

Vacancy notice 2023/161 – HQ (AD)

EEAS Vacancy Notice – Administrator

Legal Adviser in the Legal Department of the EEAS -

Division SG.AFFGEN.2 “Administrative Law and EU Civil Service Law”

(EU Staff Members: AD 5-12 / Candidates from the Member States¹: AD 07)

Job n. 374839

We are

The European External Action Service (hereafter, the “EEAS”) supports the High Representative in the exercise of his mandate to conduct and implement an effective and coherent EU Common Foreign and Security Policy (hereafter, the “CFSP”), to represent the EU and to chair the Foreign Affairs Council.

It also supports the High Representative in his capacity as Vice-President of the Commission with regard to his responsibilities within the Commission in the external relations field, including the coordination of other aspects of the EU’s external action. The EEAS works in close cooperation with the EU Member States as well as the General Secretariat of the Council, the services of the Commission and the Secretariat General of the European Parliament.

The **Division SG.AFFGEN.2 “Administrative Law and EU Civil Service Law”** is one of the two legal divisions which together constitute the **EEAS Legal Department**, under the responsibility of the Chief Legal Officer.

The Legal Department provides independent legal advice to the High Representative (HR) and the EEAS services, upon request or on its own initiative, on all aspects relating to their mandates and tasks under the Treaties and the Council Decision establishing the EEAS. The Legal Department also represents the HR and the EEAS in judicial proceedings before the Court of Justice of the European Union, and other jurisdictions as required.

The **Division SG.AFFGEN.2** covers all legal questions relating, *inter alia*, to the EEAS administrative activities and the implementation of the EU Staff Regulations (hereafter, the “SR”) and Conditions of Employment of Other Servants (hereafter, the “CEOS”) ² in Headquarters and EU Delegations.

In particular, this Division:

- provides legal advice on EEAS staff matters (including rights and obligations, career, administrative inquiries and disciplinary matters);
- provides legal advice on administrative law (contractual, financial and procurement issues);
- reviews draft internal administrative rules (in particular those implementing the SR/CEOS);
- reviews draft replies to administrative requests and complaints, as well as other individual decisions where necessary;

¹ Candidates from the Member States are candidates from the national diplomatic services or from other national administrations, in line with Article 98(1), first and second subparagraphs, of the Staff Regulations.

² Staff Regulations of Officials (SR) and the Conditions of Employment of Other Servants of the European Union (CEOS). For reference, see: <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1570023902133&uri=CELEX:01962R0031-20190101>

- reviews draft confirmatory replies to access to documents requests and draft replies to Ombudsman requests;
- represents the HR and the EEAS in judicial proceedings in administrative and staff matters.

We propose:

The position of **Legal Adviser** in the Administrative Law and EU Civil Service Law Division (SG.AFFGEN.2).

Administrator - AD5-AD12.

Candidates from national diplomatic services – AD07.

Under the direction of the Head of Division, the selected candidate will be required to provide legal analysis, advice and assistance in the areas falling under the responsibility of the Division. When required, he or she will be called to act as an agent representing the EEAS in litigation before the EU Courts.

Subject to the needs and interest of the service, the selected candidate will be required to focus in particular on staff matters.

The main responsibilities of the post are as follows:

- providing legal advice on *ad hoc* cases or horizontal issues, in particular on the implementation of the SR/CEOS;
- providing legal review of internal administrative rules;
- providing legal support and advice for handling legal conflicts (pre-contentious stage and litigation stage);
- providing briefing notes and legal analyses;
- representing the EEAS in litigation before the EU Courts.

This position is classified as an “Administrator” type of post³ in the grade bracket **AD 5-12**.

If selected for the post, candidates from the Member States (i.e. from the national diplomatic services or from other national administrations) will be recruited at grade **AD07**.

The duration of the assignment to the post shall, in principle, be four years.

Legal basis for recruitment to this position:

The vacancy is to be filled in accordance with the following articles of the SR: Article 29(1)(a) and Article 98(1); Article 29(1)(b); Article 29(1)(c).

The successful candidate for this position will be:

- appointed in accordance with Article 29(1)(a) of the Staff regulations (SR) if he or she is an official or a temporary agent to whom Article 2(e) of the Conditions of Employment of Other Servants (CEOS) applies.
- recruited in accordance with Article 98(1), first subparagraph, of the SR if the candidate comes from the national diplomatic service of a Member State; such candidates shall be recruited at the level of AD07.
- appointed in accordance with Article 29 (1) (b) of the Staff regulations (SR) if he or she is an official from another institution.

³ According to Annex I of the Staff Regulations and the relevant EEAS internal rules.

- recruited in accordance with Article 29(1) (c) if it was not possible to fill the vacant post through any of the previous possibilities mentioned.

WE LOOK FOR:

ELIGIBILITY CRITERIA⁴

- General

Further to the conditions set out in Article 28 of the SR for EU officials or in Article 12 of the CEOS for temporary agents, candidates must:

1. be officials of the Union institutions, or temporary agents to whom Article 2(e) of the Conditions of Employment of Other Servants (CEOS) applies, or staff from diplomatic services of the Member States.

In exceptional cases and after having exhausted the possibilities to recruit from the above categories, the Appointing Authority may examine, pursuant to Article 98(1), second subparagraph of the SR, applications from candidates from other services of the central administration of the Member States (other than the national diplomatic services) whose tasks at the national level are similar to the core tasks of this position. Competition EPSO laureates who are on a valid reserve list established in accordance with Article 30 SR may have their candidatures considered only in the event that no suitable candidate can be found among candidates covered by article 29(1)(a) and article 98 SR or article 29(1)(b) SR;

2. have the capacity to work in the languages (English and French) of the Common Foreign and Security Policy (CFSP) and external relations, necessary for the performance of their duties. Knowledge of other EU languages would also be an asset;
3. have at least two years' proven, pertinent external relations experience - for staff from national diplomatic services this experience must have been gained from working in a national administration of one of the Member States.

- Specific eligibility criteria for EU officials and temporary agents to whom Article 2(e) of the CEOS applies ("EU staff")

1. EU staff members (i.e. EU officials, and temporary staff to whom Article 2(e) of the CEOS applies) applying for this post must occupy a post in the category AD5–AD12 or have occupied such a post as the last post before their change in administrative status in accordance with Article 35 SR or occupy a post AST and be on the list drawn up according to Article 45a(c) SR (certification list).
2. Due to the need to ensure sound financial management of the limited financial resources and given the fact that the assignment of a staff member to a Delegation has important budgetary and business continuity implications, applications from staff members currently serving in a Delegation are not eligible unless they are included in the rotation or mobility exercises and if the day for submitting the applications for the vacancy notice is less than six months from the end of their current posting. Other applications may only be considered in the interest of the service or in duly justified situations.
3. Candidates who at the moment of the application are EU officials, independently of their administrative status (including officials on leave on personal grounds), cannot request to be recruited as temporary agents under

⁴ All the eligibility criteria must be met on the closing date for applications for this post.

Article 2(e) of the CEOS. In the case of applications from EU officials on leave for personal grounds, successful candidates will be reinstated into active employment in accordance with Articles 35(a) and Article 40 of the Staff Regulations.

EEAS Officials assigned according to Article 30 of the annex XIII SR to the type of post "*Senior Administrator in transition*" (AD14) or "*Administrator in transition*" (AD13) can apply for posts which correspond to the type of post of Administrator. If selected they will be transferred within the EEAS. As a consequence, EU officials AD13 and AD14 from other Institutions are not eligible.

4. Candidates who at the moment of the application are Temporary Agents to whom Article 2(e) of the Conditions of Employment of Other Servants (CEOS) applies must provide a new statement issued by their Ministry of Foreign Affairs containing the same elements as requested for candidates from member states (see specific eligibility criteria for candidates from the Member States, point 2).

- Specific eligibility criteria for candidates from the Member States to be recruited in accordance with Article 98(1) of the SR

In line with Article 12 of the CEOS and in accordance with the needs of the service, candidates from the Member States must:

1. Possess a level of education:
 - a. which corresponds to completed university studies attested by a diploma when the normal period of university education is four years or more, OR
 - b. which corresponds to completed university studies attested by a diploma and relevant professional experience of at least one year when the normal period of university education is at least three years⁵.
2. Have gained at least 6 years' full time professional experience. This experience must have been gained after obtaining the four-year diploma or after obtaining the three-year diploma and the one year relevant professional experience.

Candidates must indicate their level of education and professional experience on the application form.

Candidates from national diplomatic services and current temporary agents engaged under Article 2(e) CEOS must be able to return to active service with their Member State after the end of their period of service to EEAS.

The candidates shall provide a certificate issued by the MFA of their Member State of origin, which contains at least the following elements:

- a. for candidates to be recruited under Article 98(1), first subparagraph, of the SR:
 - the post to which the candidate applies;
 - confirmation that the candidate is a staff member in active service in the MFA at the time of the application, either as an official or under a permanent employment relationship; or that they have the same status/employment relationship at another national administration of their Member State and are on formal secondment to their MFA or an entity placed under the authority of the MFA such as an embassy or a permanent representation;
 - endorsement by the MFA of their application for the post;

⁵ The minimum of one year of professional experience required under (b) counts as an integral part of the above qualification and cannot be included in the professional experience required under point 2.

- a guarantee of immediate reinstatement at the end of their period of service with the EEAS, as required under Article 50b(2) of the CEOS.
- b. for candidates to be recruited under Art. 98(1), second subparagraph, of the SR:
 - the post to which the candidate applies;
 - confirmation that the candidate is a staff member in active service in a national administration of their Member State of origin at the time of application, either as an official or under a permanent employment relationship;
 - endorsement by the MFA of their application for the post;
 - a guarantee of immediate reinstatement in their parent administration at the end of their period of service with the EEAS.

If candidates are unable to provide this document from the MFA of their Member State of origin, their application will be deemed ineligible.

Furthermore, candidates who would be recruited as temporary agents under Article 2(e) of the CEOS must be in a position to serve during the full duration of their assignment within the maximum duration of engagement in the EEAS.

SELECTION CRITERIA:

Candidates should:

- have an excellent ability to maintain diplomatic relations and to ensure representation, communication in a complex, multicultural environment;
- have an excellent capacity to create constructive working relations with national authorities, international organisations and the Member States;
- have strong drafting, communication and analytical skills combined with sound judgement;
- hold a university degree in law;
- have a very good knowledge of EU legal and institutional matters;
- have a good understanding of the SR and CEOS;
- be able to draft legal texts in English and French;
- have proven ability to work on an autonomous basis and be able to find practical but legally sound solutions to administrative issues;
- have proven ability to work under pressure, and manage tight deadlines;
- have professional experience pleading before the Court of Justice of the European Union or before national courts;
- be a flexible team player.

Furthermore:

- experience of working in an Embassy, a Delegation (or equivalent in an international organisation);
- experience of working in a team in multi-disciplinary and multi-cultural environment;
- experience of negotiations,
- professional experience in labour law, in particular with regard to the SR and CEOS;
- knowledge and experience in EU law on access to documents and data protection;

- working experience with or within other EU institutions; and
- knowledge of other EU languages,

would be considered assets.

TYPE AND DURATION OF CONTRACT FOR NEW TEMPORARY AGENTS

If the successful candidate is not an EU official or a temporary agent currently employed under Article 2(e) of the CEOS, he or she will be required to undergo a medical examination to ensure that he or she is physically fit to perform the duties.

The successful candidate will be offered a temporary contract under Article 2(e) of the CEOS. Such contracts may not exceed 4 years in duration; their expiry will as far as possible be aligned with the usual date of mobility at Headquarters (currently 31 August each year). The contract of successful candidates who are temporary agents under Article 2(e) of the CEOS currently employed in the EEAS will be amended and renewed for a 4 year period, within the limits provided for by Article 50b(2) of the CEOS.

All newly engaged temporary staff will be required to complete a probationary period of 9 months, in accordance with Article 14 of the CEOS.

PLACE OF EMPLOYMENT

Brussels, Belgium

SPECIFIC CONDITIONS OF EMPLOYMENT

This post is currently not identified as a post which requires Personnel Security Clearance (PSC) to access EU classified information (EUCI) in accordance with point 7 of Annex A I of the Decision ADMIN(2017) 10 on the security rules of the EEAS⁶ and as implemented by Decision ADMIN(2019) 7 on Security Clearance Requirements and Procedures for the EEAS of 08 March 2019 and its implementing decisions.

Nonetheless, candidates are informed that the list of posts requiring a PSC in the EEAS Headquarters is subject to regular review and that the current post might be identified in the future as a post which requires PSC.

If required after taking up duties, the selected candidate will need to be in a position to obtain a valid PSC issued by the competent authority of their Member State in accordance with national laws and regulations.

In case of failure to obtain or renew the required PSC, the AACC may take the appropriate measures in accordance with Article 3(3) of the Decision ADMIN(2019) 7 on Security Clearance Requirements and Procedures for the EEAS of 08 March 2019.

Description of the EU classified information levels is available under Article 2 of the Decision ADMIN(2017) 10 on the security rules of the EEAS⁷.

Successful candidates from the Member States will be required to sign a form on 'conflicts of interest' as part of the recruitment process.

EQUAL OPPORTUNITIES

⁶ OJ C 126, 10 April 2018, p.1.

⁷ OJ C 126, 10 April 2018, p.1.

The EEAS is committed to an equal opportunities policy for all its employees and applicants for employment. As an employer, the EEAS is committed to promoting gender equality and to preventing discrimination on any grounds. It actively welcomes applications from all qualified candidates from diverse backgrounds and from the broadest possible geographical basis amongst the EU Member States. We aim at a service which is truly representative of society, where each staff member feels respected, is able to give their best and can develop their full potential.

Candidates with disabilities are invited to contact the functional mailbox (EEAS-HQ-APPLICATIONS-AD@eeas.europa.eu) in order to accommodate any special needs and provide assistance to ensure the possibility to pass the selection procedure with equal opportunities as other candidates. If a candidate with a disability is selected for a vacant post, the EEAS is committed to providing reasonable accommodation in accordance with Art 1d(4) of the SR.

PROCEDURE⁸

The selection procedure will take place in three different and successive steps:

1. Application

Before submitting their application, candidates should carefully check whether they meet all the eligibility criteria applicable to their situation in order to avoid automatic exclusion from the selection procedure.

Candidates must apply through the online system:

<https://webgate.ec.europa.eu/eapplication/index.cfm>

To log on to the system, an ECAS (European Commission Authentication Service) password is required; candidates without a password can register to get one through the afore-mentioned link. EU staff members with a professional ECAS account should use that account for their application. A helpdesk facility is available via the "Contact Support" function within the online system.

In case of connection problems, you can also refer to the complete EU Login user guide: https://webgate.ec.europa.eu/cas/manuals/EU_Login_Tutorial.pdf

During the online application procedure, candidates will have to upload their CV and motivation letter (in English or French). Candidates are invited to use the "Europass" CV format (<https://europa.eu/europass/en/create-europass-cv>) for their applications.

Candidates from the Member States will, in addition, have to upload a copy of their passport/ID and the certificate issued (within the past 6 months) by the MFA of their Member State of origin.

The closing date for the submission of applications is **19 SEPTEMBER 2023 at 12.00 midday** (CET - Brussels' time). Please note that the only way to submit an application is using the online system.

As the system may experience peak activity around the deadline, candidates are strongly advised to submit their application as early as possible. Late applications will not be accepted.

For correspondence concerning the selection procedures, please use the following email address: EEAS-HQ-APPLICATIONS-AD@eeas.europa.eu

2. Pre-selection

⁸ Your personal data will be processed in accordance with Regulation (EC) 2018/1725. The privacy statement is available on EEAS webpage: http://eeas.europa.eu/data_protection/rights/index_en.html

The pre-selection will be done by a panel on the basis of the qualifications and the professional experience described in the CV and motivation letter. The panel will produce a shortlist of a limited number of eligible candidates who best meet the selection criteria for the post.

3. Selection

The candidates who have been shortlisted will be invited for an interview so that the selection panel can evaluate them objectively and impartially on the basis of their qualifications, professional experience and linguistic skills, as listed in the present vacancy notice. The selection panel will recommend a shortlist of candidates to the Appointing Authority/Authority Authorised to Conclude Contracts of Employment that will make the final selection.

It is recalled that, if the interest of the service so requires, the selection procedure can be terminated at any stage and the post be filled by a transfer in accordance with Article 7 of the SR.

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POST AVAILABLE AS OF: 01/04/2024