Conflict of Interest Policy for ESMA Staff](#) and [ESMA's Code of Good Administrative Behaviour](#).

Selected candidates who are offered a position at ESMA undergo a conflict of interest check before they can be effectively recruited by ESMA. Similarly, before leaving, a conflict of interest check is performed on staff's prospective employment and former staff remains under an obligation to notify ESMA of new employment positions for two years after leaving¹³.

Strict professional secrecy duties apply while working at ESMA and after leaving.

8 Appeal procedure

If, at any stage of the selection procedure, you consider that your interests have been prejudiced by a particular decision, you can take the actions detailed in point 5.7 of the [Candidates Guidelines](#).

9 Equality and diversity

Here at ESMA we believe in equality & diversity. ESMA is an equal opportunity employer committed to providing a welcoming environment. We welcome applications from all qualified candidates, irrespective of their age, gender, ethnicity or social origin, political or religious affiliation, disability or sexual orientation.

¹² 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

¹³ See in particular Section 7.8 of ESMA's Conflict of Interests Policy and Title Four of Commission Decision C(2018)404 final of 29 June 2018 on outside activities and assignments and on occupational after leaving the Service, as incorporated in ESMA's Conflict of Interests Policy.

