

## VACANCY NOTICE - TEMPORARY STAFF

Reference number: RCT-2019-00026

### Senior Legal Officer in Legal and Procurement Unit

Post (business title):	Senior Legal Officer <i>(a reserve list to be created for 1 post to be filled)</i>
Entity:	Legal Sector / Legal and Procurement Unit / Corporate Governance Division
Function group / Grade / Post title:	Temporary staff, AD8, Principal Administrator
Grade bracket for internal mobility <sup>1</sup> :	AD8 - AD12
Location:	Warsaw, Poland
Starting date:	July 2019 (desired)
Level of Security Clearance:	SECRET UE / EU SECRET
Closing date for applications	<b><u>(MIDDAY) 30 May 2019 at 12:00 h<sup>2</sup>, Warsaw local time</u></b>

## 1. BACKGROUND

The European Border and Coast Guard Agency (Frontex) has been established under Regulation (EU) 2016/1624 of 14 September 2016. 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 670 to become the largest EU Agency.

The Agency's key 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 and coast 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 such as Europol, EMSA and EFCA;
- Situation monitoring of EU's external borders and risk analysis of all aspects of border and coast guard management, including assessment of the EU Member States' border control authorities' ability to face migratory pressure and different challenges at their 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 and coast guards;
- Monitoring new technological developments in the field of border control and acting as an interface between research institutions, industry and national border and coast guard authorities;
- Cooperation with EU and international organisations in the area of border and coast guard management, security, and prevention of cross-border crime (including terrorism);

<sup>1</sup> For all existing EU temporary staff 2(f) applicants for whom Article 55 the Conditions of Employment of Other Servants of the European Union (CEOS) is applicable.

<sup>2</sup> Date of publication: 30 April 2019.

- Assist non-EU countries in the context of technical and operational cooperation on border management including return of non-EU nationals, 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 AND PROCUREMENT UNIT (LPU)

### Mission

The Legal and Procurement Unit (LPU) provides expertise, support and advice, and minimises legal risks to preserve legal conformity with the rules applying to Frontex activities, contracts, decisions and internal procedures. It ensures the successful establishment of contracts to procure goods and services including operational technical equipment for the Agency during a time of significant expansion of the Agency. The creation of a European standing corps of Border and Coast Guards to be established by the Agency with up to 10 000 staff by 2027 is the biggest change. It will partially be composed of EU agents and implies a growing operational role for the Agency and new forms of interactions with the Member States. This development will entail new questions and risks requiring sound legal assessments.

The Unit manages the procedure for public access to documents applications via a cross-divisional network of case handlers.

### Main tasks

- a) providing legal advice on strategic areas and making direct contributions to documents prepared by Frontex Divisions and Units;
- b) providing support for the development of operational plans and related operational issues;
- c) verifying the legal correctness of written decisions of Frontex submitted to LPU 'visa', in particular draft Management Board and Executive Director Decisions;
- d) providing support in the development and implementation of internal guidelines, rules and procedures;
- e) defending and representing Frontex in legal proceedings in which it appears as applicant, defendant or intervener and exercising the power of attorney where applicable;
- f) handling particularly sensitive/complex requests for public access to Frontex documents, after joint processing with the business owner - focusing mainly on confirmatory applications;
- g) contributing to inter-agency legal cooperation, via the Network of National Legal Experts in operational matters ('LEGNET');
- h) contributing to the development, streamlining and implementation of the Agency's procurement procedures and good practices while ensuring that all EU public procurement rules are adhered to;
- i) providing expertise and support in the preparation, publication, opening and evaluation of procurement procedures, contract awards and signatures.

## 3. DUTIES AND RESPONSIBILITIES LINKED TO THE POST

Reporting to the Head of Unit Legal and Procurement (and under supervision of the respective Head of Sector), the main tasks of the Senior Legal Officer are:

- advising Frontex units on legal aspects concerning their activities;
- providing legal advice and assistance in the interpretation and implementation of the EU and Frontex legal framework in relation to operational and governance matters;
- contributing to the preparation and development of internal rules and procedures;
- providing support/coaching to other Lawyers of the Unit;
- drafting decisions and a range of other legal documents;
- providing advice on national law matters.

## 4. QUALIFICATIONS AND EXPERIENCE REQUIRED

### 4.1. Eligibility criteria (for external applicants<sup>3</sup>)

To be eligible, an applicant shall:

- a) 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** (of full-time education);

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** (of full-time education);

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

*Only the required education will be taken into account.*

- b) Possess (by the closing date for applications) at least **9 years** of proven full-time professional experience acquired after the respective diploma was awarded and (at the same time) after the condition(s) described in criterion a) above are fulfilled;

*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 criterion a). Only duly documented professional activity is taken into account.*

*ANY GIVEN PERIOD OF STUDIES OR PROFESSIONAL EXPERIENCE 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 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.*

- c) 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 the duties (Common European Framework of Reference for Languages: B2 level);
- d) 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;
- e) Have fulfilled any obligations imposed on him/her by the laws of the country of citizenship concerning military service.

Additionally, in order to be engaged, the appointed applicant shall:

- f) Produce the appropriate character references as to his/her suitability for the performance of duties (a criminal record certificate or equivalent certificate, not older than six months) and a declaration in relation to interests that might be considered prejudicial to his/her independence;
- g) Be physically fit to perform the duties<sup>4</sup>;
- h) For reasons related to the Frontex working requirements, be preferably available at short notice for the job.

### 4.2. Selection criteria

Suitability of applicants will be assessed against the following criteria in different steps of the selection procedure. Certain criteria will be assessed/scored only for shortlisted applicants during interviews (and or tests):

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<sup>3</sup> For all existing EU temporary staff 2(f) applicants (for whom Article 55 the Conditions of Employment of Other Servants of the European Union (CEOS) is applicable) the eligibility criteria are defined in Article 12(2) of the CEOS.

<sup>4</sup> Before the engagement, the successful applicant shall be medically examined by the EU medical service to fulfil the requirement of Article 13 of Conditions of Employment of Other Servants of the European Communities (OJ L 56, 4.3.1968, p. 10), as lastly amended.

#### 4.2.1. Professional competences

1. University degree in Law.
2. Very good knowledge of Union law and public international law.
3. Very good knowledge of the legal framework related to the administration / governance of an EU body / international organization, 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.
4. Excellent legal drafting skills in English.
5. Very good communication skills in English with ability to describe complex legal issues to, on the one hand, non-experts and, on the other hand, to executive management in the appropriate manner.
6. Experience of at least five years in working autonomously on complex legal issues.

**Besides, the following attributes would be considered advantageous:**

7. Professional experience in dealing with legal matters related to Justice and Home Affairs issues, preferably in the field of Schengen *acquis*, or integrated border management, or related law enforcement issues.
8. 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 in a law enforcement environment.
9. Interpreting national law documents and statutes.
10. Work experience supporting practitioners.

#### 4.2.2. Personal qualities and competences

13. 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.
14. High professional and ethical behaviour, strong sense of discretion.
15. Sound judgement and ability to handle sensitive issues, beyond strict legal analysis.
16. Strong sense of initiative and ability to put forward creative solutions.
17. Good inter-personal skills and ability to work collaboratively in a multi-cultural environment.

## 5. INDEPENDENCE AND DECLARATION OF INTEREST

The selected applicant(s) 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.

## 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 a combination of certain selection criteria defined in the vacancy notice (some criteria will be assessed/scored only for shortlisted applicants during interviews and/or tests). Certain selection criteria may be assessed/scored jointly and some criteria may be assessed/scored in two or more steps of the selection procedure;
- The most-qualified applicants who obtain the highest number of points within the application evaluation and who are matching best the evaluated selection criteria will be shortlisted and invited for a competency test and an interview; the names of the members of the Selection Committee will be disclosed to the applicants invited for the test and interview;

- The test and interview will be conducted in English;
- During the interviews and tests, the Selection Committee will examine the profiles of shortlisted applicants and assess their relevancy for the post in question. Certain selection criteria may be assessed/scored jointly and some criteria may be assessed/scored in two or more steps of the selection procedure;
- Applicants invited to the test and interview will be requested to present, on the day of the interview or test, originals of their diploma(s) and evidence of their professional experience clearly indicating the starting, finishing dates and scope of work and workload;
- As a result of the interview and test, the Selection Committee will recommend the most suitable applicant(s) for the post in question to the Executive Director of Frontex. An additional interview with another relevant manager may be arranged before the final appointment. Non-recruited and suitable applicants will be proposed for a reserve list, which may also be used to fill similar vacant posts depending on the needs of Frontex. This reserve list will be valid for 2 years (the validity period may be extended). Each interviewed applicant will be notified in writing whether he/she has been placed on the reserve list. Applicants should note that the placement on the reserve list does not guarantee an employment offer.

The work and deliberations of the Selection Committee are strictly confidential and any contact of an applicant with its members is absolutely forbidden.

## 8. APPOINTMENT AND CONDITIONS OF EMPLOYMENT

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

The successful external applicant will be engaged as temporary staff pursuant to Article 2(f) of the Conditions of Employment of Other Servants of the European Communities (CEOS). The temporary post in question is placed in the following function group and grade: **AD8<sup>5</sup>**. This is a non-managerial position.

The staff member's remuneration consists of a 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.

**The final net calculation (amount payable) is as follows:**

Function group, grade and step	AD8 Step 1	AD8 Step 2
1. <b>Basic net/payable salary</b> ( <i>after all deductions, contributions and taxes are applied</i> )	<b>3 591 EUR</b> <b>15 668 PLN</b>	<b>3 717 EUR</b> <b>16 220 PLN</b>
2. <b>Other possible monthly entitlements/allowances</b> , depending on the personal situation of the candidate ( <i>expressed as gross amount weighted by 68.6 correction coefficient applicable for Poland</i> ):		
a. Household allowance	224 EUR 977 PLN	228 EUR 994 PLN
b. Expatriation allowance	761 - 932 EUR 3 321 - 4 066 PLN	793 - 965 EUR 3 460 - 4 208 PLN
c. Dependent child allowances for each child	281 EUR 1 227 PLN	281 EUR 1 227 PLN
d. Preschool allowance	69 EUR 300 PLN	69 EUR 300 PLN
e. Education allowance for each child up to	382 EUR 1 666 PLN	382 EUR 1 666 PLN

<sup>5</sup> Specific conditions about grading are defined on the title page of the Vacancy Notice. For existing EU temporary staff 2(f) the classification in grade and step should be established in line with Article 55 of the CEOS.

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 68.6). It can be paid either in EUR or in PLN according to a fixed exchange rate (currently 4.3631 PLN/EUR).

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

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

The headquarters agreement with the Polish authorities is effective as of 1 November 2017. Under this agreement the Polish authorities will provide the following main benefits to Frontex expatriate staff:

- (a) reimbursement of tuition cost of each dependent child (as from the age of 2.5 years) attending a school (up to and including secondary school) on Polish territory up to a limit of 35 000 PLN per school year;
- (b) reimbursement of VAT on purchases of main household effects to assist a newcomer to settle in Warsaw;
- (c) reimbursement of VAT on a 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 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 of additional days of leave depending on the grade, age and distance from the place of origin. In addition, there are on average 18 public holidays per year. Special leave is granted for certain circumstances such as marriage, birth or adoption of a child, etc.

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 the 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 under certain conditions to 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 Staff Regulations and 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 Article 5(1)(a) of 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.

Please note that Frontex will not return applications to applicants. This is due, in particular, to the confidentiality and security of such data.

The legal basis for the selection procedures of temporary staff are defined in the CEOS<sup>6</sup>.

The purpose of processing personal data is to enable to properly 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 the Human Resources and Security Unit.

The information provided by applicants will be accessible to strictly limited number of staff in Human Resources, to the Selection Committee members and to Frontex management. If necessary it will be provided to the staff of Legal and Procurement Unit, external parties directly involved in the selection process or to respective experts in ICT (in case of technical issues with the application).

There will be no automated decision making or profiling upon applicants' data.

No data is transferred to a third country or international organisation.

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

- For applications received from not-selected applicants: 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.

Applicants have the right to request access to and rectification or restriction of processing concerning the data subject or, where applicable, the right to object to processing or the right to data portability. In 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 can only be exercised by submitting/uploading a new application and it cannot be exercised after the closing date for submission of applications. Withdrawal of a consent to such data processing operations would result in exclusion of the candidate from the recruitment and selection procedure.

Should an 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 [jobs@frontex.europa.eu](mailto:jobs@frontex.europa.eu) or Frontex Data Protection Officer at [dataprotectionoffice@frontex.europa.eu](mailto:dataprotectionoffice@frontex.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>).

Applicants 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.

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<sup>6</sup> In particular the provisions governing conditions of engagement in Title II, Chapter 3.

## 11. APPLICATION PROCEDURE

**Note: It is required to upload the digital application form saved in its original electronic dynamic PDF format (not scanned). Do not use any e-mail communication to submit your application (for exceptional circumstances see point 6 below) - such an application will be automatically disregarded and will not be recorded and further processed.**

Frontex Application Form is to be downloaded (as a dynamic PDF form) from Frontex website under the link provided next to the Reference Number of the post/position. This digital application form is specifically created only for this selection procedure (and shall not be reused for another procedure).

The Frontex Application Form must:

1. Be opened in a PDF reader in a MS Windows equipped computer - the recommended version of the PDF reader is Adobe Acrobat Reader DC (version 2017.009.20044. You may download a free version here: <https://get.adobe.com/uk/reader/>).
2. **Not be manipulated or altered.** The form is digitally signed and protected against any manipulation or changes. Therefore, applicants shall not try to manipulate and/or alter it - in such a case the digital signature will disappear and the application form will become invalid for subsequent processing resulting in an automatic rejection of such submission.
3. Be completed in English. Fields, where you may enter your input, are highlighted in light blue colour. Fields marked with an asterisk (\*) indicate a required input. You should be concise, the space for your input is limited by the size of the text boxes.
4. Be saved and named as follows: 'SURNAME\_RCT-2019-00026'.
5. **Be submitted to Frontex - after saving - by uploading it to this URL link:**  
<https://microsite.frontex.europa.eu/en/recruitments/RCT-2019-00026>
6. In case you have technical issues with filling/saving/uploading your electronic application form, you may write to us (in advance of the closing date for submission of applications) at [jobs@frontex.europa.eu](mailto:jobs@frontex.europa.eu).

In case you submit more than one application for this procedure, Frontex will only assess the latest one and will automatically disregard all your previous applications.

If at any stage of the selection procedure it is established that any of the requested information provided by an applicant is false or misleading, 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.

Incomplete applications, applications uploaded after the deadline, sent by e-mail or applications using inappropriate or altered/manipulated application forms will be automatically disregarded by the system and will **not** be processed further.

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

Due to high volume of selection procedures handled by Frontex, the period between the closing date for the submission of applications and the final shortlisting of applicants for an interview may take more than two months.

**The closing date (and time) for the submission of applications is provided on the title page of the Vacancy Notice.**

Please keep a copy of the automatically generated submission code that proves that you have submitted/uploaded your application to Frontex.

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 system or for other technical issues applicants may eventually encounter in the very last moment before the deadline.