

**Vacancy Notice for the position of**

**Head of the Market Surveillance and Conduct Department (Grade AD11)**

**in the Agency for the Cooperation of Energy Regulators**

**REF.: ACER/2016/07**

**Publication**

**External**

**Title Function**

**Head of the Market Surveillance  
and Conduct Department**

**Partner Directorate-General / Service**

**DG ENER (BXL)**

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**1. WE ARE**

The Agency for the Cooperation of Energy Regulators (hereinafter referred to as “the Agency”) is a European Union (“EU”) body, legally established by Regulation (EC) No 713/2009<sup>1</sup> and operational since 2011. The Agency is central to the liberalisation of the EU's electricity and natural gas markets.

The purpose of the Agency is to assist National Regulatory Authorities (“NRAs”) in exercising, at Union level, the regulatory tasks that they perform in the Member States and, where necessary, to coordinate their action.

In this respect, the Agency:

- a) Complements and coordinates the work of NRAs;
- b) Participates in the creation of European energy market and network rules;
- c) Contributes to the planning of the development of European energy infrastructure;

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<sup>1</sup> Regulation (EC) No 713/2009 of the European Parliament and of the Council of 13 July 2009 (OJ L 211, 14.8.2009, p. 1)

- d) Takes, under certain conditions, binding individual decisions on terms and conditions for access and operational security for cross-border infrastructure, on exemptions from certain access and unbundling provisions of the Third Package, and on cross-border cost allocations in relation to Projects of Common Interest;
- e) Gives advice, on electricity- and natural gas-related issues, to the European institutions;
- f) Monitors the internal markets in electricity and natural gas and reports on its findings;
- g) Monitors wholesale energy markets in the European Union.

In this last respect, according to Regulation (EU) No 1227/2011 on wholesale energy market integrity and transparency (REMIT), the Agency is responsible for monitoring trading in wholesale energy products to detect and deter market abuse. The Agency has been implementing a monitoring framework, including trade and fundamental data collection and analysis, since REMIT entered into force in December 2011. The Agency's REMIT-related activities have been so far performed by the Market Monitoring Department. With the REMIT implementation phase coming to its conclusion, in 2016 the Agency plans to establish an additional Department – the Market Surveillance and Conduct Department – which will be responsible for the screening of the trade and fundamental data reported to the Agency and for the initial analysis and assessment of any anomalous event. The collection of the trade and fundamental data reported to the Agency, as well as the implementation of the reporting policy, will remain with the current Market Monitoring Department.

The Agency currently has a staff of more than 80 people and an approved annual budget of €15.8 million in 2016. The Agency's internal structure currently comprises four Departments (Electricity, Gas, Market Monitoring and Administration) and the Director's Office.

The Agency is located in Ljubljana (Slovenia).

## **2. WE PROPOSE**

The Agency is looking to recruit the Head of the Market Surveillance and Conduct Department who will be responsible for leading and managing the new Market Surveillance and Conduct Department that the Agency intends to establish in 2016.

The tasks, assigned to the Market Surveillance and Conduct Department will include, *inter alia*:

- Developing and implementing surveillance tools to detect potential instances of market abuse;
- Performing market surveillance of wholesale energy markets by screening the trade and fundamental data reported to the Agency to detect any anomalous instances which may indicate the occurrence of market abuse;
- Performing an initial assessment and analysis of anomalous instances to establish whether they are likely to involve market manipulation, attempted market manipulation, insider trading and/or a breach of other obligations or prohibitions under REMIT;

- Reviewing internal initial assessments and notifications from NRAs, Financial Market Authorities and competition authorities to identify whether reasonable grounds exist to suspect that acts in breach of REMIT are being, or have been, carried out;
- Notifying suspected breaches of REMIT to NRAs or other relevant authorities for their review, investigation or enforcement, as appropriate, according to Article 16(1) and (3) of REMIT;
- Aiming to ensure that NRAs carry out their tasks under REMIT in a coordinated and consistent way in their case-handling activities.

The Head of the Market Surveillance and Conduct Department will work, with a degree of autonomy, under the direction of and reporting to the Director of the Agency and in close cooperation with the Head of the current Market Monitoring Department.

The duties of the Head of the Market Surveillance and Conduct Department will include the following non-exhaustive list of tasks:

### **Leading and managing the Department**

- Define the Department's work plan, related to the tasks as described above and in accordance with the Agency's work programme, and adopt and regularly review implementation guidelines;
- Implement and follow up the Department's organisation and ensure effective distribution of tasks and responsibilities to staff in order to achieve the expected results and output, using the resources allocated to the Department in the most effective and efficient manner and in compliance with existing staff regulations;
- Evaluate the fulfilment of objectives using relevant indicators and report to the Director on the results achieved;
- Verify the conformity of the Department's output and operations with official regulations and procedures, including the Internal Control Standards framework, and ensure that the Department meets all its obligations.

### **Policy implementation at Department level**

- Provide general guidance and intellectual leadership to the Department staff on aspects related to the specific activities which fall within the remit and responsibility of the Agency and are assigned to the Department, as stated above;
- Coordinate activities at the Department level to meet the objective of the work programme and other objectives and requirements as they may emerge from time to time;
- Closely coordinate with the Head of the current Market Monitoring Department and promote the close cooperation between the teams of the Market Surveillance and Conduct Department and of the current Market Monitoring Department;
- Contribute to the definition of the Agency's work programme;

- Contribute to the follow up of Agency's proposals, opinions and recommendations through the inter-institutional process, including *vis-à-vis* NRAs, the European Parliament, the Council of the European Union and/or the European Commission;
- Implement and/or monitor the proper implementation, as the case may be, of EU policies and the application of EU legislation in the area of activity of the Department.

### **Management of personnel of the Department**

- Ensure effective People Management within the Department in accordance with the Agency's policy, with the support of the Administration Department of the Agency. This involves, in particular, the approval of job descriptions, the establishment of an annual Career Development Review, the monitoring of the accomplishment of individual objectives, the approval of participation in training actions and the participation in the selection of candidates to vacant jobs;
- Maintain interactive communication within the Department, so that staff is informed on all relevant policy and strategic aspects affecting the Department work, and appropriate feedback is obtained;
- Approve, authorise and/or give an opinion on requests regarding personnel administration, i.e. leave, part-time work, external activities, etc.

### **Co-ordination, consultation and communication at Department level**

- Contribute to enrich internal communication and knowledge sharing within the Agency;
- Coordinate with other Heads of Department and ensure smooth cooperation between departments on issues within his/her competences, in particular with the Head of the current Market Monitoring Department to ensure a consistent understanding and application of REMIT;
- Report, inform and/or brief the Director on policy developments, on the outcome of consultation and on the coordination with other departments;
- Ensure appropriate evaluation and reporting of Department activities.

### **Programme/project management**

- Monitor overall Department's activities and the respect of EU rules on correct administrative, contractual and financial management;
- Manage budget lines assigned to the Department and contribute to the full implementation of the procurement plan of the Agency.

The Head of the Market Surveillance and Conduct Department may be called, from time to time, to perform other tasks, according to the needs of the Agency, as determined by the Director.

The Head of the Market Surveillance and Conduct Department will be required to act with a service-oriented culture, handling files with confidentiality and utmost professional integrity, being able to show excellent interpersonal and communication skills. He/she is expected to be proactive, with a team spirit, good management of stress, good level of flexibility, being able to prioritise, delivering quality and results with attention to detail and commitment to excellence.

### 3. WE LOOK FOR

#### A) Eligibility criteria

Candidates will be considered eligible for the selection phase if they meet the following formal requirements by the deadline for applications:

1. To have a level of education which corresponds to completed university studies attested by a diploma when the normal period of university education is four (4) years or more,

*or*

to have a level of education which corresponds to completed university studies attested by a diploma and appropriate professional experience of at least one year when the normal period of university education is at least three (3) years;

*(Only study titles that have been awarded in EU Member States or that are subject to the equivalence certificates issued by the authorities in EU Member States shall be taken into consideration)*

2. To have acquired at least **fifteen (15) years of professional experience<sup>2</sup>** after obtaining the qualifications mentioned in point 3 A) 1. above;
3. To have a thorough knowledge of one of the official languages of the European Union (level C2)<sup>3</sup> and a satisfactory knowledge of a second of these languages (level B2) to the extent necessary to perform his/her duties;
4. To be a national of a Member State of the European Union;
5. To be entitled to his or her full rights as a citizen<sup>4</sup>;

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<sup>2</sup> Only relevant professional experience acquired after achieving the minimum qualifications stated in point 3 A) 1 shall be considered. Where additional period of training and study are accompanied by periods of professional activity, only the latter shall be considered as professional experience. Compulsory military service or equivalent civilian service accomplished after the achieving the minimum qualifications stated in point 3 A) 1 shall be taken into consideration. Professional activity pursued part-time shall be calculated pro-rata, on the basis of the percentage of full-time hours worked. A given period may be counted only once. At a later stage, the candidate will be asked to provide supporting documents confirming the length and the level of his/her professional experience.

<sup>3</sup> The languages of the EU are: Bulgarian, Croatian, Czech, Danish, Dutch, English, Estonian, Finnish, French, Irish, German, Greek, Hungarian, Italian, Latvian, Lithuanian, Maltese, Polish, Portuguese, Romanian, Slovak, Slovene, Spanish, and Swedish.

<sup>4</sup> Prior to the appointment, the successful candidate will be asked to provide a police certificate confirming the absence of any criminal record.

6. To have fulfilled any obligations imposed by the laws concerning military service;
7. To be physically fit to perform the duties linked to the post<sup>5</sup>.

### **B) Selection criteria**

The following criteria will be assessed when selecting the candidates for the interviews:

#### Technical knowledge:

1. **University education in a field relevant to this post;** relevant university degrees are engineering, economics, law or equivalent.
2. **Post-graduate degree** obtained in a field relevant for the above tasks and duties; of relevance are postgraduate degrees (Master, Ph.D.) which enable the candidate to deepen his/her knowledge of **energy regulation** or his/her **management skills**;
3. By the closing date for applications, candidates must, after obtaining the qualifications mentioned in point 3.A.1, have acquired at least **10 years** of professional experience in the **energy sector** and at least **5 years** thereof specifically in **energy sector regulation**, as well as in **energy (electricity and gas) trading** or **market supervision/monitoring**;
4. Excellent knowledge of the functioning of the **Internal Energy Market** and of the functioning of **wholesale energy markets** (specifically for electricity and gas); candidates are invited briefly to explain in their motivation letter in which position(s) they acquired this knowledge;
5. Sound knowledge of **energy sector regulation, energy trading and market supervision and/or monitoring**; candidates are invited briefly to explain in their motivation letter in which position(s) they acquired their knowledge in these areas;
6. Familiarity with the current developments in the European energy markets. Candidates are encouraged to include in their motivation letter a paragraph presenting their vision on what they consider to be the most outstanding issues in the **monitoring of wholesale energy markets in the European Union and the role assigned to the Agency under REMIT**;
7. Familiarity with **EU competition policy and its implementation**; candidates are invited briefly to explain in their motivation letter in which position(s) they developed such experience;

#### Communication and other personal skills:

8. Excellent written and oral command (level C2) of the English language;
9. Proven experience of at least 5 years in managing teams; candidates are invited to specify in their CV or briefly in the motivation letter, for each position they claim to be a

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<sup>5</sup> Before the appointment, a successful candidate shall be medically examined by one of the institutions' medical officers in order for the Agency to be satisfied that he/she fulfils the requirement of Article 28(e) of the Staff Regulations of the Officials of the European Union.

management position, how many staff members they directly supervised, in which role and for which type of activities;

10. Ability to work under pressure and manage his/her priorities; capacity to manage and co-ordinate several processes and projects simultaneously;
11. Good written and oral command (level B2) of a second official language of the European Union, including the mother tongue;
12. Experience of working in an international/multicultural environment dealing with a very diverse range of stakeholders, including international organisations.

#### **4. SELECTION AND APPOINTMENT**

A Selection Committee will evaluate the applications and select those candidates meeting the eligibility criteria and best matching the selection criteria. The Selection Committee will endeavour to invite a minimum of six candidates and a maximum of eight candidates to an interview and written test. However, the number of invited candidates may be higher in the case of a larger number of candidates participating in the selection procedure and meeting the eligibility and selection criteria, or lower in the case of a limited number of eligible applicants and/or of a limited number of candidates meeting the selection criteria.

The interview and test will focus on the following aspects:

- Specific knowledge and competences in line with the selection criteria of the present Vacancy Notice;
- General aptitudes and language abilities to the extent necessary for the performance of the duties in accordance with Article 12.2.e of the Conditions of Employment of Other Servants;
- Knowledge of structures of EU bodies and the Agency.

The candidate(s) included in the short-list may subsequently be invited for a second interview with the Director of the Agency.

A reserve list of the most suitable candidates will be drawn up by the Agency. In line with Director Decision 2014/006, candidates achieving a mark in the competency test and interview of at least 70% will be placed on the reserve list. The reserve list will be valid until 31/12/2016. Its validity may be extended by the decision of the Director.

The reserve list will be used for the appointment of the Head of the Market Surveillance and Conduct Department.

All candidates will be informed about the outcome of the procedure.

## 5. EQUAL OPPORTUNITIES

The Agency applies an equal opportunities policy and accepts and treats applications without distinction on 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.

## 6. CONDITIONS OF EMPLOYMENT

The successful candidate will be appointed by the Director as a temporary agent at grade AD11, pursuant to Article 2(f) of the Conditions of Employment of Other Servants, for a period of 5 years, which may be renewed in the interest of the service.

### Pay and welfare benefits

The pay of staff members consists of a basic salary, allowances and other benefits. Depending on the individual family situation and the place of origin, the successful jobholder may be entitled to: expatriation allowance (16% of the basic salary), household allowance, dependent child allowance, education allowance, pre-school allowance, installation allowance, reimbursement of removal costs, initial temporary daily subsistence allowance and other benefits. Salaries are exempted from national tax; instead a Union tax at source is paid.

Grade/step	Minimum requirements for classification in step <i>(required level of university studies + minimum number of years of experience after university graduation)</i>	Monthly basic salary	Monthly net salary, including specific allowances <sup>6</sup>
AD11 step 2	4 years' university degree in a field relevant for this position +15 years' experience in some or all of the fields covered by the job description	9,814.39 €	8,007.92 €

Additional benefits:

- Annual leave entitlement of two days per calendar month plus additional days for age, grade, 2,5 days home leave if applicable, and in addition on average 19 ACER holidays per year;
- EU Pension Scheme (after 10 years of service);
- EU Joint Sickness and Insurance Scheme (JSIS), accident and occupational disease coverage, unemployment and invalidity allowance and insurance, and
- Benefits granted to diplomatic staff of the Agency under the Seat Agreement with the Republic of Slovenia<sup>7</sup>.

<sup>6</sup> An estimation of net salary, including the deduction for tax, correction coefficient (currently at 81.2 %). and social security and adding the allowances (this estimation has been calculated with expatriation allowance, management allowance, household allowance and with one dependent child allowance). Allowances depend in any case on the personal situation of the candidate.

<sup>7</sup> Seat agreement: [http://www.acer.europa.eu/The\\_agency/Working\\_at\\_ACER/Documents/ACER\\_Seat-Agreement.pdf](http://www.acer.europa.eu/The_agency/Working_at_ACER/Documents/ACER_Seat-Agreement.pdf)

## 7. DATA PROTECTION

The Agency will ensure that any personal data submitted in connection with this Vacancy Notice is processed in accordance with Regulation (EC) No 45/20016 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. Only Agency's staff directly involved in the selection procedure in question shall have access to these data. In some cases, an external expert, equally bound by the same data protection principles, may assist the Agency in the selection of candidates.

The information submitted during the selection process will be used solely for that purpose. The legal basis is available in the Staff Regulations of Officials and Conditions of Employment of Other Servants and, in particular, in Articles 12-15 and 82-84 thereof.

When an applicant is selected for inclusion on the reserve list, his/her personal data will be stored for the duration of the validity of the reserve list while, for non-recruited candidates, the information will be stored for a maximum period of two years. Documents related to recruited candidates are kept in the staff member's personal file, which is kept until 10 years after the jobholder has terminated employment at the Agency.

Any party submitting personal data to the Agency is entitled to access and to rectify those data (after the closing date of the application deadline, rectification is limited to identification data). To exercise these rights, contact the Data Protection Officer at [DPO@acer.europa.eu](mailto:DPO@acer.europa.eu).

Furthermore, any applicant has the right to recourse, at any time, to the European Data Protection Supervisor.

## 8. APPLICATION PROCEDURE

For applications to be valid, candidates must submit:

- a detailed curriculum vitae in [European CV format in English](#)
- a letter of motivation (1 page sheet maximum) **in English** explaining in which positions they acquired their knowledge and professional experience in the specified areas identified in Section 3 of this vacancy notice.

Applications that are incomplete will be rejected.

Together with the application, candidates are also invited to provide in the CV the names and contact details of at least two most recent professional references (preferably your direct hierarchical superiors without personal link) who may be contacted for references.

Applications should be sent by email to [SELECTIONS-ACER-2016-07@acer.europa.eu](mailto:SELECTIONS-ACER-2016-07@acer.europa.eu) quoting the reference number of the vacancy notice.

Supporting documents (e.g. certified copies of degrees/diplomas, references, proof of experience etc.) should **not** be sent at this stage, but must be submitted at a later stage of the procedure if requested.

In order to facilitate the selection process, all communications to candidates concerning this vacancy will be in English.

Under no circumstances should candidates approach the selection committee, directly or indirectly, concerning this recruitment. The authority authorised to conclude a contract reserves the right to disqualify any candidate who disregards this instruction.

**Applications must be sent by e-mail by 30 April 2016 (23:59 Ljubljana time).**

**If at any stage in the procedure it is established that any of the information a candidate provided is incorrect, the candidate in question will be disqualified.**

For more information on the selection procedure, please consult the Guide for Applicants on the Agency's website:

[http://www.acer.europa.eu/The\\_agency/Working\\_at\\_ACER/Pages/FAQs-on-working-at-ACER.aspx](http://www.acer.europa.eu/The_agency/Working_at_ACER/Pages/FAQs-on-working-at-ACER.aspx).

## **9. APPEALS**

Pursuant to Article 90(2) of the Staff Regulations of Officials and the Conditions of Employment of Other Servants, a candidate may submit a complaint against an act affecting him/her adversely. The complaint must be lodged within 3 months from the date of notification of the act to the following address:

Human Resources Officer  
Agency for the Cooperation of Energy Regulators (ACER)  
Trg republike 3 – 1000 Ljubljana  
Slovenia

Should the complaint be rejected, pursuant to Article 270 of the Treaty on the Functioning of the European Union and Article 91 of the Staff Regulations of Officials and the Conditions of Employment of Other Servants, a candidate may request judicial review of the act. The appeal must be lodged, within 3 months from the date of notification of the rejection, to the following address:

The European Union Civil Service Tribunal  
Boulevard Konrad Adenauer  
L-2925 Luxembourg  
Luxembourg

Any citizen of the European Union or any natural or legal person residing in a Member State may make a complaint for maladministration pursuant to Article 228(1) of the Treaty on the Functioning of the European Union. The complaint must be lodged, within two years of becoming aware of the facts on which the complaint is based, to the following address:

The European Ombudsman  
1, Avenue du President Robert Schuman - BP 403  
F-67001 Strasbourg Cedex  
France