ADMINISTRATIVE PROCEDURES

SINGLE RESOLUTION BOARD

Public call for expressions of interest in the appointment as alternate to the Appeal Panel of the Single Resolution Board (SRB)

(SRB/2018/001)

(2018/C 272 A/01)

This Single Resolution Board’s call for expressions of interest relates to the appointment as Alternate to its Appeal Panel.

The Single Resolution Board

The Single Resolution Board (SRB) is the European resolution authority and works in close cooperation with the national resolution authorities of participating Member States together forming the Single Resolution Mechanism (SRM). The SRB works closely with the European Commission and the European Central Bank (ECB) in safeguarding financial stability.

Its mission is to ensure an orderly resolution of failing banks with minimum impact on the real economy and on public finances of the participating Members states and beyond. Therefore, the SRB is granted specific tasks and responsibilities in preparing for and carrying out resolution of banks that are failing or likely to fail.

The SRB is also responsible for managing the Single Resolution Fund (SRF), as established by the Regulation (EU) No 806/2014 of the European Parliament and of the Council (1) (SRM-R), to ensure that medium-term funding support is available while a bank is being restructured and/or resolved.

The SRB is a self-financed agency of the European Union.

The SRB’s Appeal Panel

Pursuant to Article 85 of the SRM-R, the SRB established an Appeal Panel for the purpose of deciding on appeals submitted against certain decisions of the Board. Pursuant to paragraph 3, any natural or legal person, including resolution authorities, may appeal against a decision of the Board:

— addressing substantive impediments to resolvability according to Article 10(10) SRM-R,

— applying simplified obligations in relation to the drafting of resolution plans for specific entities or waiving the obligation of drafting those plans according to Article 11 SRM-R,

— determining the minimum requirement for own funds and eligible liabilities (MREL) according to Article 12(1) SRM-R,

— imposing a penalty according to Articles 38 to 41.

— raising contributions to the administrative expenditures of the Board according to Article 65(3) SRM-R,

— raising extraordinary ex post contributions according to Article 71 SRM-R, and

— denying access to documents under the public access to documents-framework referred to in Article 90(3) SRM-R.

The Appeal Panel decides on the basis of a majority of its members (paragraph 4). Its decisions shall be reasoned and notified to the parties (paragraph 9). The Appeal Panel may confirm the decision taken by the Board, or remit the case to the latter. The Board shall be bound by the decision of Appeal Panel and it shall adopt an amended decision regarding the case concerned (paragraph 8). Decisions taken by the Appeal Panel can be appealed before the Court of Justice of the European Union (Article 86(1) of the SRM-R). Pursuant to paragraph 10 of Article 85 SRM-R, the Appeal Panel adopted its rules of procedure (cf. https://srb.europa.eu/en/content/procedure). The Appeal Panel is assisted in its work by an independent Secretariat.

**Composition of the Appeal Panel**

Under Article 85(2) of the SRM-R, the Appeal Panel shall be composed of five Members and two Alternates, who shall be individuals of high repute from the Member States, coming from the private or the public sector, with a proven record of relevant knowledge and professional experience in the fields of banking or other financial services, including resolution experience.

The Members of the Appeal Panel and the two Alternates shall be appointed by the SRB for a term of five (5) years, which may be extended once, following a public call for expressions of interest. They shall not be bound by any instructions.

The current composition of the Appeal Panel is available under: https://srb.europa.eu/en/content/composition.

**Call of interest for Alternates to the Appeal Panel**

This call is intended to select candidate(s) for the position of Alternate(s) that can be made Members after the discharge of former Members of the Appeal Panel or where need be, on an ad hoc case-by-case basis. The Alternate(s) will be nominated and appointed by the SRB for a term of five (5) years, which may be extended once. Members and Alternates are appointed in a personal capacity and may therefore not delegate their responsibilities to another member or to a third party.

**Workload**

Alternates typically replace the Members of the Appeal Panel in case of their incapacity or in the case of conflicts of interest in the context of a particular appeal, e.g. where a Member of the Appeal Panel is deemed to have a private or personal interest which may influence, or appear to influence, the impartial and objective performance of their duties. In case of the early discharge of a Member, Alternates may also be asked by the Appeal Panel to be made permanent Members for the remaining time of the mandate of the discharged Member.

Members and Alternates are expected to participate actively and regularly. To this extent, the appointee will be expected to attend regular and ad hoc meetings. The Appeal Panel approximately meets four times a year for regular one day meeting at the SRB premises in Brussels, Belgium. Where necessary, the meeting frequency might increase. Applicants should take into account that meetings in general involve preparatory work. They should also be willing to work with electronic media for the management and exchange of documents. The working documents are provided in English and the meetings are also conducted in English. A very good command of English is therefore essential.

**Allowances and rights**

Members and Alternates shall receive remuneration commensurate with the tasks assigned to them on the basis of a contract as service providers, but shall not be permanent employees of the SRB. The Members and Alternates of the Appeal Panel may therefore be in full-time employment, if this is compatible with their ability to hear appeals at short notice (cf. Independence).

Members and Alternates will receive a remuneration of EUR 800 per working day with a maximum of EUR 8,000 per case as a lump sum compensation. The level of activity of the Appeal Panel will depend on the number of appeals made against decisions of the Board.
Travel, accommodation and subsistence costs for Members or Alternates will be met by the SRB according to its decision about the reimbursement rules for the Appeal Panel.

Detailed terms and conditions of appointment of the Members and Alternates of the Appeal Panel will be laid down separately between them and the SRB.

Eligibility criteria
Candidates must comply with the requirements below, otherwise their applications will not be taken into consideration.

Candidates must, as of the closing date for applications:

— be a national of a Member State of the European Union,
— not be current staff of the SRB,
— not be current staff of resolution authorities or other national or Union institutions, bodies, offices and agencies who are involved in performing the tasks conferred on the SRB by the SRM-R,
— have:
  (a) successfully completed a full course of university studies in preferably law, economics or another subject relevant for the work of the Appeal Panel of the SRB, attested by a degree where the normal duration of university education is four (4) years or more giving access to undertake postgraduate studies; or
  (b) succeeded in qualifying to pursue professional activities as a lawyer in a Member State,
— have relevant knowledge and a minimum of ten (10) years of professional experience, including resolution experience, in the fields of banking or other financial services (acquired following the award of the university degree), and
— have an advanced command of English with proven drafting ability skills and a satisfactory knowledge of at least one other official language of the European Union.

Independence
All candidates will be subject to a pre-screening of any potential conflict of interest in line with the applicable rules. For this purpose, all candidates have to provide, together with their application, a declaration of interest form, as explained below, fully completed and duly signed. Any detected direct interest will lead to the exclusion from the appointment process.

Members and Alternates of the Appeal Panel shall act independently and in the public interest and shall not be bound by instructions. They shall submit a public declaration of commitments and a public declaration of interests indicating any direct or indirect interest, which might be considered to be prejudicial to their independence or the absence of any such interest.

Selection criteria
Assessment of expressions of interest will be based on:

— a proven record of relevant knowledge and professional experience to a sufficiently high level in the fields of law, banking or other financial services, which may include experience in financial services regulation,
— resolution experience in the banking sector,
— legal or academic work related to resolution,
— a very good knowledge and understanding of EU legislation in the fields of banking and other financial services,
— a very good knowledge and understanding of procedures practice in the context of appeal procedures,
— the ability to be available at short notice to hear appeals against decisions of the Board, and
— the potential for conflicts of interest which could limit the ability of a candidate to hear appeals, and
— proven ability, through objective elements of past track-record, to work and interact in a collegial context.

**Application procedure and closing date**

The application must include:

(a) a letter of motivation (signed);
(b) the completed form on declaration of interests (signed):

(c) a CV.

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.

As the predominant working language of the SRB is English, candidates must submit their applications in English.

In submitting an application, applicants accept the procedures and conditions as described in this call and in the documents to which it refers. In compiling their application, applicants may under no circumstances refer to any documents submitted in prior applications (example: photocopies of previous applications will not be accepted). Any misrepresentation in supplying the required information may lead to exclusion from the present call.

The **deadline** for submission of applications is **7 September 2018**.

The complete application must be sent by electronic means not later than **7 September 2018, 11:59 pm** to the following address:

SRB-RECRUITMENT@srb.europa.eu


The nomination and appointment of candidates is envisaged to be concluded by the end of September 2018.

For any further information on this Call, please contact SRB-RECRUITMENT@srb.europa.eu by referring in the subject of the email to the reference number of the Call: [SRB/2018/001].

**Appointment process**

All candidates applying to this call for expressions of interest will be informed of the outcome of the selection process. Based on the selection criteria listed above, the SRB shall draw up a list of candidates.

**Equal opportunities and protection of personal data**

The SRB applies 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.

The SRB will further ensure that candidates' personal data are processed as required by Regulation (EC) No 45/2001 (2). This applies in particular to the confidentiality and security of such data.

---