

## Vacancy notice 2022/114– HQ (AD)

### EEAS Vacancy Notice - Administrator

#### Legal Adviser (Administrative Law and EU Civil Service Law) - SG.AFFGEN.2

(EU Staff Members: AD 5-12/ Candidates from member states<sup>1</sup>: AD 7)

Job n. 400542

#### We are:

The European External Action Service (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 (CFSP), of representing the EU and of chairing 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 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 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 to the EEAS administrative activities and the implementation of the EU Staff Regulations (SR) and Conditions of Employment of Other Servants (CEOS) in headquarters and EU delegations.

In particular, this Division:

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

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<sup>1</sup> Candidates from the Member States are candidates from the national diplomatic services (Art. 98(1), first subparagraph, of the EU Staff Regulations) or from other public administration bodies whose tasks at the national level are similar to the core tasks of this position (Art. 98(1), second subparagraph, of the Staff Regulations)

This position is classified as an "Administrator" type of post<sup>2</sup> in the grade bracket AD 5-12.

Candidates from the diplomatic services of Member States would be recruited at AD07 level.

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

### **We propose:**

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, including on ancillary areas such as personal data protection, cases referred to the European Ombudsman.

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 EU Staff Regulations and the Conditions of Employment of Other Servants, including on local staff employed in Union Delegations;
- 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.

### **Legal basis for recruitment to this position:**

The vacancy is to be filled in accordance with the following articles of the Staff regulations<sup>3</sup> (SR): Article 29(1)(a) SR and Article 98 SR; Article 29(1)(b) SR ; Article 29(1)(c) SR

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 EU official or a temporary agent to whom Article 2(e) of 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 under Article 2(e) of the CEOS at the level of AD7.
- recruited in accordance with Article 98(1), second subparagraph, of the SR if the candidate comes from one of the public services of the Member States whose tasks at the national level are similar to the core tasks of this position; such candidates shall be recruited under Article 2(e) of the CEOS at the level of AD7.

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<sup>2</sup> According to the Annex I of the Staff Regulations

<sup>3</sup> 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>

- appointed in accordance with Article 29(1) (b) of the Staff regulations (SR) if he or she is an EU official from another institution.
- recruited in accordance with Article 29(1) (c) from a reserve list of EU competition if it was not possible to fill the vacant post through any of the previous possibilities mentioned.

In case no suitable candidate is found from among the candidates being EU officials or coming from national diplomatic services of the Member States, applications of other candidates coming from 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 may be examined. Should such candidate be selected for the post, they shall be recruited in accordance with Article 98(1), second subparagraph, of the SR, and shall be recruited at the level of AD 7.

## **WE LOOK FOR:**

### **ELIGIBILITY CRITERIA<sup>4</sup>**

#### **General**

Further to the conditions set out in Art 28 of the Staff Regulations (SR) or Art 12 of the CEOS, candidates must:

1. be officials of the Union institutions, or temporary agents to whom Article 2(e) of the 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 public services of the Member States whose professional experience at the national level is directly relevant to the core tasks of this position;

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 working experience as lawyer or legal adviser - 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 FROM NATIONAL DIPLOMATIC SERVICES 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 who are not

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<sup>4</sup> All the eligibility criteria must be met on the closing date for applications to this post.

in rotation in 2022, are in principle not eligible and 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 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.
4. Candidates who at the moment of the application are Temporary Agents to whom Article 2(e) of the 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 SR.**

In line with Article 12 of the CEOS and in accordance with the needs of the service, candidates from the diplomatic services of Member States of the Union 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 years.<sup>5</sup>

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 statement issued by their Ministry of Foreign Affairs, which contains at least the following elements:

- a. for candidates to be recruited under Art. 98(1), first subparagraph, SR:
  - the post to which the candidate applies;
  - that the candidate is a staff member in active service in the Ministry of Foreign Affairs at the time of application, either as an official or under a permanent employment relation;
  - that the Ministry of Foreign Affairs endorses his/her application to the post;
  - A guarantee of immediate reinstatement in the Ministry of Foreign Affairs after the end of their contract with the EEAS.
- b. for candidates to be recruited under Art. 98(1), second subparagraph, SR:

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<sup>5</sup> 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.

- the post to which the candidate applies;
- that the candidate is a staff member in active service in their Ministry/public administration at the time of application, either as an official or under a permanent employment relation;
- that the Ministry of Foreign Affairs endorses their application to the post in question;
- that the Member State in question/the Ministry of origin guarantees the immediate reinstatement of the candidate in question (to the national public service/public administration/the Ministry of origin) after the end of their contract with the EEAS.

If candidates are unable to provide this document from their Ministry of Foreign Affairs, 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.

3. Candidates from the Member States should be in active employment in their public service of origin at the moment of the application.

### **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 EU 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 EU Staff Regulations and CEOS and their implementing decisions, including for local staff in Union Delegations;
- 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;
- be a flexible team player.

Furthermore:

- professional experience in labour law, in particular with regards to the EU Staff Regulations and Conditions of Employment of other Servants;
- knowledge and experience in EU law on access to documents and data protection;
- professional experience of judicial proceedings before the Court of Justice of the European Union or before national courts;
- working experience with or within other EU institutions,

would be considered assets.

## **TYPE AND DURATION OF CONTRACT FOR CANDIDATES FROM NATIONAL DIPLOMATIC SERVICES**

If the successful candidate is not an EU staff member, he or she will be required to undergo a medical examination to ensure that she or he 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 to the usual date of mobility at Headquarters (currently 31 August each year).

All newly engaged temporary staff are required to complete successfully a probationary period of 9 months.

## **PLACE OF EMPLOYMENT**

Brussels, Belgium

## **SPECIFIC CONDITIONS OF EMPLOYMENT**

The successful candidate will be required to undergo security vetting if she or he does not already hold EU SECRET level security clearance, in accordance with the relevant security provisions.

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

The successful candidate will be required to act independently in the interest of the Union and to make a declaration of any interests which might be considered prejudicial to her or his independence, as set out in the Staff Regulation and CEOS.

## **EQUAL OPPORTUNITIES**

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](mailto: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 in equality of opportunities with 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 Staff Regulations.

## PROCEDURE<sup>6</sup>

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 in order to avoid automatic exclusion from the selection procedure. Candidates must apply through the on-line 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 on-line 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](https://webgate.ec.europa.eu/cas/manuals/EU_Login_Tutorial.pdf)

During the on-line 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://europass.cedefop.europa.eu/documents/curriculum-vitae>) for their applications.

Candidates from the Member States will, in addition, have to upload a copy of their passport/ID and the statement by their Ministry for Foreign Affairs mentioned above under eligibility criteria applicable to candidates from member states (see paragraph 2).

The closing date for the submission of applications is **03 August 2022 at 12.00 midday** (CET - Brussels' time). Please note that the only way to submit an application is using the on-line 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](mailto:EEAS-HQ-APPLICATIONS-AD@eeas.europa.eu)

### 2. Pre-selection

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 preselect a limited number of eligible candidates who best meet the selection criteria for the post and proceed to invite those candidates for an interview.

### 3. Selection

The candidates who have been preselected will be invited for an interview so that the selection panel can evaluate them objectively and impartially on the basis of their

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<sup>6</sup> 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](http://eeas.europa.eu/data_protection/rights/index_en.html)

qualifications, professional experience and linguistic skills, as listed in the present vacancy notice. The selection panel will make a recommendation to the AIPN, who will make the final selection. This recommendation will also include a reserve list that may be used for the purpose of filling this post and any other similar post that may be vacant no later than 6 months after the establishment of the reserve list.

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

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**POST AVAILABLE AS OF: 01/07/2022**