

Call for expression of interest in the appointment of members of the Board of Appeal of the three European Supervisory Authorities for the financial services sector (European Banking Authority, European Insurance and Occupational Pensions Authority and European Securities and Markets Authority)

1. Description of the Authorities

The European Banking Authority (EBA), the European Insurance and Occupational Pensions Authority (EIOPA), and the European Securities and Markets Authority (ESMA), are created by Regulation (EU) No 1093/2010, Regulation (EU) No 1094/2010, and Regulation (EU) No 1095/2010 respectively ⁽¹⁾. Together, they constitute European Supervisory Authorities for the financial services sectors, and are members of the European System of Financial Supervision.

They have as their goals for their respective sectors of competence, among others:

- bringing about a sound, effective and consistent level of regulation and supervision,
- ensuring the integrity, transparency, efficiency and orderly functioning of financial markets,
- strengthening international supervisory coordination,
- preventing regulatory arbitrage and promoting equal conditions of competition,
- ensuring that the taking of investment and other risks are appropriately regulated and supervised,
- enhancing customer protection, and
- enhancing supervisory convergence across the internal market.

In addition, ESMA carries out the direct supervision of credit rating agencies, trade and securitisation repositories within the EU, as well as third-country central counterparties (TC-CCPs), in particular for those of systemic importance or likely to become of systemic importance for the financial stability of the Union or of one or more of its Member States. ESMA is also entrusted with powers to directly supervise critical and third-country benchmarks as well as data reporting services providers. Finally, among others, ESMA also performs tasks relevant to over-the-counter (OTC) derivatives, short-selling of securities and critical market infrastructures.

To this end, in addition to adopting non-binding acts such as guidelines and recommendations, and draft

¹ Published in OJ L 331, 15.12.2010.

technical standards, each Authority may also adopt binding decisions in certain circumstances addressed to national supervisory authorities or to individual financial institutions, which, together with certain other decisions, will be appealable acts.

EBA and ESMA have their seats in Paris, France, and EIOPA has its seat in Frankfurt am Main, Germany. Each of the Authorities was established on 1 January 2011.

2. The Board of Appeal

Articles 60 and 61 of each of the three Regulations set out the relevant remedies against decisions of the Authorities. Articles 58 and 59 of each Regulation provide for the establishment of a Board of Appeal of the three Authorities. The Board of Appeal is responsible for deciding on appeals against certain individual decisions of the Authorities. Its decisions can themselves be contested before the Court of Justice of the European Union.

The Board of Appeal shall be composed of six members and six alternates (two members and two alternates designated per and by each Authority), who shall be individuals of high repute with a proven record of relevant knowledge of Union law and of having international professional experience, to a sufficiently high level in the fields of banking, insurance, occupational pensions, securities markets or other financial services. Excluded are current staff of the competent authorities or other national or Union institutions or bodies involved in the activities of the Authorities and members of the Insurance and Reinsurance Stakeholder Group, the Occupational Pensions Stakeholder Group, the Banking Stakeholder Group or the Securities and Markets Stakeholder Group. Members and alternates shall be nationals of a Member State and shall have a thorough knowledge of at least two official languages of the Union. The Board of Appeal shall have sufficient legal expertise to provide expert legal advice on the legality, including proportionality, of the Authorities' exercise of their powers.

The members of the Board of Appeal shall be independent in making their decisions. They shall not be bound by any instructions.

The Board of Appeal designates its own President.

The term of office of the members of the Board of Appeal shall be five years. This term may be extended once.

3. Eligibility criteria

Candidates must, as of the closing date for applications:

- be a national of a Member State of the European Union ⁽²⁾,
- not be current staff of the competent authorities or other national or Union institutions or bodies involved in the activities of the Authorities,
- not be a member of an Authority's Stakeholders Groups,

² The Member States of the European Union are: Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, The Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain and Sweden

— have (a) successfully completed a full course of university studies in law or economics or another subject relevant for the work of the Authorities, attested by a degree where the normal duration of university education is four years or more giving access to undertake postgraduate studies; or (b) successfully completed a full course of university studies in law, economics or another subject relevant for the work of the Authorities attested by a degree where the normal duration of university education is three years, and an additional year of relevant professional experience; or (c) succeeded in qualifying to pursue professional activities as a lawyer in a Member State,

— have a minimum of 15 years' international professional experience relevant to banking, insurance, occupational pensions, securities markets or other financial services (acquired following the award of the university degree or the degree and the experience mentioned above). This experience may include policymaking and supervision,

— have a proven record of the knowledge and understanding of EU legislation in the fields of banking, insurance, occupational pensions or securities markets.

— have a thorough knowledge of at least two official languages of the Union ⁽³⁾ (the predominant language of communication within the Authorities will be English but appeals may be brought in any official language of the European Union).

4. Selection criteria

The following will be taken into consideration:

— a proven record of relevant knowledge and professional experience, including supervisory experience to a high level in the fields of insurance, occupational pensions, securities markets or other financial services,

— a very good knowledge and understanding of the rules of procedure of the Court of Justice of the European Union, and/or of judicial practice in the context of regulatory appeals and/or arbitration procedures,

— legal or academic work related to supervision is a strong advantage,

— the ability to be available at short notice to hear appeals against decisions of the Authorities,

— the potential for conflicts of interest which could limit the ability of a candidate to hear appeals,

5. Selection procedure and working conditions

Natural persons are invited to submit an expression of interest in accordance with the rules set out in this notice.

³ Bulgarian, Croatian, Czech, Danish, Dutch, English, Estonian, Finnish, French, Irish, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish, Swedish.

Under the terms of Regulations (EU) No 1093/2010, (EU) No 1094/2010, and (EU) No 1095/2010, the Management Board of each Authority will decide (after consultation with their respective Boards of Supervisors) on the appointment of members and/or alternates on the basis of a shortlist proposed by the European Commission.

After having received the shortlist, the European Parliament may invite candidates for members and alternates to make a statement before it and answer any questions from its Members.

The European Parliament may invite the members of the Board of Appeal to make a statement before it and answer any questions from its Members whenever so requested, to the exclusion of statements, questions or answers pertaining to individual cases decided by, or pending before, the Board of Appeal.

The purpose of this call for expression of interest is to allow the Commission to establish a shortlist of candidates to be proposed to the Management Boards of the Authorities for the positions of members/alternates of the Board of Appeal. Candidates should note that inclusion on the shortlist of the European Commission does not guarantee appointment.

The shortlist to be established by the Commission should take the form of a reserve list. Having regard to the possible future needs of the three European Supervisory Authorities as regards appointment of new members or alternates to the Board of Appeal, the reserve list will be valid for 5 years from the adoption of the Commission Decision.

The European Commission will organize the selection process for establishing the shortlist of members/alternates 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 for an interview.

Following these interviews, the European Commission's selection panel draws up a shortlist of the most suitable candidates. This list will be adopted by the European Commission and communicated to the Management Boards of the three Authorities and to the European Parliament. The Authorities apply arrangements that enable them to appraise efficiently the short-listed candidates. This may include interviews.

The members of the Board of Appeal may not perform any other duties in the Authorities, in their Management Boards or in their Boards of Supervisors. They shall receive appropriate expenses and compensation according to the ESAs' budgetary constraints for the tasks accomplished on the basis of a contract as service providers, but shall not be permanent employees of the Authorities. Members of the Board of Appeals may therefore be in full-time employment, if this is compatible with their ability to hear appeals at short notice. The level of activity of the Board of Appeal will depend on the number of appeals made against decisions of the Authorities.

The members of the Board of Appeal shall undertake to act independently and in the public interest. For that purpose, they shall make a declaration of commitments and a declaration of interests indicating either the absence of any interest which may be considered prejudicial to their independence or the nature of any direct or indirect interest which might be considered prejudicial to their independence. Those declarations shall be made public, annually and in writing.

6. Submission of applications

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

If you want to apply, you must register via the Internet on the following website and follow the instructions concerning the various stages of the procedure:

<https://ec.europa.eu/dgs/human-resources/seniormanagementvacancies/>

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

To complete your application, you need to upload a CV in PDF format and to fill out, online, a letter of motivation (maximum 8 000 characters). Your CV and your letter of motivation may be submitted in any of the official languages of the European Union.

Candidates are invited to specify all the EU languages they know and the corresponding level of knowledge according to the Common European Framework of Reference for Languages⁴. 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.

Once you have finished your online registration, you will receive an electronic mail confirming that your application has been registered. **If you do not receive a confirmation mail, your application has not been registered!**

Please note that it is not possible to monitor the progress of your application on-line. You will be contacted directly by the European Commission regarding the status of your application.

If you require more information and/or encounter technical problems, please send an e-mail to: HR-MANAGEMENT-ONLINE@ec.europa.eu

For functional reasons and to complete the selection procedure as quickly as possible in the interest of the candidates as well as that of the institutions, the selection procedure will be carried out in English⁵.

Closing date

The closing date for registration is 8 February 2021. Online registration will not be possible after 12.00 noon Brussels time.

It is your responsibility to complete your online registration in time. We strongly advise you not to wait until the last few days before applying, since heavy internet traffic or a fault with your internet connection could lead to the online registration being terminated before you complete it, thereby obliging you to repeat the whole process. Once the deadline for the submission of registrations has passed, you will no longer be able to introduce any data. Late registrations are not accepted.

7. Equal opportunities

⁴ <https://www.coe.int/en/web/common-european-framework-reference-languages/table-1-cefr-3.3-common-reference-levels-global-scale>

⁵ The selection panel will ensure that no undue advantage is given to native speakers.

The European Union institutions and other bodies apply a policy of equal opportunities and accept applications without distinction on the grounds of sex, race, colour, ethnic or social origin, genetic features, language, religion, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation.

8. Protection of personal data

The Commission 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. This applies in particular to the confidentiality and security of such data ⁽⁶⁾.

9. Conflict of Interest

The successful candidates included in the shortlist shall be required to make a declaration of the conflict of interest before the selection process by the ESAs Board of Supervisors. In particular, the shortlisted candidates will be required to make a declaration of commitment to act independently in the public interest and to make a declaration in respect of any interests which might be considered prejudicial to his/her independence which will be examined in accordance with ESAs Ethics framework.

10. Remuneration policy

Board of Appeal members and alternates are remunerated for their work.

The President and the members shall be remunerated by the ESAs at a fixed rate according to the ESAs Board of Appeal remuneration policy. The travel and subsistence expenses for attending annual Board of Appeal meeting will be reimbursed according to the EU Commission staff reimbursement rules.

The following remuneration scheme is foreseen based on currently applicable rules:

- Members and alternates participating in proceedings (only when assigned to an appeal case) shall be remunerated at a rate of 800 EUR per day, with a maximum of 8,000 EUR per case per person.
- The President and the Rapporteur participating in proceedings shall be remunerated at a rate of 1000 EUR per day with a maximum of 20,000 EUR respectively per person per case.

⁶ OJ L 295, 21.11.2018, p. 39