

**CALL FOR EXPRESSION OF INTEREST FOR THE
APPOINTMENT OF A CHAIR AND ALTERNATE CHAIR
OF THE BOARD OF APPEAL OF THE EUROPEAN
CHEMICALS AGENCY**

COM/2018/20030

Description of the Agency

The **European Chemicals Agency (the Agency)** created on 1 June 2007 and located in Helsinki, Finland, plays a central role in the implementation of REACH, CLP, BPR and PIC Regulations.

REACH¹ is the Regulation on Registration, Evaluation, Authorisation and Restriction of Chemicals. It entered into force on 1st June 2007. The provisions under Articles 75 to 111 of REACH regulate the functioning of the Agency and describe the tasks it shall perform.

CLP² is the Regulation on Classification and Labelling and Packaging of chemicals. It entered into force on 20th January 2009. Article 50 of the Regulation describes the tasks of the Agency.

BPR³ is the Biocidal Product Regulation, which entered into force on 1st September 2013 and concerns the placing on the market and use of biocidal products. The provisions under Article 74 of BRP describe the role of the Agency.

PIC⁴ is the Prior Informed Consent Regulation, which entered into force on 1st March 2014 and administers the import and export of certain hazardous chemicals and places obligations on companies who wish to export these chemicals to non-EU countries. The provisions under Article 6 of PIC describe the tasks to be performed by the Agency.

For further information please consult the following website: <http://www.ECHA.europa.eu/>

¹ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:02006R1907-20140410&from=EN>

² <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2008:353:0001:1355:en:PDF>

³ <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:167:0001:0123:en:PDF>

⁴ <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:201:0060:0106:en:PDF>

The Board of Appeal

Articles 89 to 94 of Regulation (EC) No 1907/2006 set out the relevant provisions in relation to appeals. Article 89 provides for the establishment of a Board of Appeal. The Board is responsible for deciding on appeals against certain individual decisions of the Agency, as defined in Article 91 of the above-mentioned Regulation.

The Board of Appeal is also responsible for deciding on appeals against decisions of the Agency as defined in Article 77 of the Biocidal Products Regulation (EU) No 528/2012.

The Board of Appeal consists of a Chair and two other members who are Agency's staff. They shall have alternates who shall represent them in their absence. The alternates are not Agency's staff. The qualifications of the Chair and the members are defined in Commission Regulation (EC) No 1238/2007 of 23 October 2007 on laying down rules on qualifications of the members of the Board of Appeal of the European Chemicals Agency. According to this Commission Regulation, the Board of Appeal shall consist of technically and legally qualified members.

The Chair and the other members of the Board of Appeal shall be independent. In making their decisions, they shall not be bound by any instructions. They shall not perform any other duties in the Agency.

The Chair and the other members of the Board of Appeal, when deciding on appeals, will observe the rules on organisation and follow the procedure set up by the Commission Regulation 771/2008 as modified by Commission Implementing Regulation (EU) 2016/823 of 25 May 2016.

To ensure that the Board of Appeal can operate smoothly, the Board of Appeal is assisted in the exercise of its duties by a Registry, which is led by a Registrar. The Registrar is appointed directly by the Chair of the Board of Appeal.

We propose

The task of the Chair shall in particular include the following:

- preside over all appeals;
- examine and decide on appeals in an independent and impartial manner;
- ensure the respect of legal principles and rules in the proceedings;
- guarantee the efficient and timely processing of appeals;
- ensure the quality and consistency of the Board's decisions;
- manage the organisation and working methods of the Board;
- manage the Registrar which is the head of the unit assisting the Board of Appeal;
- ensure that the other Board of Appeal members involved and Registrar have no conflict of interest when managing each appeal;
- replace members by their alternates as necessary;
- designate members to additional chambers if timely processing of appeals so requests;
- lay down internal rules for the processing of the appeals and on the organisation of the Board and its work;
- lay down practical instructions of procedural nature to parties;
- assign the examination of an appeal to one of the Board's members or to himself as Rapporteur on the basis of objective criteria;
- ensure regular communication with alternate members and update information on appeal's developments;
- supervise the work of additional members and alternates;
- decide on admissibility of appeals;
- decide on confidentiality claims;
- carry out preliminary studies of the appeals;
- chair oral hearings;
- prescribe measures of organisation of procedure;
- prepare communications to parties;
- draft decisions;
- Represent the Board of Appeal.

Candidates must (eligibility criteria)

In order to be considered for the selection phase, candidates must fulfil the following formal criteria by closing date for applications:

- be a national of a Member State of the European Union or a national of the European Economic Area (Iceland, Liechtenstein, Norway);
- have a recognised degree in law, either
 - (a) following successful completion of university studies where the normal duration of university education is four years or more giving access to postgraduate studies; or
 - (b) following successful completion of university studies attested by a degree where the normal duration of university education is three years, and an additional year of relevant professional experience (this one year's professional experience cannot be included in the postgraduate professional experience required below).

If the university degree is not in law, then the candidate must possess also a professional qualification entitling the candidate to practice as a lawyer;

- a minimum of 15 years' professional experience in the legal field (acquired following the award of the university degree), at least five of which have been acquired in EU law or at least five years of which are related to judicial or similar experience in an international and/or a national Court;
- have a thorough knowledge of one of the official languages of the European Union⁵ and a satisfactory knowledge of at least one other official language of the European Union to the extent necessary for the performance of their duties.
- At the deadline for applications, candidates must be able to complete the full five-year mandate in accordance with Article 47(a) of the Conditions of Employment of Other Servants of the European Union before reaching retirement age. For temporary staff of the EU entering the service as from 1 January 2014, retirement age is defined as being the end of the month in which the person reaches the age of 66⁶;

In addition, candidates must fulfil the following formal criteria on the closing date for applications:

⁵ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:01958R0001-20130701&qid=1408533709461&from=EN>
⁶ Staff Regulation of Officials and Conditions of Employment of Other Servants of the European Union: <https://eur-lex.europa.eu/%20LexUriServ/LexUriServ.do?uri=CONSLEG:1962R0031:20140101:EN:PDF>

- enjoy their full rights as a citizen;
- have fulfilled any obligations imposed by the laws concerning military service;
- produce appropriate character references as to their suitability for the performance of their duties⁷;
- be physically fit to perform their duties⁸.

We look for (selection criteria)

The candidate should have:

- Proven experience of regulatory or judicial procedures;
- Strong communication and inter-personal skills, being able to discuss effectively and efficiently with internal and external stakeholders;
- A very good command of English (the predominant language of communication within the Agency);
- knowledge of other languages of the European Union would be an advantage.

The following should be considered as assets:

- managerial experience;
- work experience gained in a similar multicultural environment.

Selection, appointment and conditions of employment

Under the terms of Regulation (EC) No 1907/2006, the Management Board will decide on the appointment of the Chair and his/her alternate on the basis of a list of qualified candidates proposed by the Commission. The purpose of this call for expression of interest is to allow the Commission to establish a list of candidates to be proposed to the Management Board. Candidates should note that inclusion on the list of the European Commission does not guarantee appointment.

The European Commission will organise the selection of the chair of the Board of Appeal and his/her alternate. To this end, it will set up a selection panel which will invite candidates fulfilling all eligibility requirements listed above and having the best profile for the specific

⁷ Before the appointment, successful applicants will be required to produce an official document showing that they do not have a criminal record.

⁸ Before the appointment, successful applicants will be required to undergo a medical examination to ensure that they fulfil the requirements of article 28(e) of the Staff Regulations of officials of the European Communities.

requirements based on their merits and the criteria set out above for an interview.

Following this interview, this selection panel draws up a list of the most suitable candidates. This list will be adopted by the European Commission and communicated to the Management Board of the Agency.

The latter will interview the candidates on the European Commission shortlist and appoint the chair and his alternate. Before the interview by the Management Board of the Agency, the candidates in the list will have to undergo testing by an assessment centre run by external recruitment consultants

For practical reasons and in order to complete the selection procedure as quickly as possible in the interest of the candidates as well as that of the Agency, the selection procedure will be carried out in English only. Nevertheless, selection panels will verify during the interview(s) whether candidates comply with the requirement of a satisfactory knowledge of another official EU language.

The Chair (but not the alternate) will be appointed as a member of the temporary staff at grade AD 12 in accordance with the Agency's general implementing provisions on the procedure governing the engagement and use of temporary staff under Article 2(f) of the Conditions of Employment of Other Servants of the European Union for a term of five years that may be extended once for a further period of up to five years.

The alternate Chair will not be appointed as a member of the temporary staff, but will be called upon by the Board of Appeal to deal with cases only in the absence of the Chair. Thus, the alternate is not required to suspend his/her current professional activities, but any such activities must be compatible with the requirements that the members of the Board of Appeal must be independent. The alternate's remuneration will depend on the qualifications and experience of the successful candidate. At present the remuneration is up to EUR 500 for each actual day of work, with a maximum amount of EUR 5 000 per case, plus the reimbursement of travel costs and a daily allowance to cover board and accommodation.

Candidates **must** clearly indicate in their motivation letter which position they are applying for. They may apply for both if they are willing to accept also the part-time functions of the alternate. However, candidates may only be appointed to one of these positions.

The Chair and his/her alternate will be required to declare any interests, which may conflict with his/her duty to the Board of Appeal in compliance with Article 90 (5) and (6) of Regulation (EC) No 1907/2006.

The reserve lists for these positions will be valid for a period of five years from the date of the decision of the Management Board on the appointment of members.

The place of employment is at the Agency in Helsinki.

Submission of applications

Before submitting your application, you should carefully check whether you meet all the eligibility criteria ('Candidates must'), particularly concerning the required types of diploma and professional experience as well as your linguistic capacity. Failure to possess any of these eligibility requirements means an automatic exclusion from the selection procedure.

If you want to apply, you must register via the internet by going to the website:

https://ec.europa.eu/dgs/human-resources/seniormanagementvacancies/CV_Encadext/index.cfm?fuseaction=premierAcces

and follow the instructions there concerning the various stages of the procedure.

You must have a valid e-mail address. This will be used to identify your registration as well as to remain in contact with you during the different stages of the selection process. Therefore, please keep the European Commission informed about any change in your e-mail address.

Once you have finished your online registration, you will receive an electronic mail confirming that your application has been registered. The mail also contains registration number which will be your reference number in all matters concerning your application. If you do not receive a confirmation mail, your application has not been registered! Please note that it is not possible to monitor the progress of your application online. You will be contacted directly by the European Commission regarding the status of your application. If you require more information and/or encounter technical problems, please send an e-mail to:

HR-MANAGEMENT-ONLINE@ec.europa.eu

Closing date

The closing date for registration is 28 September 2018, 12.00 noon Brussels time, after which online registrations will not be possible anymore. It is your responsibility to complete your online registration in time. We strongly advise you not to wait until the last few days before applying, since heavy traffic or a fault with your internet connection could lead to the online registration being terminated before you complete it, thereby obliging you to repeat the whole process. Once the deadline for the submission of registrations has passed, you will no longer be able to introduce any data. Late registrations are not accepted.

Important information for candidates

Candidates are reminded that the work of the selection committees is confidential. It is forbidden for applicants to make direct or indirect contact with members of these committees, or for anybody to do so, on their behalf.

For the applications to be valid, interested persons must upload a curriculum vitae in PDF format and fill out, online, a letter of motivation (maximum 8 000 characters). Candidates must indicate in the letter of motivation which post they are applying for.

The curriculum vitae should preferably be drafted using the European CV format. If any of these documents is not in English, then an English translation must be provided. Certified copies of degrees/diplomas, references, proof of experience, etc. should not be sent at this point but must be submitted at a later stage of the procedure if requested.

Independence and declaration of interests

The chair of the Board of Appeal acts independently in the public interest and declares any interests which might be considered prejudicial to his/her independence. Candidates must confirm their willingness to do so in their application.

Due to the particular nature of the functions, candidates invited to selection interviews will be required to sign a declaration relating to their current or future interests that might be considered prejudicial to their independence.

The candidates must also comply with the eligibility criteria established by the Management Board of the ECHA in document MB/45/2013 final⁹.

In accordance with Article 16 of the Staff Regulations¹⁰, whose provisions apply by analogy to temporary Agents, the chair of the board of appeal shall, after leaving the service, continue to be bound by the duty to behave with integrity and discretion as regards the acceptance of

⁹ http://echa.europa.eu/documents/10162/13555/final_mb_45_2013_eligibility_crit_guid_en.pdf

¹⁰ Staff Regulation of Officials and Conditions of Employment of Other Servants of the European Union:
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:1962R0031:20140101:EN:PDF>

certain appointments or benefits.

This includes the obligation to inform the Management Board of ECHA sufficiently in advance of the intention to engage in an occupational activity, whether gainful or not, within two years of leaving the service. If that activity is related to the work carried out during the last three years in service and could lead to a conflict with the legitimate interests of the Agency, the Management Board of the Agency may, having regard to the interests of the service, either forbid from undertaking it or give its approval subject to any conditions it considers fit.”

Equal opportunities

The European Union applies a policy of equal opportunities and non-discrimination in accordance with Article 1d of the Staff Regulations¹¹ It takes great care to avoid any form of discrimination in its recruitment procedures and actively encourages applications from women.

Protection of personal data

The Commission and ECHA will ensure that candidates' personal data are processed as required by Regulation (EC) Regulation (EU) 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 Community institutions and bodies and on the free movement of such data. This applies in particular to the confidentiality and security of such data¹².

¹¹ Staff Regulation of Officials and Conditions of Employment of Other Servants of the European Union:
<https://eur-lex.europa.eu/%20LexUriServ/LexUriServ.do?uri=CONSLEG:1962R0031:20140101:EN:PDF>

¹² OJ L 8, 12.1.2001, p. 1.