V

(Announcements)

ADMINISTRATIVE PROCEDURES

EUROPEAN COMMISSION

Call for expression of interest in the appointment as members of the joint Board of Appeal of the three European Supervisory Authorities for the financial services sector (European Securities and Markets Authority, European Banking Authority, European Insurance and Occupational Pensions Authority)

(2011/C 17/02)

1. Description of the Authorities

The European Banking Authority (EBA), the European Insurance and Occupational Pensions Authority (EIOPA), and the European Securities and Markets Authority (ESMA), are created by Regulation (EU) No 1093/2010, Regulation (EU) No 1094/2010, and Regulation (EU) No 1095/2010 respectively ([1]). Together, they constitute European Supervisory Authorities for the financial services sectors, and will be members of the European System of Financial Supervision.

They will have as their goals for their respective sectors of competence, among others:

— bringing about a sound, effective and consistent level of regulation and supervision,

— ensuring the integrity, transparency, efficiency and orderly functioning of financial markets,

— strengthening international supervisory coordination,

— preventing regulatory arbitrage and promoting equal conditions of competition,

— ensuring that the taking of risks are appropriately regulated and supervised, and

— enhancing customer protection.

In addition, it is envisaged that ESMA will also carry out the supervision of credit rating agencies within the EU, and perform tasks relevant to over-the-counter (OTC) derivatives and short-selling of securities.

To this end, in addition to adopting non-binding acts such as guidelines and recommendations, and draft technical standards, each Authority may also adopt binding decisions in certain circumstances addressed to national supervisory authorities or to individual financial institutions, which, together with certain other decisions, will be appealable acts.

ESMA has its seat in Paris, France; EBA has its seat in London, United Kingdom, and EIOPA has its seat in Frankfurt, Germany. Each of the Authorities was established on 1 January 2011.

2. The joint Board of Appeal

Articles 60 and 61 of each of the three Regulations set out the relevant rights of recourse against decisions of the Authorities. Articles 58 and 59 of each Regulation provide for the establishment of a joint Board of Appeal of the three Authorities. The Board is responsible for deciding on appeals against certain individual decisions of the Authorities. Its decisions can themselves be appealed before the Court of Justice of the European Union.

([1]) Published in OJ L 331, 15.12.2010.

The joint Board of Appeal shall be composed of six members and six alternates, who shall be individuals of a high repute with a proven record of relevant knowledge and professional experience, including supervisory experience, to a sufficiently high level in the fields of banking, insurance, occupational pensions, securities markets or other financial services. Excluded are current staff of the competent authorities or other national or Union institutions involved in the activities of the Authorities.

The Board of Appeal shall have sufficient legal expertise to provide expert legal advice on the legality of the Authorities' exercise of their powers. The members of the Board of Appeal shall be independent in making their decisions. They shall not be bound by any instructions.

The Board of Appeal designates its own President.

The term of office of the members of the Board of Appeal shall be five years. This term may be extended once.

3. **Eligibility criteria**

Candidates must, as of the closing date for applications:

— be a national of a Member State of the European Union [1],

— not be current staff of the competent national supervisory authorities or other national or Union institutions involved in the activities of the Authorities,

— not be a member of an Authority's Stakeholders Groups,

— have (a) successfully completed a full course of university studies in law or economics or another subject relevant for the work of the Authorities, attested by a degree where the normal duration of university education is four years or more giving access to undertake postgraduate studies; or (b) successfully completed a full course of university studies in law, economics or another subject relevant for the work of the Authorities attested by a degree where the normal duration of university education is three years, and an additional year of relevant professional experience; or (c) succeeded in qualifying to pursue professional activities as a lawyer in a Member State,

— have a minimum of 20 years' professional experience relevant to banking, insurance, occupational pensions, securities markets or other financial services (acquired following the award of the university degree or the degree and the experience mentioned above). This experience may include policymaking and supervision.

4. **Selection criteria**

The following will be taken into consideration:

— a proven record of relevant knowledge and professional experience, including supervisory experience to a high level in the fields of banking, insurance, occupational pensions, securities markets or other financial services,

— legal or academic work related to supervision is a strong advantage,

— a very good knowledge and understanding of EU legislation in the fields of banking, insurance, occupational pensions or securities markets,

— a very good knowledge and understanding of the functioning of banking, insurance, occupational pensions or securities markets,

— a very good knowledge and understanding of regulatory procedures and judicial practice in the context of regulatory appeal and/or arbitration procedures,

[1] The Member States of the European Union are: Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, The Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and United Kingdom.

— the ability to be available at short notice to hear appeals against decisions of the Authorities,

— the potential for conflicts of interest which could limit the ability of a candidate to hear appeals,

— knowledge of Union languages (the predominant language of communication within the Authorities will be English but appeals may be brought in any official language of the European Union ([1])).

5. **Selection procedure and working conditions**

Under the terms of Regulations (EU) No 1093/2010, (EU) No 1094/2010, and (EU) No 1095/2010, the Management Board of each Authority will decide (after consultation with their respective Boards of Supervisors) on the appointment of two members and two alternates on the basis of a short-list of proposed by the European Commission.

The members of the Board of Appeal may not perform any other duties in the Authority, in its Management Board or in its Board of Supervisors. They shall receive appropriate expenses and compensation according to the ESAs' budgetary constraints for the tasks accomplished on the basis of a contract as service providers, but shall not be permanent employees of the Authorities. Members of the Board of Appeals may therefore be in full-time employment, if this is compatible with their ability to hear appeals at short notice. Once the Board of Appeals has established its rules of procedure, the level of activity of the Board of Appeal will depend on the number of appeals made against decisions of the Authorities.

The members of the Board of Appeal shall undertake to act independently and in the public interest. For that purpose, they shall make a declaration of commitments and a declaration of interests indicating either the absence of any interest which may be considered prejudicial to their independence or the nature of any direct or indirect interest which might be considered prejudicial to their independence. Those declarations shall be made public, annually and in writing.

6. **Submission of applications**

A letter of motivation and a curriculum vitae must be sent to the address indicated below. The curriculum vitae should preferably be drafted using the European CV format. 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.

The completed application, consisting of the letter of motivation and the CV, must be sent by registered post no later than **18 February 2011**, as attested by the postmark, to:

The European Commission
Internal Market and Services Directorate-General
ESAs — Board of Appeal
Office: SPA2 03/020
1049 Bruxelles/Brussel
BELGIQUE/BELGIË

or delivered by courier service no later than 18 February 2011 to:

The European Commission
Internal Market and Services Directorate-General
ESAs — Board of Appeal
Office: SPA2 03/020
c/o Courrier Central
Avenue du Bourget 3
1140 Bruxelles/Brussel
BELGIQUE/BELGIË

The envelope should have 'CONFIDENTIAL — DO NOT OPEN' in clear text on the outside of the envelope;

or received in the dedicated mailbox MARKT-ESA-BOARD-OF-APPEAL@ec.europa.eu by midnight on **18 February 2011**, as attested by a delivery notification (in case of sending of applications by e-mail it is recommended also to send a copy by registered mail in case a delivery notification is not received).

([1]) Bulgarian, Czech, Danish, Dutch, English, Estonian, Finnish, French, Irish, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovenian, Spanish, Swedish.

7. **Equal opportunities**

The European Union institutions and other bodies apply a policy of equal opportunities and accept applications without distinction on the grounds of sex, race, colour, ethnic or social origin, genetic features, language, religion, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation.

8. **Protection of personal data**

The Commission will ensure that candidates' personal data are processed as required by Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data. This applies in particular to the confidentiality and security of such data ([1]).

([1]) OJ L 8, 12.1.2001, p. 1.