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(Announcements)

ADMINISTRATIVE PROCEDURES

EUROPEAN COMMISSION

Call for expression of interest in the appointment as technically qualified alternate/additional members of the Board of Appeal of the European Chemicals Agency

(2019/C 104/05)

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.

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

CLP ⁽²⁾ is the Regulation on Classification and Labelling and Packaging of chemicals. It entered into force on 20 January 2009. Article 50 of the Regulation describes the tasks of the Agency.

BPR ⁽³⁾ is the Biocidal Product Regulation, which entered into force on 1 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.

PIC ⁽⁴⁾ is the Prior Informed Consent Regulation, which entered into force on 1 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: <https://www.echa.europa.eu/>

The Board of Appeal

Articles 89 to 94 of Regulation (EC) No 1907/2006 of the European Parliament and of the Council ⁽⁵⁾ 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 ⁽⁶⁾.

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 ⁽⁷⁾. According to this Regulation, the Board of Appeal shall consist of technically and legally qualified members.

⁽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>

⁽⁵⁾ OJ L 396, 30.12.2006, p. 1.

⁽⁶⁾ Regulation (EU) No 528/2012 of the European Parliament and of the Council of 22 May 2012 concerning the making available on the market and use of biocidal products (OJ L 167, 27.6.2012, p. 1).

⁽⁷⁾ OJ L 280, 24.10.2007, p. 10.

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 (EC) No 771/2008 ⁽⁸⁾ as modified by Commission Implementing Regulation (EU) 2016/823 ⁽⁹⁾.

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 tasks of the technically qualified alternate of the Board of Appeal shall in particular include the following:

- examine and decide on appeals in an independent and impartial manner,
- respect legal principles and rules in the proceedings,
- act as rapporteur for appeals,
- carry out preliminary studies of the appeals,
- rule on admissibility of appeals,
- prepare communications to parties,
- participate in oral hearings,
- draft decisions on appeals in a timely and thorough manner.
- Provide specialist Knowledge of chemicals or analogous substances.

More information on the European Chemicals Agency Board of Appeal can be found at: <https://echa.europa.eu/about-us/who-we-are/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, either
 - following successful completion of university studies where the normal duration of university education is four years or more giving access to postgraduate studies; or
 - 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).
- a minimum of 12 years' professional experience in scientific or technical fields relevant to REACH, including hazard assessment, exposure assessment or risk management with regard to human health or environment risks of chemical substances or related fields (acquired following the award of the university degree or the degree and the experience or equivalent qualification mentioned above), including professional experience of at least five years in the regulatory management of chemicals or analogous regulatory systems.
- have a thorough knowledge of one of the official languages of the European Union ⁽¹⁰⁾ 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.

It is desirable that candidates should be in a position to serve at least 5-years term.

⁽⁸⁾ OJ L 206, 2.8.2008, p. 5.

⁽⁹⁾ OJ L 137, 26.5.2016, p. 4.

⁽¹⁰⁾ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:01958R0001-20130701&qid=1408533709461&from=EN>

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

- 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 duties ⁽¹⁾;

We look for (selection criteria)

- a good knowledge and understanding of the technical aspects of REACH and EU legislation on biocides or analogous regulatory systems ⁽²⁾,
- the ability to make decisions and work collegially with others,
- good oral and written communication skills (the predominant language of communication within the Agency is English).

The following will be an asset:

- knowledge and understanding of regulatory procedures or judicial practices,
- proven experience in European Union law, related to chemicals, or in another analogous regulatory field,
- experience working in a collegial body,
- experience of working in a multicultural and multilingual 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 technically qualified alternate/additional members 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 for the position of technically qualified alternate/additional members. Candidates should note that inclusion on the list of the European Commission does not guarantee appointment.

The alternate/additional members will be placed on a reserve list and called upon by the Board of Appeal to deal with cases in the absence of the full-time members or when necessary to ensure that the appeals can be processed at a satisfactory rate. The alternate/additional members are not appointed as members of the staff of the Agency. Thus, alternate/additional members are not required to suspend their 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 term of office on the Board of Appeal is 5 years. It may be prolonged once.

The European Commission will organise the selection for the position of technically qualified alternate/additional members of the Board of Appeal. 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 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 technically qualified alternate/additional members of the Board of Appeal.

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.

⁽¹⁾ Before the appointment, successful applicants will be required to produce an official document showing that they do not have a criminal record.

⁽²⁾ This means regulatory systems such as those governing plant protection products, biocides, food additives, pharmaceuticals or cosmetics, the Water Framework Directive, the Integrated Pollution Prevention and Control Directive, the Seveso Directive, or regulatory provisions on occupational safety and health in relation to chemicals.

The alternate/additional members are remunerated by case on a daily fee basis. At present the remuneration is up to a maximum of EUR 400 for each actual day of work (8,0 hours) for the alternate/additional member who has been designated as a rapporteur for a given appeal by the Chairman, with a maximum amount of EUR 6 000 per case, or up to EUR 300 for each actual day of work for an alternate/additional member not designated as rapporteur, with a maximum amount of EUR 4 500 per case. In addition for both cases, reimbursement of travel costs and a daily allowance to cover board and accommodation will be paid ⁽¹³⁾.

The alternate/additional members 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.

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.

Candidates need a valid email address. This is used to confirm their registration as well as to remain in contact with them during the different stages of the selection process. Any changes to the candidate's email address made during the selection process should be indicated.

To complete the application, candidates need to send a CV and a letter of motivation to the following email address: GROW-ECHA-BOA-TQM@ec.europa.eu.

Candidates are invited to specify all the EU languages they know and the corresponding level of knowledge according to the Common European Framework of Reference for Languages ⁽¹⁴⁾. Candidates will receive an email confirming that their application has been registered. Please note that in the absence of a confirmation email, the application has not been registered. For more information and/or in case of technical problems, please send an email to: grow-d1@ec.europa.eu.

Closing date

The closing date for registration is **26 April 2019**, 12.00 (noon) Brussels time. 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 member of the Board of appeal, their alternates/additional members act 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.

⁽¹³⁾ See Decision of the Management Board (document MB/10/2014 of 20/03/2014)
https://echa.europa.eu/documents/10162/21678309/final_mb_10_2014_remuneration_of_aams_of_boa_annexes_included_en.pdf/79489824-0381-4364-a73c-7118fd5ee130

⁽¹⁴⁾ <https://www.coe.int/en/web/common-european-framework-reference-languages/table-1-cefr-3.3-common-reference-levels-global-scale>

The candidates must also comply with the eligibility criteria established by the Management Board of the ECHA ⁽¹⁵⁾.

Equal opportunities

The European Union applies a policy of equal opportunities and non-discrimination in accordance with Article 1d of the Staff Regulations ⁽¹⁶⁾ 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 (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 EU institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC ⁽¹⁷⁾. This applies in particular to the confidentiality and security of such data.

⁽¹⁵⁾ See document MB/45/2013 final: https://echa.europa.eu/documents/10162/13555/final_mb_45_2013_eligibility_crit_guid_en.pdf
Please note that these eligibility criteria are currently under revision and the updated version will be published within PRO-0067 Procedure on the Prevention and Management of potential Conflicts of Interest on ECHA's webpages here in the coming weeks: <https://echa.europa.eu/web/guest/about-us/the-way-we-work/procedures-and-policies/conflicts-of-interest>

⁽¹⁶⁾ 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>

⁽¹⁷⁾ OJ L 295, 21.11.2018, p. 39.