

VACANCY NOTICE - TEMPORARY STAFF

Reference number: Frontex/17/TA/AD8/12.1

Senior Legal Officer

Post (business title):	Senior Legal Officer
Sector/Unit/Division:	Legal Affairs Unit / Corporate Governance
Function Group/Grade:	AD8
Location:	Warsaw, Poland
Starting date:	1 July 2017 (estimated date)
Level of Security Clearance:	SECRET UE / EU SECRET
Closing date for applications	14 May 2017 (date of publication 12 April 2017)

1. BACKGROUND

The European Border and Coast Guard Agency (Frontex), has been established under Regulation (EU) 2016/1624 of 14 September 2016 (the 'Regulation'). The agency was created on the foundations of the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (established under Council Regulation (EC) No 2007/2004), which has been coordinating operational activities at the EU external border since 2005.

Frontex is located in Warsaw, Poland and is in the process of significantly increasing the size of its staff from the current number of more than 420 to meet its expanded tasks. Those tasks include:

- Operational and technical assistance to the EU member states at their external borders by coordinating joint border control operations including deployment of vessels, aircraft and other equipment and border guards from EU countries;
- Coordination of border surveillance and law enforcement activities being part of maritime security in cooperation with national authorities and EU agencies as for example the European Maritime Safety Agency ('EMSA') and the European Fisheries Control Agency ('EFCA');
- Situation monitoring of EU's external borders and risk analysis on all aspects of border management, including assessment of the EU MS' border control authorities to face threats challenges at the external borders;
- Assisting member states in returning nationals of non-EU countries who do not have the right to remain on the territory of the EU;
- Development of training programmes for European border guards to share best practices and expertise at all EU borders;
- Monitoring new technological developments in the field of border control and acting as an interface between research institutions, industry and national border authorities;

- Cooperation with EU and international organisations, in the area of border management, security, and prevention of cross-border crime (including terrorism);
- Assist non-EU countries in the context of technical and operational cooperation on border management including return matters, in the framework of the EU external relations policy.

For more information, please refer to our website: <http://www.frontex.europa.eu>.

2. THE LEGAL AFFAIRS UNIT

The general mission of Corporate Governance is to give all necessary support and assistance to operational units and other units and entities of the Agency to allow them to function in the smoothest and least interrupted way. Corporate Governance functions include Financial and Corporate Services, Legal Affairs, Human Resources and Security, and Information and Communication Technology.

The Legal Affairs Unit provides advice and support to the senior management as well as to the units of the Agency on Union law in general, and in particular, in the areas of Schengen law, Staff Regulations of Officials and Conditions of Employment of Other Servants of the European Union, financial regulations and privileges and immunities. The expansion of the Agency mandate and the increase of its activities raise new legal questions and challenges in operational matters. In addition, the Legal Affairs Unit defends and represents the Agency in legal proceedings.

3. DUTIES AND RESPONSIBILITIES LINKED TO THE POST

Reporting to the Head of Unit, the main duties related to this post/position are:

- advising Frontex units on legal aspects concerning their activities with a specific focus on operational activities and the increasing dimension of international aspects;
- providing legal advice and assistance in the interpretation and implementation of the EU and Frontex legal framework in relation to operational matters;
- contributing to the preparation and development of internal rules and procedures;
- providing support/coaching to other Lawyers of the Unit;
- advising on personal data protection rules and regulations, often related to law-enforcement issues;
- advising on EU procurement matters;
- drafting decisions and a range of other legal documents.

The Senior Legal Officer may be assigned to represent and deputise the Head of the Legal Affairs Unit. In addition, the Senior Legal Officer will be required to perform any other task assigned by the Head of the Legal Affairs Unit.

Candidates applying for this post who possess significant experience in providing legal advice and assistance in the interpretation and implementation of the EU Staff Regulations may also be considered as candidates for a vacant AD8 post of Senior HR Officer - Legal support which is allocated to the Human Resources and Security Unit.

4. QUALIFICATIONS AND EXPERIENCE REQUIRED

4.1. Eligibility criteria

To be eligible, a candidate must:

- possess a level of education which corresponds to completed university studies attested by a diploma when the normal period of university education is four years or more;
- or
- possess a level of education which corresponds to completed university studies attested by a diploma followed by at least one year full-time professional experience, when the normal period of university education is at least three years;

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

- in addition to the above, by the closing date for applications, at least 9 years of proven full-time professional experience after the award of the minimum qualification certifying the completion of the level of studies required above;

Professional experience will be taken into account after the award of the minimum qualification certifying the completion of the level of studies required above in the first two bullet points. Only duly documented professional activity is taken into account.

Only the required education will be taken into account.

ANY GIVEN PERIOD MAY BE COUNTED ONLY ONCE (in order to be calculated as eligible, years of studies or professional experience to be taken into account shall not overlap with other periods of studies or professional experience, e.g. if the applicant had a full-time job and did freelance consultancy work in the evenings and weekends, the days spent on the latter will not be added to the period).

In case of part-time work the professional experience will be calculated pro-rata in line with the workload stated by the applicant.

Compulsory military service or equivalent civilian service accomplished after the achieving the minimum qualification stated in the first two bullet points shall be taken into consideration as professional experience if the official documentation is provided.

- produce evidence of thorough knowledge of one of the languages of the European Union and of satisfactory knowledge of another language of the European Union to the extent necessary for the performance of his/her duties;
- be a citizen of one of the Member States of the European Union or the Schengen Associated Countries and enjoy full rights as its citizen;
- have fulfilled any obligations imposed on them by the laws of the country of citizenship concerning military service;
- be physically fit to perform their duties.

For reasons related to the Frontex working requirements, be available at short notice for the job.

4.2. Selection criteria

4.2.1. Professional competences

The candidate will be required to demonstrate that he/she has:

Essential:

1. Degree in Law
2. Very good knowledge of Union law and public international law
3. Very good knowledge of the legal framework and a full-time working experience of at least four years related to the administration/governance of an EU body / international organisation, in particular in matters such as, inter alia, dispute resolution, legal remedies, EU Staff Regulations and EU financial regulation or equivalent, public access to documents, privileges and immunities, etc.
4. Excellent legal drafting skills
5. Very good communication skills with ability to describe complex legal issues to non-experts in a service-oriented manner
6. Ability to work independently on complex legal issues
7. Excellent command of English

Besides, the following attributes would be considered advantageous

8. Professional experience in dealing with legal matters related to Justice and Home Affairs issues, preferably in the field of Schengen <i>acquis</i> , or integrated border management, or related law enforcement issues, or related fundamental rights aspects
9. Experience of at least five years in working as a legal officer in a legal service of a European Union institution, agency or body, or in an international organisation, or in a national body dealing with EU matters or security
10. Professional experience advising on 'returns'; skills related to contract management in acquiring large assets (i.e. technical equipment that could be used in any or all of Frontex operational activities)

4.2.2. Personal qualities and competences

Attributes especially important to this post include:

11. Capability to organise and manage work independently and with minimal supervision to deliver results, including the ability to cope with stress in relation to demanding tasks, heavy workload and tight deadlines in a rapidly evolving work environment
12. High degree of responsibility and integrity, demonstrating professional and ethical behaviour and a strong sense of initiative
13. Sound judgement and ability to handle sensitive issues, beyond strict legal analysis
14. Strong sense of initiative and ability to put forward creative solutions
15. Good inter-personal skills and ability to work collaboratively in a multi-cultural environment

5. INDEPENDENCE AND DECLARATION OF INTEREST

The selected candidate will be required to make a declaration of commitment to act independently in Frontex' interest and to make a declaration in relation to interests that might be considered prejudicial to

his/her independence. Applicants will therefore be required to include confirmation of their willingness to make such declarations with their applications.

6. EQUAL OPPORTUNITIES

Frontex applies an equal opportunities policy and accepts applications without distinction on grounds of age, race, political, philosophical or religious conviction, sex or sexual orientation and regardless of disabilities, marital status or family situation.

7. SELECTION PROCEDURE

The selection procedure includes the following steps:

- After registration, each application is checked in order to verify whether it meets the eligibility criteria;
- All the eligible applications are evaluated by an appointed Selection Committee based on the selection criteria defined in the vacancy notice;
- The best-qualified applicants, who obtained the highest number of points within the evaluation and who are matching best the selection criteria established in this vacancy notice, will be shortlisted and invited for a competency test and an interview;
- The interview will be held in English;
- During the interview session, the Selection Committee will examine the profiles of applicants and assess their relevancy for the post in question. In order to support the evaluation via interview, shortlisted applicants will be required to undergo written competency tests and complete part of the process in their second EU language;
- Applicants invited to an interview will be requested to present, on the day of the interview, originals of their diploma(s) and evidence of their professional experience, clearly indicating the starting, finishing dates and workload;
- As a result of the interviews, the Selection Committee will recommend the most suitable applicants for the post in question to the Executive Director of Frontex. Non-recruited and suitable applicants will be proposed for the reserve list, which may also be used for the recruitment for a similar post depending on the needs of Frontex and shall be valid for 2 years (the validity period may be extended). Each interviewed applicant will be notified in written whether or not he/she has been placed on the reserve list. Applicants should note that inclusion on a reserve list does not guarantee an employment offer.

Please note that the work and deliberations of the Selection Committee are strictly confidential and that any contact with its members is strictly forbidden.

8. APPOINTMENT AND CONDITIONS OF EMPLOYMENT

The most successful applicant will be appointed by the Executive Director of Frontex.

The successful applicant will be recruited as temporary staff pursuant to article 2(f) of the Conditions of Employment of Other Servants of the European Communities (CEOS)¹. The temporary staff post in question is placed in function group AD, grade 8.

The staff member's remuneration consists of the basic salary and allowances. The staff member may be entitled to various allowances, in particular to an expatriation (16 % of basic gross salary) or to a foreign residence allowance (4 % of basic gross salary) - depending on particular situation, and to family allowances (depending on personal situation) such as: household allowance, dependent child allowance, pre-school allowance, education allowance.

¹ OJ L 56, 4.3.1968, p. 1, as last amended by Regulation (EU, Euratom) No 1023/2013 of the European Parliament and of the Council of 22 October 2013, OJ L 287, 29.10.2013, p. 15, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:1962R0031:20140101:EN:PDF>

The final net calculation is as follows:

Function group AD, grade 8	Step 1	Step 2
Basic net salary (without any allowances)	3 389 EUR 14 999 PLN	3 580 EUR 15 527 PLN
Expatriation allowances (depending on family situation) (net)	717 - 878 EUR 3 173 - 3 885 PLN	747 - 909 EUR 3 306 - 4 021 PLN
Household allowances (net)	211 EUR 933 PLN	215 EUR 950 PLN
Dependent child allowances for each child (net)	265 EUR 1 173 PLN	265 EUR 1 173 PLN
Preschool allowance (net)	65 EUR 287 PLN	65 EUR 287 PLN
Education allowance (net) up to	360 EUR 1 592 PLN	360 EUR 1 592 PLN

The remuneration is expressed in EUR, after the compulsory deductions set out in the Staff Regulations or in any implementing regulations is weighted by the correction coefficient for Poland (currently 66.7 %). It can be paid either in EUR or in PLN according to a fixed exchange rate (currently 4.4261 PLN/EUR).

The remuneration of the staff members, the correction coefficient and the exchange rate is updated annually before the end of each year, with a retroactive effect from 1 July, in accordance with Annex XI of the Staff Regulations.

The headquarters agreement with the Polish authorities was concluded in March 2017 and its entry into force depends on the finalisation of the ratification procedure in the Polish Parliament. The estimated date of entry into force of this agreement is currently September 2017. Under this agreement the Polish authorities will provide the following main benefits to the Frontex staff of non-Polish nationality:

- (a) reimbursement of tuition cost of each dependent child attending primary or secondary school on Polish territory up to a limit of 35 000 PLN per school year;
- (b) limited 12 months' period of reimbursement of VAT on purchases of main household effects to assist a newcomer to settle in Warsaw;
- (c) reimbursement of VAT on the purchase of a private car (this entitlement is renewable after 36 months).

Additionally, this agreement foresees that (an accredited) European School will be set-up in Warsaw in the future to allow dependent children of all Frontex staff (including Polish nationals) to attend a (tuition-free) European-type multilingual education.

Staff pays an EU tax at sources and deductions are also made for medical insurance, pension and unemployment insurance. Salaries are exempt from national taxes. The rate of solidarity levy is 6 %.

Staff is entitled to annual leave of two working days per each complete calendar month of service. On top of that, staff is entitled to a number days of leave to their basic entitlement depending on the grade, age and distance from the place of origin. In addition, there are on average 18 Frontex Public Holidays per year. Special leave is granted for certain circumstances such as marriage, birth or adoption of a child.

Frontex being a knowledge based organization acknowledges the importance of training provided to its staff. Frontex provides general and technical nature training as well as professional development opportunities that are discussed annually during staff performance appraisal.

Throughout the period of service staff is a member of the EU pension scheme. The pension is granted after completing a minimum of 10 years' service and after reaching the pensionable age of 66 years. The pensionable age for staff recruited before 1 January 2014 varies between 60 and 65 years. Pension rights

acquired in one or more national schemes before starting to work at Frontex may be transferred into the EU pension system.

Staff is covered 24/7 and worldwide by the Joint Sickness Insurance Scheme (JSIS). Staff is insured against sickness, the risk of occupational disease and accident as well as entitled for a monthly unemployment allowance, the right to receive payment of invalidity allowance and travel insurance.

For further information on working conditions please refer to the CEOS.

A contract of employment will be offered for a period of five years, with a probationary period of nine months. The contract may be renewed.

Frontex requires selected applicants to sensitive posts to undergo a security screening procedure and obtain a positive national opinion or respective personal security clearance. The level of the latter depends on the specific post. For this post, the required level of clearance is **SECRET UE / EU SECRET**. Applicants who currently hold a valid security clearance at the above-mentioned level (or higher) may not need to obtain a new one, pending confirmation from their respective National Security Authority. They shall provide Frontex with a security clearance certificate specifying the issuing authority, level and date of expiry. In case the validity of the security clearance expires within six months, a renewal procedure shall be initiated expeditiously. In case selected applicants do not currently hold a valid and positive security clearance at the above-mentioned level, Frontex will request such from the National Security Authority of the applicants' state of citizenship. In case of a failure to obtain the required security clearance certificate or if the National Security Agency issues a negative opinion at the above-mentioned level after the signature of the contract of employment Frontex has the right to terminate the contract of employment.

9. PROTECTION OF PERSONAL DATA

Frontex ensures that applicants' personal data are processed in accordance with Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the European Union institutions and bodies and on the free movement of such data (12.1.2001, OJ, L 8). Please note that Frontex will not return applications to applicants. This applies in particular to the confidentiality and security of such data.

The legal basis for the selection procedures of temporary staff are defined in the CEOS².

The purpose of processing personal data is to enable carry-out selection procedures.

The selection procedure is conducted under the responsibility of the Human Resources Sector of the Human Resources and Security Unit, within the Corporate Governance of Frontex (HR Sector). The controller for personal data protection purposes is the Head of HR Sector.

The information provided by the applicants will be accessible to a strictly limited number of staff members assigned to the HR Sector, to the Selection Committee members, and, if necessary, to the Legal Affairs Unit and Frontex management.

Almost all fields in the application form are mandatory; the answers provided by the applicants in the fields marked as optional will not be taken into account to assess their merits, qualifications and competences.

Processing begins on the date of receipt of the application. Data storage policy is as follows:

- For applications received from not-selected candidates: the data are filed and stored in archives for **2 years** and after this time the data are destroyed;
- For applicants placed on a reserve list but not recruited: the data are kept for the period of validity of **the reserve list + 1 year** and after this time the data are destroyed;
- For recruited applicants: the data are kept for a period of **10 years** after the termination of employment or as of the last pension payment **and** after this time the data are destroyed.

² In particular the provisions governing conditions of engagement in Title II, Chapter 3.

All applicants may exercise their right of access to and right to rectify personal data. In the case of identification data, applicants can rectify those data at any time during the procedure. In the case of data related to the eligibility or selection criteria, the right of rectification cannot be exercised after the closing date of applications' submission.

Should the applicant have any query concerning the processing of his/her personal data and has substantiated request, he/she shall address them to the HR Sector at hr@frontex.europa.eu.

Applicants may have recourse at any time to the European Data Protection Supervisor (edps@edps.europa.eu).

10. APPEAL PROCEDURE

If an applicant considers that he/she has been adversely affected by a particular decision he/she can lodge a complaint under Article 90(2) of the Staff Regulations at the following address:

Frontex
Human Resources Sector
Plac Europejski 6
00-844 Warsaw
Poland

The complaint must be lodged within 3 months. The time limit for initiating this type of procedure starts to run from the time the selection procedure for this post is declared as closed on the Frontex webpage (<http://www.frontex.europa.eu>).

Candidates also have a possibility to complain to the European Ombudsman. Please note that complaints made to the European Ombudsman have no effect on the time period laid down in Article 91 of the Staff Regulations. Note also, that under Article 2(4) of the general conditions governing the performance of the Ombudsman's duties, any complaint lodged with the Ombudsman must be preceded by the appropriate administrative approaches to the institutions and bodies concerned.

11. APPLICATION PROCEDURE

In order for an application to be considered valid, applicants must submit their Frontex Application Form relevant for this selection procedure duly signed and scanned (pdf format) to the following an e-mail: jobs@frontex.europa.eu. The subject of the e-mail shall have this structure: 'SURNAME_Name_Vacancy Reference Number_Post Title'.

Frontex Application Form is to be downloaded from Frontex website under the Reference Number of the post. In the Eligibility Checklist (which forms an essential and integral part of the Frontex Application Form) the applicant shall verify his/her compliance with the eligibility criteria for the specific post. Applicants are further required to provide details on meeting the relevant selection criteria.

The Frontex Application Form must be:

- Fully completed in English, pointing out the professional experience relevant to this position (incl. calculation of years, months);
- Printed, **signed** and clearly scanned in pdf format (in one single document);
- Named as follows: 'SURNAME_Name_Vacancy Reference Number_Post Title'.

The application will be rejected if it is not duly completed and signed by hand.

Please note that if at any stage of the selection procedure it is established that any of the requested information provided by an applicant is false, the applicant in question will be disqualified.

Applicants shortlisted for an interview will be requested to supply documentary evidence in support of the statements made in the application. Do not, however, attach any supporting or supplementary documentation with your application, until you have been asked to do so by Frontex. Additionally, do not submit the references or testimonials, unless they have been requested for the sole use of Frontex.

Incomplete applications or applications sent to Frontex after the deadline will be disqualified and treated as non-eligible.

Due to the large volume of applications, Frontex regrets that only applicants invited for the interview will be notified on the outcomes. The status of the recruitment procedure is to be found on Frontex website.

Please note that the time period between the closing date for applications submission and the end of the shortlisting of applicants for an interview may take more than two months.

The closing date (and time) for the submission of applications is

14 May 2017 at 23:59 h Warsaw local time.

Please keep a copy of your e-mail that proves that you have submitted you application on time as well as the subsequent automatic reply which confirms the receipt of your application.

Applicants are strongly recommended not to wait until the last day to submit their applications. Frontex cannot be held responsible for any last-minute malfunction due to an overload of the respective mailbox.