

Selection Notice for the position of**LEGAL OFFICER
(Temporary Staff, grade AD7)****in the Legal Services Team
of the European Union Agency for the Cooperation of
Energy Regulators (ACER)****REF.: ACER/2021/09****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 integration and well-functioning 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; and

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 in accordance with REMIT i.e., Regulation (EU) No 1227/2011.

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; and
- 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 referred to as surveillance.

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; and
- 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 130 staff (statutory and non-statutory) and has an approved annual budget of € 23.642.735 in 2021. ACER's internal structure comprises five Departments (Electricity; Infrastructure, Gas and Retail; Market Surveillance and Conduct; Market Integrity and Transparency; 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:

https://extranet.acer.europa.eu/en/The_agency/Organisation/PublishingImages/ACER%20Organigram_01072021.jpg

ACER is located in Ljubljana (Slovenia).

2. WE PROPOSE

ACER offers a dynamic and motivating workplace, where diversity is celebrated and where people's commitment and achievements contribute to build an organisation that is better than the sum of its parts.

We invest heavily in the professional development of staff, support a 'low on hierarchy, high on impact' organisational culture, prioritise personal relations and support an active feedback culture, emphasising the positives whilst not shying away from addressing the

negatives.

ACER is looking for a proactive and committed Legal Officer ready to contribute to a fast developing environment, contributing to transform and upscale the Agency's work and impact. This position is essential in supporting the Legal Team in improving the legal quality of ACER deliverables at a time in which the number of decisions adopted by ACER has significantly increased, leading to a consequential increase of litigation before ACER's Board of Appeal and the EU Judicature.

The Legal Officer will work autonomously and in cooperation with other members of the Team and shall report to the Team Leader.

The Legal Officer's duties would be the provision of legal advice and support which may be required in any of the operational areas in which ACER is active, with particular regard to electricity and litigation before ACER's Board of Appeal and the EU Judicature. The Legal Officer may be called to provide support also in gas, REMIT or administrative files (public procurement, Staff Regulations, Financial Regulation), providing peak assistance to the departments and teams where needed.

With respect to the above-mentioned areas, the work of the Legal Officer could thus consist in:

- Contributing, from a legal perspective, to the drafting of decisions, opinions, recommendations, reports, framework guidelines, guidance, and other acts;
- Drafting and managing contracts and similar agreements;
- Interpreting the applicable legal framework;
- Assessing market conducts under REMIT;
- managing contracts;
- Providing legal advice on the legal validity and liability related to acts and decisions of ACER;
- Providing legal advice on ACER governance and on inter-institutional matters;
- Assisting and managing litigation before ACER's Board of Appeal and the EU Judicature, whenever appropriate, also by contributing to:
 - Preparation of documents to be submitted to ACER's Board of Appeal or the EU Judicature in the course of the related proceedings;
 - Preparation of any oral representations in the course of the related proceedings;
 - Representing ACER as an agent before ACER's Board of Appeal or the EU Judicature.
- Conducting extensive legal research and providing legal advice on the interpretation of relevant EU legislation and case law in respect of the areas falling in the duties of the post;
- Cooperating closely with the teams of the various ACER departments in the exercise of the duties of the post;
- Liaising with experts and relevant stakeholders in EU Institutions and other bodies,

offices or Agencies as well as National Regulatory Authorities, or other relevant stakeholders.

The Legal Officer may be required, in the interest of the service, to assist in other areas of the work of ACER, according to needs and priorities, as determined by the Team Leader or the Director.

The requirement is to act with a service culture, handling data with the highest level of confidentiality and professional integrity. Having excellent interpersonal and communication skills, the person should be able to operate in multicultural working environments and liaise with different stakeholders.

The person is expected to be proactive and thorough, with a team spirit, high level of flexibility, being able to prioritize, delivering quality results with attention to detail and commitment to excellence.

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.

The following technical competencies are required for the position: having knowledge and skill in regulations and procedures, being knowledgeable of the Energy market, being knowledgeable of EU law.

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 four (4) years, attested by a diploma;

OR

Have a level of education which corresponds to completed university studies of at least three (3) years attested by a law diploma and professional experience of at least one (1) year.

(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. By the closing date for applications candidates must, after obtaining the qualifications mentioned in point 3.A.1, have acquired at least six (6) years of appropriate professional experience²;
3. To have a thorough knowledge of one of the official languages of the European

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 supporting documents confirming the length and the level of his/her professional experience. A given period may be counted only once when determining the years of professional experience.

Union³ or of 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;

4. Be nationals of a Member State of the European Union, Norway, Iceland or Liechtenstein;
5. To be entitled to his/her full rights as a citizen;
6. To have fulfilled any obligations imposed by the applicable laws concerning military service;
7. 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. At least six (6) years professional experience directly relevant to the post, in relation to the implementation of Union law;
3. At least three (3) years professional experience in competition law **OR** regulated network industries (i.e. electricity and gas);
4. Previous experience in providing legal advice in administrative proceedings before the EU institutions;
5. Experience in drafting complex documents (e.g., legal opinions, concept notes, rules, decisions, opinions, recommendations, guidance papers, pre-litigation/litigation files).

Advantageous Criteria

1. Master's degree or other post-graduate qualification in law relevant to the post;
2. Previous experience in handling litigations before national administrative courts **OR** the EU Judicature; and
3. Working experience with the EU Institutions, bodies, offices and Agencies.

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

Communication and other personal skills (core competences)

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.

1. Very good written and oral command (level C2) of the English language;
2. Excellent communication and writing skills (e.g. ability to communicate complex issues in a clear and effective manner to varying audience);
3. Excellent planning and organizational skills;
4. Ability to work in a team and under pressure in demanding situations;
5. Ability to handle many simultaneous tasks;

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; and
- 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 31/12/2022. 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 celebrates diversity! We are convinced that diversity is a strength in the workplace and that its harnessing will improve our productive environment, where everyone feels valued, where their talents are being fully empowered, and in which organisational goals are met.

The Agency is fully committed to the provision of equality of opportunity for all its employees through its employment practices, policies and procedures. ACER undertakes to provide a working environment that is sensible to differences in racial or ethnic origin, religion or belief, disability, age, sexual orientation and gender. The Agency's way of working is based on a model of best practice whereby all employees can reach their full

potential.

To this purpose, ACER applies a policy of equal opportunities and takes great care to avoid any form of discrimination in its selection and recruitment procedure: the Agency ensures that no employees nor job applicants is treated inequitably due to gender, marital or parental status, age, sexual orientation, disability, ethnicity, colour, citizenship/nationality or religious belief.

The Agency's premises are set to accommodate needs of persons with disabilities: ACER constantly makes sure to arrange what candidates, visitors and staff consider necessary to enable them to take part in the activities of the Agency.

The Agency offers a complete set of family support measures, from parental and family leaves to kindergarten and school support, better to foster the performance of duties for colleagues with caring responsibilities.

Work opportunities at the ACER are open to nationals of the 27 European Union Member States: currently the Agency employs staff from 21 different nationalities: for this reason candidates of the following nationalities are particularly encouraged to apply: Estonia, Finland, Latvia, Luxembourg, Malta, Sweden.

6. CONDITIONS OF EMPLOYMENT

The successful candidate will be appointed by the Director as a Temporary Staff in Grade AD7 pursuant to Article 2(f) of the CEOS for a period of 5 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; instead, a Union tax is paid at source.

Grade/step	Minimum requirements for classification in step (<i>required level of university studies + minimum number of years of experience after university graduation</i>)	Monthly basic salary	Estimated net salary including expatriation allowance	Estimated net salary including expatriation, household and one dependent child allowance ^{6 6}
AD7 step1	university degree of at least 3 years in a field relevant for this position + <i>up to</i> 6 years of experience in some or all of the fields covered by the job description	6,414.44 €	5054.07 €	5,936.83 €

⁶ An estimation of net salary, including the deduction for tax, correction coefficient (currently at 84.9 %), and social security and adding the allowances (this estimation has been calculated with expatriation allowance, household allowance and with one dependent child allowance). Allowances depend in any case on the personal situation of the candidate.

AD7 step2	university degree of at least 3 years in a field relevant for this position + <i>more than 6</i> years of experience in some or all of the fields covered by the job description	6,683.99 €	5,241.06 €	6,137.96 €
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Additional 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 up to 19 ACER 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 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, Word format or similar:

- A complete and detailed curriculum vitae in English, in [European CV format](#) (Europass)⁷ as **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 31/01/2022 (23:59 Ljubljana time).

Applications should be sent by email to [[SELECTIONS-ACER-2021-](#)

⁷ The Europass template is available at the following link: <https://europass.cedefop.europa.eu/>

09@acer.europa.eu with the following subject line: ACER-2021-09 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 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.