

SELECTION NOTICE FOR POLICY OFFICER - MARKET CONDUCT

Reference number: ACER/2023/06

Position (job title):	Policy Officer - Market Conduct
Department / Team:	Market Surveillance and Conduct Department
Function Group / Grade:	Temporary Staff AD7
Contract duration	5 years (with possibility of renewal)
Location:	Ljubljana, Slovenia
Starting date:	January 2024
Closing date for applications:	7 November 2023, 12:00 (noon) Ljubljana time

1. WE ARE

The European Union Agency for the Cooperation of Energy Regulators (hereinafter referred to as “ACER”) is a European Union (“EU”) body, legally established by Regulation (EU) No 2019/942¹ and operational since 2011. ACER is central to the integration and well-functioning of the EU's electricity and natural gas markets.

The purpose of ACER 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, and to mediate and settle disagreements between them. ACER shall also contribute to the establishment of high-quality common regulatory and supervisory practices, thus contributing to the consistent, efficient and effective application of Union law in order to achieve the Union's climate and energy goals.

In this respect, ACER:

- a) Complements and coordinates the work of NRAs;
- b) Participates in the development of European network rules;
- c) Takes, under certain conditions, binding individual decisions on terms and conditions for access and operational security for cross-border infrastructure, on cross-border cost allocation for Projects of Common Interest and on terms and conditions or methodologies for the implementation of network codes;
- d) Gives advice on electricity and natural gas related issues to the European institutions;
- e) Monitors the internal markets in electricity and natural gas and reports on its findings; and

¹ Regulation (EU) No 2019/942 of the European Parliament and of the Council of 05 June 2019 (recast).

- f) Monitors trading in wholesale energy products to detect and deter market abuse and ensure the integrity and transparency of EU wholesale energy markets in accordance with REMIT i.e., Regulation (EU) No 1227/2011.

The main areas on which ACER's activities focus are:

- Supporting European market integration: this is mainly done through the development of common network and market rules, as well as through the coordination of regional initiatives which are concrete efforts from market participants to work towards greater integration;
- Advising the EU Institutions on trans-European energy infrastructure issues: ACER issues opinions on ten-year network development plans, to ensure that these are in line with priorities set at EU level, and on the draft lists of Projects of Common Interest; and
- Energy market monitoring: ACER has a general mission in terms of market monitoring at the EU level and has, since the end of 2011, a very specific responsibility when it comes to the oversight of wholesale energy trading referred to as surveillance.

Additional tasks have been assigned to ACER with the "Clean Energy for all Europeans" package legislation.

ACER currently employs more than 130 staff (statutory and non-statutory) and has an approved annual budget of € 30,770,880 in 2023. ACER's internal structure comprises five Departments: Electricity, Infrastructure Gas and Retail, Market Surveillance and Conduct, Market Information and Transparency, and Corporate Services. In addition, ACER comprises the Strategy Delivery and Communications Team (including the Brussels Liaison Office), the Legal Services Team, the Data Excellence cluster and the IT Strategy and Planning cluster (including the IT-Project Management Office).

Please find the ACER's organisational chart on the following link:

[Organisational Chart](#)

ACER is located in Ljubljana (Slovenia).

2. WE PROPOSE

ACER offers a dynamic and motivating workplace, where diversity is celebrated and where people's commitment and achievements contribute to build an organisation that is better than the sum of its parts. We strive towards becoming an innovative and engaging workplace, by committing continuously to invest in learning and development opportunities and by focusing on staff well-being and work-life balance.

We invest heavily in the professional development of staff, support a 'low on hierarchy, high on impact' organisational culture, prioritise personal relations and support an active constructive feedback culture, emphasising the positives whilst not shying away from addressing the negatives.

The Policy Officer - Market Conduct will become part of a diverse, young, and motivated team of approximately 30 people coming from 12 different Member States. They will have a possibility to develop their knowledge and competencies through both on-the-job and specialised training relative to their profile and benefit from the ACER's Mentoring Scheme. We are seeking to establish a reserve list for the position of Policy Officer - Market Conduct. The list may be used for any future vacancies in the similar field of work.

Overall Job purpose

The main purpose of the job is to coordinate NRAs on market manipulation and insider trading investigations, investigate and produce investigatory reports, produce Guidance on the definitions of market abuse, and verify the consistency in the application of the market abuse provisions under REMIT.

Main responsibilities

The duties of the Policy Officer - Market Conduct will include the following:

- Performing a set of tasks that aim at ensuring that NRAs carry out their tasks with respect to the market abuse prohibitions of REMIT in a coordinated and consistent way, in particular legal assessment of compliance with the requirements of REMIT. For instance, writing ACER Guidance on the application of REMIT and apply them in cases to provide feedback;
- Reviewing suspicious transactions reports and notifications from persons professionally arranging transactions (PPATs), NRAs, Financial Market Authorities (FMAs) and competition authorities providing reasonable grounds to suspect that acts in breach of REMIT are being, or have been, carried out;
- Referring cases and notifying suspected breaches of REMIT to NRAs or other relevant authorities for their review, investigation or enforcement, as appropriate (according to Articles 16 (1) and (3) of REMIT);
- Exercising the Agency's powers under Article 16(4) of REMIT, in particular by: requesting information to NRAs and analysing it, providing feedback; requesting NRAs to commence an investigation and following their reviews; establishing and coordinating cross-border investigatory groups;
- Producing assessments of market abuse cases brought forward by NRAs at e.g. enforcement stage and in particular report about the level of case consistency vis-à-vis REMIT and the ACER Guidance;
- Conduct investigations on behalf of the Agency on potential cases of market abuse;
- Producing and updating Guidance to the NRAs (According to Article 16 (1) of REMIT) on market abuse topics and on the application of provisions on market manipulation, attempted market manipulation, insider trading and/or a breach of other obligations or prohibitions under REMIT;
- Contributing to and organising meetings that promote the cooperation/coordination of NRAs and the exchange of best practices in REMIT case reviews/investigations/enforcement;
- Cooperating with PPATs, NRAs, ESMA, FMAs and, where appropriate, national competition authorities to ensure that a coordinated approach is taken to the enforcement of the relevant rules;
- Contributing to the development, maintenance and project management of the IT tools that are used by the Agency for the Market Conduct activities (namely the Notification Platform, the Case Management Tool and other business intelligence tools).

The Policy Officer - Market Conduct may be required to work in other areas of ACER, according to needs and priorities, as determined by the Head of the Department or the Director.

The jobholder will be required to act with a service culture, handling data with high confidentiality and professional integrity. Having good interpersonal and communication skills, the jobholder should be able to operate in multicultural working environments and liaise with different stakeholders.

The Agency strives to improve its working methods regularly and may change or shift certain tasks, therefore it is essential for the jobholder to be flexible, open to changes and has the capacity for adaptation to varying duties.

All staff working at ACER share the following **core competencies**:

- *Cooperating*: working with others towards achieving work goals;

- *Delivering quality results*: focusing on achieving results while applying relevant processes and procedures to meet quality standards;
- *Communicating*: sharing relevant information clearly and concisely, sharing useful information with others as appropriate;
- *Problem solving*: having the ability to identify and raise issues or concerns and seeking to anticipate problems a positive and helpful manner;
- *Being service oriented*: complying with ACER's rules and procedures, providing support and delivering services with a view to provide added value;
- *Self-development and knowledge sharing*: ability to share knowledge to support team effectiveness, while seeking feedback to enhance own performance;
- *Valuing diversity*: welcoming and working respectfully, inclusively and effectively with people from diverse backgrounds, while demonstrating respect and understanding of different points of view.

The jobholder will be required to have the following **specific / functional competencies**:

- *Managing projects*: managing efficiently the day-to-day planning, organisation and control of the resources to complete specific project goals, applying the appropriate levels of programme and project management methodologies.
- *Having Technical Expertise*: demonstrating depth of knowledge and skill in a technical area, applying technical knowledge to execute their tasks and solve a range of problems, developing technical solutions to new or highly complex problems that cannot be solved using existing methods or approaches;
- *Being Knowledgeable of the Energy Market*: having in-depth up-to-date knowledge of the functioning and the integration of the EU energy market;

Communication, level of English and other skills (competencies) will be assessed during the interviews.

3. REQUIREMENTS

A) Eligibility criteria

Candidates will be considered eligible for the selection phase on the basis of the following formal criteria to be fulfilled by the deadline for applications:

- 1) To have a level of education which corresponds to completed university studies of at least four (4) years, attested by a diploma
or
have a level of education which corresponds to completed university studies of at least three (3) years attested by a diploma and professional experience of at least one (1) year;
(Only study titles that have been awarded in the EU Member States or Norway, Iceland and Liechtenstein or that are subject to the equivalence certificates issued by the authorities in the said Member States shall be taken into consideration.)
- 2) By the closing date for applications candidates must, after obtaining the qualifications mentioned in point 3.A.1, have acquired at least six (6) years of appropriate professional experience²;
- 3) To have a thorough knowledge of one of the official languages of the European Union³ or Norway,

² Professional experience is considered only from the time the candidate obtained the diploma required for being eligible. At a later stage, the candidate will be asked to provide supporting documents confirming the length and the level of his/her professional experience.

³ 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.

Iceland and Liechtenstein and satisfactory knowledge of a second of these languages (level B2 of CEFR⁴) to the extent necessary to perform their duties;

- 4) To be a national of a Member State of the European Union, Norway, Iceland or Lichtenstein;
- 5) To be entitled to their full rights as a citizen;
- 6) To have fulfilled any obligations imposed by the applicable laws concerning military service;
- 7) To be physically fit to perform the duties linked to the post⁵.

B) Selection criteria

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

Essential

1. Relevant studies in the field of law, economics, mathematics, engineer, or similar;
2. By the deadline for applications, having acquired (6) years or more of relevant professional experience after obtaining the qualifications mentioned in point 3 A) 1 above, in the area of:
 - a. Application of the market abuse provisions under REMIT, MAR, Money Laundering laws, Tax fraud or Competition Law; or
 - b. Investigations under REMIT, Market Abuse Regulation (MAR), or Competition Law; or
 - c. Supervision of energy or others commodities trading.
3. Relevant professional experience in stakeholder's management and coordination acquired in an international setting;
4. Proven experience in project management (principles, methods, and practice);
5. Ability to coordinate/manage a group of stakeholders or a team.

Advantageous

1. Professional experience in the wholesale energy markets;
2. Experience in enforcing REMIT, the Market Abuse Regulation (MAR), or Competition Law;
3. LLM or MBA;

Candidates are invited to briefly explain in their motivation letter in which positions they acquired their knowledge and professional experience in the specified areas.

4. SELECTION AND APPOINTMENT

A Selection Committee will evaluate the applications and select the candidates meeting the eligibility criteria and best matching the selection criteria.

The group of the highest scoring Applicants (hereinafter referred to as "Candidates") shall be invited for a written examination and an oral interview with the Selection Committee.

The number of invited Candidates shall be, as a minimum, six. Taking into account the number and type of post(s) to be filled by a selection procedure and in order to constitute a significant reserve list, the number of Candidates to be invited for a written examination and an oral interview with the Selection Committee may be increased.

⁴ Language levels of the Common European Framework of Reference: <http://europass.cedefop.europa.eu/resources/european-language-levels-cefr>

⁵ 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.

The interview and test will focus on the following aspects:

- a) Specific competencies and knowledge of languages with reference to the selection criteria of the present selection notice;
- b) General aptitudes 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 (CEOS);

A reserve list of the most suitable candidates will be drawn up by the Agency.

In line with Director Decision 2017/16, candidates achieving the qualifying mark in the written test and interview of a minimum of 70% will be placed on the reserve list. The reserve list will be valid until 31/12/2024. Its validity may be extended by decision of the Director.

All candidates will be informed about the outcome of the procedure. Recruitment will be subject to budgetary availability and assignment of posts by the Budgetary Authority.

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.

ACER celebrates diversity! We are convinced that diversity is a strength in the workplace and that its harnessing will improve our productive environment, where everyone feels valued, where their talents are being fully empowered, and in which organisational goals are met.

The Agency is fully committed to the provision of equality of opportunity for all its employees through its employment practices, policies and procedures. ACER undertakes to provide a working environment that is sensitive to differences in racial or ethnic origin, religion or belief, disability, age, sexual orientation and gender. The Agency's way of working is based on a model of best practice whereby all employees can reach their full potential.

To this purpose, ACER applies a policy of equal opportunities and takes great care to avoid any form of discrimination in its selection and recruitment procedure: the Agency ensures that no employees nor job applicants is treated inequitably due to gender, marital or parental status, age, sexual orientation, disability, ethnicity, colour, citizenship/nationality or religious belief.

The Agency's premises are set to accommodate needs of persons with disabilities: ACER constantly makes sure to arrange what candidates, visitors and staff consider necessary to enable them to take part in the activities of the Agency.

The Agency offers a complete set of family support measures, from parental and family leaves to kindergarten and school support, better to foster the performance of duties for colleagues with caring responsibilities.

Work opportunities at ACER are open to nationals of the 27 European Union Member States. Currently the Agency employs staff from 21 different nationalities: for this reason candidates of the following nationalities are particularly encouraged to apply: Estonia, Finland, Latvia, Luxembourg, Malta and Sweden.

6. CONDITIONS OF EMPLOYMENT

Pursuant to Article 2(f) of the CEOS, the successful candidate will be appointed by the Director as a Temporary Staff in Grade AD 7 for a period of 5 years, which may be renewed.

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, reimbursement of removal costs, daily subsistence allowance, installation allowance and other benefits. Salaries are exempted from national tax; a Union tax is paid at source.

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 up to 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.

Grade/Step	Monthly basic salary (gross)	Estimation of monthly net salary, including specific allowances ⁶
AD 7, Step1	6,980.66 €	6,651.12 €
AD 7, Step 2	7,274.00 €	6,876.46 €

7. DATA PROTECTION

The purpose of processing the data that candidates submit is to manage their application(s) in view of possible (pre)selection and recruitment at the Agency. Personal data is processed by and accessible to authorised Agency's personnel. In some cases, an external expert, equally bound by the same data protection principles, may assist the Agency in the selection of candidates.

The Agency adheres to and is regulated 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 Union 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.

The Agency is supervised by EDPS (<http://www.edps.europa.eu>). For any further enquiries, candidates may contact the Data Protection Officer at DPO@acer.europa.eu. Candidates are invited to consult the privacy statement, which explains how the Agency processes personal data in relation to recruitment and selections, available on the Agency website.

8. APPLICATION PROCEDURE

For applications to be valid, candidates must submit the following three documents **in PDF, Word, JPEG or similar format:**

- A complete and detailed curriculum vitae in English, in [European CV format](#) (Europass)⁷ - **other formats will not be considered;**
- A letter of motivation (1 page maximum) in English, explaining in which positions they acquired their knowledge and professional experience in the specified areas identified in Section 2 of this selection notice;
- A completed eligibility form.

⁶ An estimation of net salary, including the deduction for tax, correction coefficient (currently at 87.4% for Slovenia) and social security, adding the allowances (this estimation has been calculated with expatriation allowance, household allowance and with one dependent child allowance). Please note that allowances depend in any case on the personal situation of the candidate.

⁷ The Europass template is available at the following link: <https://europass.cedefop.europa.eu/>

Applications must be sent by e-mail by 07/11/2023, 12:00 (noon) Ljubljana time.

Applications should be sent by email to SELECTIONS-ACER-2023-06@acer.europa.eu with the following **subject line: ACER-2023-06 NAME SURNAME**

Applications that are not complete or that are received after the deadline are considered as non-valid.

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 selection will be in English.

Under no circumstances should candidates approach the Selection Committee, directly or indirectly, concerning this recruitment. ACER reserves the right to disqualify any candidate who disregards this instruction.

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 [ACER's website](#).

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 three months from the date of notification to the following address:

Human Resources Management
European Union 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 three months from the date of notification to the following address:

Registry
The General Court
Rue du Fort Niedergrünewald
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 about 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 on, to the following address:

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

Please note that complaints to the European Ombudsman do not have the effect of suspending the period mentioned in Articles 90 and 91 of the Staff Regulations of Officials and Conditions of Employment of Other Servants for lodging complaints or submitting an appeal pursuant to Article 270 of the Treaty on the Functioning of the European Union. Please note also that under Article 2(4) of the [General conditions governing the performance of the Ombudsman's duties](#), any complaint lodged with the

European Ombudsman must be preceded by the appropriate administrative approaches to the institutions and bodies concerned.