

Vacancy Notice for the position of

Legal Officer

(Contract Staff, Function Group IV)

**in the Legal Services of the European Union Agency for the Cooperation of
Energy Regulators (ACER)**

REF.: ACER/2020/04

Publication

External

Title Function

Legal Officer

1. WE ARE

The European Union Agency for the Cooperation of Energy Regulators (hereinafter referred to as “ACER”) is a European Union (“EU”) body, legally established by Regulation (EU) No 2019/942¹ and operational since 2011. ACER is central to the liberalisation of the EU's electricity and natural gas markets.

The purpose of ACER is to assist National Regulatory Authorities (“NRAs”) in exercising, at Union level, the regulatory tasks that they perform in the Member States and, where necessary, to coordinate their action, and to mediate and settle disagreements between them. ACER shall also contribute to the establishment of high-quality common regulatory and supervisory practices, thus contributing to the consistent, efficient and effective application of Union law in order to achieve the Union's climate and energy goals.

In this respect, ACER:

- a) Complements and coordinates the work of NRAs;
- b) Participates in the development of European network rules;
- c) Takes, under certain conditions, binding individual decisions on terms and conditions for access and operational security for cross-border infrastructure, on cross-border cost allocation for Projects of Common Interest and on terms and conditions or methodologies for the implementation of network codes;
- d) Gives advice on electricity and natural gas related issues to the European institutions;
- e) Monitors the internal markets in electricity and natural gas and reports on its findings;

¹ Regulation (EU) No 2019/942 of the European Parliament and of the Council of 05 June 2019 (recast).

- f) Monitors trading in wholesale energy products to detect and deter market abuse and ensure the integrity and transparency of EU wholesale energy markets.

The main areas on which ACER's activities focus are:

- Supporting European market integration: this is mainly done through the development of common network and market rules, as well as through the coordination of regional initiatives which are concrete efforts from market participants to work towards greater integration;
- Advising the EU Institutions on trans-European energy infrastructure issues: ACER issues opinions on ten-year network development plans, to ensure that these are in line with priorities set at EU level, and on the draft lists of Projects of Common Interest;
- Energy market monitoring: ACER has a general mission in terms of market monitoring at the EU level and has, since the end of 2011, a very specific responsibility when it comes to the oversight of wholesale energy trading.

With the "Clean Energy for all Europeans" package legislation, additional tasks have been assigned to ACER, including, in particular:

- Approving the all TSOs' proposals for terms and conditions or methodologies to be developed under the Commission Guidelines,
- Approving or amending the new resource adequacy and risk preparedness methodologies to be developed by ENTSO-E,
- Monitoring state interventions preventing prices from reflecting actual scarcity and the performance of Member States in electricity security of supply issues.

ACER currently employs more than 90 staff members and has an approved annual budget of € 16.8 million in 2020. ACER's internal structure comprises five Departments (Electricity, Gas, Market Surveillance and Conduct (MSC), Market Integrity and Transparency (MIT) and Corporate Services), Strategy Development and Communications Team and four horizontal clusters (BoR-Brussels Liaison team, Legal Services, Data Excellence and IT/Security). Please find the ACER's organisational chart on the following link:

http://www.acer.europa.eu/en/The_agency/Organisation/Pages/ACER-departments.aspx

Operating under the Director, the Legal Services is a cluster composed of several Legal Officers and a Team Leader, which provides legal advice and support to all five Departments. In addition, the legal officers can also be called upon to operate the Registry of ACER's Board of Appeal (BoA). In the latter case, they will work under the authority of, and follow instructions from, the BoA Chair.

ACER is located in Ljubljana (Slovenia).

2. WE PROPOSE

ACER is looking for a Legal Officer who will be assigned to ACER's Legal Services.

The Legal Officer's duties would be the provision of legal advice and support which may be required in any of the areas in which ACER is active, i.e., electricity, gas, REMIT or administrative files (public procurement, Staff Regulations, data protection).

Given the wide scope of its activities, the Legal Officer would start with those files that would be most closely related to his/her current knowledge and work experience. However, it is expected that the Legal Officer gradually will become able to contribute to any of the cases

brought to the Legal Service Cluster, including litigation work, providing peak assistance to the departments where needed.

The work of the Legal Officer could thus cover a wide range of legal files, such as:

- providing legal advice and support to the electricity and gas department in the drafting of decisions, opinions, recommendations, reports, and/or in the interpretation of the applicable legal framework;
- providing legal advice and support to the MIT and MSC departments in the assessment of market conduct of market participants and in the drafting of guidance to National Regulatory Authorities;
- providing legal advice and support to the Contract Services department with respect to the human resources, finance, IT and procurement activities, in contractual and non-contractual matters;
- providing legal advice on European Union data protection law;
- providing legal advice on the legal validity and liability related to acts and decisions of ACER, and on inter-institutional matters;
- acting as Registrar or deputy Registrar of ACER's Board of Appeal, and managing the related budget line;
- assist in litigation, whenever appropriate;
- legal research in the areas falling in the duties of the post;
- liaising with the European Commission, legal or technical staff from the National Regulatory Authorities, or engaging with other stakeholders.

The Legal Officer will be required to act with a service culture, handling files with confidentiality and professional integrity. Having excellent interpersonal and communication skills, he/she should be able to operate in multicultural working environments and liaise with different stakeholders.

He/she is expected to be proactive, with a team spirit, good management of stress, good level of flexibility, being able to prioritise, delivering quality and results with attention to detail and commitment to excellence.

The successful candidate may be required, at times, to assist in other areas of the work of ACER, according to needs and priorities, as determined by the Legal Services Team Leader or the Director.

All staff working at ACER share the following core competences: cooperating, delivering quality results, communicating, problem solving, being service oriented, self-development and knowledge sharing, valuing diversity.

3. WE LOOK FOR

A) Eligibility criteria

Candidates will be considered eligible for the selection phase on the basis of the following formal criteria, which have to be fulfilled by the deadline for applications:

1. To have a level of education which corresponds to completed university studies of at least three (3) years, attested by a diploma, and appropriate professional experience of at least one (1) year²;

(Only study titles that have been awarded in the EU Member States or that are subject to the equivalence certificates issued by the authorities in the said Member States shall be taken into consideration.)

2. To have a thorough knowledge of one of the official languages of the European Union³ or Norway, Iceland and Liechtenstein and a satisfactory knowledge of a second of these languages (level B2 of CERF⁴) to the extent necessary to perform his/her duties;
3. Be nationals of a Member State of the European Union, Norway, Iceland or Liechtenstein;
4. To be entitled to his/her full rights as a citizen;
5. To have fulfilled any obligations imposed by the applicable laws concerning military service;
6. To be physically fit to perform the duties linked to the post⁵.

B) Selection criteria

The following criteria will be assessed when selecting the candidates for the interviews:

Technical knowledge:

1. University degree in law,
2. By the deadline for applications, having acquired at least two (2) years of relevant professional experience⁶ after obtaining the qualifications mentioned in point 3 A) above,
3. Relevant professional experience in Union law,
4. Relevant experience in competition law and/or REMIT would be an advantage,
5. Relevant experience in regulated network industries, especially electricity and/or gas, would be an advantage,
6. Relevant professional experience in contract law and administrative law would be an advantage,
7. Relevant professional experience in litigation, especially before the General Court or the

² Professional experience is considered only from the time the candidate obtained the diploma required for being eligible. At a later stage, the candidate will be asked to provide original supporting documents confirming the length and the level of their professional experience. A given period of professional working experience may be counted only once.

³ The languages of the EU are Bulgarian, Croatian, Czech, Danish, Dutch, English, Estonian, Finnish, French, Irish, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovene, Spanish, and Swedish.

⁴ Language levels of the Common European Framework of Reference:
<http://europass.cedefop.europa.eu/resources/european-language-levels-cefr>

⁵ Before the appointment, a successful candidate shall be medically examined by one of the institutions' medical officers in order for ACER to be satisfied that he/she fulfils the requirement of article 28(e) of the Staff Regulations of the Officials of the European Union.

⁶ Professional experience is counted only from the time the candidate obtained the diploma required for being eligible. At a later stage, the candidate will be asked to provide supporting documents confirming the length and the level of his/her professional experience.

ECJ would be an advantage,

Communication and other personal skills (core competences)

1. Very good written and oral command (level C2) of the English language,
2. Command of the French language (level B2-C2) would be an advantage,
3. Proven ability to work in a team and under pressure
4. Experience of working in a diverse or in an international environment dealing with a range of stakeholders including third parties

Communication and other personal skills (core competences) will be assessed at the stage of the oral interview and the written examination.

Candidates are invited briefly to explain in their motivation letter in which positions they acquired their knowledge and professional experience in the specified areas.

4. SELECTION AND APPOINTMENT

A Selection Committee will evaluate the applications and select the candidates meeting the eligibility criteria and best matching the selection criteria.

The highest scoring applicants will be invited for a written examination and an oral interview with the Selection Committee. The number of invited candidates shall be between a minimum of six and a maximum of eight. In case of equal merit, the number of candidates invited may be exceeded at the discretion of the Selection Committee.

The interview and test will focus on the following aspects:

- Specific competences and knowledge with reference to the selection criteria of the present call for expression of interest;
- General aptitudes to the extent necessary for the performance of the duties in accordance with article 12.2.e of the Conditions of Employment of Other Servants (CEOS).

A reserve list of the most suitable candidates will be drawn up by ACER.

In line with Director Decision 2017/16, candidates achieving the qualifying mark in the written test and oral interview of a minimum of 70% will be placed on the reserve list. The reserve list will be valid until 31/12/2021. Its validity may be extended by decision of the Director.

All candidates will be informed about the outcome of the procedure. Recruitment will be subject to budgetary availability and assignment of posts by the Budgetary Authority.

5. EQUAL OPPORTUNITIES

ACER applies an equal opportunities policy and accepts and treats applications without distinction on 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.

6. CONDITIONS OF EMPLOYMENT

Pursuant to Article 3a of the CEOS, the successful candidate will be contracted by the Director as a Contract Staff in Function Group IV for a period of 2 years, which may be renewed.

Pay and welfare benefits: the pay of staff members consists of a basic salary, allowances and other benefits. 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, reimbursement of removal costs, daily subsistence allowance, installation allowance and other benefits. Salaries are exempted from national tax; a Union tax is paid at source.

Function Group / Grade	Minimum requirements for classification in step (required level of university studies + minimum number of years of experience after university graduation)	Monthly basic salary (gross)	Estimation of monthly net salary, including specific allowances ⁷
FGIV Grade 13	Completed university studies of at least 3 years attested by a diploma and less than 5 years professional experience	3,531.26 €	3,651.13 €
FGIV Grade 14	Completed university studies of at least 3 years attested by a diploma and between 5 years and 17 years of professional experience	3,995.43 €	4,027.55 €
FGIV Grade 16	Completed university studies of at least 3 years attested by a diploma and more than 17 years of professional experience	5,114.82 €	5,144.82 €

Additional benefits:

- Annual leave entitlement of 2 days per calendar month plus additional days for age, grade, 2.5 days' home leave, if applicable, and in addition up to 19 ACER's 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.

7. DATA PROTECTION

The purpose of processing the data that candidates submit is to manage their application(s) in view of possible (pre)selection and recruitment at ACER. Personal data is processed by and accessible to authorised ACER's personnel. In some cases, an external expert, equally bound by the same data protection principles, may assist the ACER in the selection of candidates.

ACER adheres to and is regulated 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

⁷ An estimation of net salary, including the deduction for tax, correction coefficient (currently at 84.6% for Slovenia) and social security, adding the allowances (this estimation has been calculated with expatriation allowance, household allowance and with one dependent child allowance). Please note that allowances depend in any case on the personal situation of the candidate.

free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC.

ACER is supervised by EDPS (<http://www.edps.europa.eu>). For any further enquiries, candidates may contact the Data Protection Officer at DPO@acer.europa.eu. Candidates are invited to consult the privacy statement, which explains how ACER processes personal data in relation to recruitment and selections, available on ACER website.

8. APPLICATION PROCEDURE

For applications to be valid, candidates must submit the following three documents in PDF or Word format:

- A complete and detailed curriculum vitae in English, in [European CV format](#) (Europass)⁸ - **other formats will not be considered**;
- A letter of motivation (1 page maximum) in English, explaining in which positions they acquired their knowledge and professional experience in the specified areas identified in Section 2 of this selection notice;
- A completed eligibility form.

Applications must be sent by e-mail by 10/08/2020 (23:59 Ljubljana time).

Applications should be sent by email to SELECTIONS-ACER-2020-04@acer.europa.eu with the following subject line: ACER-2020-04 NAME and SURNAME

Applications that are not complete or that are received after the deadline are considered as non-valid.

Supporting documents (e.g. certified copies of degrees/diplomas, references, proof of experience etc.) should not be sent at this stage but must be submitted at a later stage of the procedure if requested.

In order to facilitate the selection process, all communications to candidates concerning this selection will be in English.

Under no circumstances should candidates approach the Selection Committee, directly or indirectly, concerning this recruitment. ACER reserves the right to disqualify any candidate who disregards this instruction.

If at any stage in the procedure it is established that any of the information a candidate provided is incorrect, the candidate in question will be disqualified.

For more information on the selection procedure, please consult ACER's website:

https://www.acer.europa.eu/en/The_agency/Working_at_ACER/Pages/Selection-procedure.aspx

9. APPEALS

Pursuant to Article 90(2) of the Staff Regulations of Officials and the Conditions of Employment of Other Servants, a candidate may submit a complaint against an act affecting him/her adversely. The complaint must be lodged within three months from the date of notification to the following

⁸ The Europass template is available at the following link: <https://europass.cedefop.europa.eu/>

address:

Human Resources Management
European Union Agency for the Cooperation of Energy Regulators (ACER)
Trg Republike 3
1000 Ljubljana – Slovenia

Should the complaint be rejected, pursuant to Article 270 of the Treaty on the Functioning of the European Union and Article 91 of the Staff Regulations of Officials and the Conditions of Employment of Other Servants, a candidate may request judicial review of the act. The appeal must be lodged within three months from the date of notification to the following address:

Registry
The General Court
Rue du Fort Niedergrünwald
L-2925 Luxembourg
Luxembourg

Any citizen of the European Union or any natural or legal person residing in a Member State may make a complaint for maladministration pursuant to Article 228(1) of the Treaty on the Functioning of the European Union. The complaint must be lodged within two years of becoming aware of the facts on which the complaint is based to the following address:

The European Ombudsman
1, Avenue du President Robert Schuman - BP 403
F-67001 Strasbourg Cedex
France

Please note that complaints to the European Ombudsman do not have the effect of suspending the period mentioned in Articles 90 and 91 of the Staff Regulations of Officials and Conditions of Employment of Other Servants for lodging complaints or submitting an appeal pursuant to Article 270 of the Treaty on the Functioning of the European Union. Please note also that under Article 2(4) of the [General conditions governing the performance of the Ombudsman's duties](#), any complaint lodged with the European Ombudsman must be preceded by the appropriate administrative approaches to the institutions and bodies concerned.