V

(Announcements)

ADMINISTRATIVE PROCEDURES

EUROPEAN COMMISSION

Call for applications for the selection of the Controller of procedural guarantees in the context of investigations conducted by the European Anti-Fraud Office (OLAF)

COM/2021/20062

(2021/C 279 A/01)

The purpose of this call for applications is to allow the appointment of the Controller of procedural guarantees (the 'Controller'), in the context of investigations conducted by the European Anti-Fraud Office (OLAF). The Controller will be engaged as a Special Adviser under Article 5 of the Conditions of Employment of Other Servants of the European Union.

1. THE CONTROLLER OF PROCEDURAL GUARANTEES

The Controller of procedural guarantees is a new function established by Article 9a of Regulation (EU, Euratom) 2020/2223 of the European Parliament and of the Council ([1]) for the purpose of protecting and complying with procedural guarantees and fundamental rights in the context of OLAF's investigations.

Persons concerned may lodge complaints with the Controller regarding OLAF's compliance with procedural guarantees as well as on the grounds of an infringement of the rules applicable to investigations by OLAF in particular infringements of procedural requirements and fundamental rights. The Controller is responsible for issuing recommendations on how to resolve complaints, where necessary suggesting solutions to the issues raised in the complaint.

The Controller shall report on the exercise of their function on an annual basis to the European Parliament, the Council, the Commission, the Supervisory Committee of OLAF and to OLAF. They shall not refer to individual cases under investigation and shall ensure the confidentiality of investigations even after their closure. The Controller shall report to the Supervisory Committee on any systemic issue arising out of his or her recommendations.

The Controller should exercise their functions in complete independence, including from the Supervisory Committee of OLAF ([2]) and from OLAF and shall neither seek nor take instructions from anyone in the performance of his or her duties.

The function of Controller is administratively attached to the OLAF Supervisory Committee, i.e. its Secretariat. The Secretariat of the Supervisory Committee shall provide the Controller with all necessary administrative and legal support.

The Controller will have a 5-year mandate, which is not renewable. At the end of the mandate, the Controller will remain in office until replaced.

It is estimated that the Controller will need to dedicate between 5 and 8 days per month to their tasks.

2. ELIGIBILITY CRITERIA

Applicants must:

— Be a national of a Member State of the European Union, entitled to their full rights as a citizen;

([1]) Regulation (EU, Euratom) 2020/2223 of the European Parliament and of the Council of 23 December 2020 amending Regulation (EU, Euratom) No 883/2013, as regards cooperation with the European Public Prosecutor's Office and the effectiveness of the European Anti-Fraud Office investigations (OJ L 437, 28.12.2020, p. 49).

([2]) https://europa.eu/supervisory-committee-olaf/

— Have a level of education in Law which corresponds to completed university studies attested by a diploma;

— Have at least 10 years of professional experience in positions relevant to the role of Controller as described above, gained after obtaining the qualifications referred to above;

— Not have a political function when taking up their function, either at national or European level;

— Not be a Member or staff member of an EU institution, body or agency when taking up their function;

— Not be a member of a national anti-fraud coordination service within the meaning of Article 3 (4) of Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council [3] when taking up their function;

— Be completely independent from national bodies or authorities when taking up their function;

— Be in a position to offer guarantees of independence and absence of conflict of interest with respect to any professional activities which could be carried out in parallel with the role of Controller;

— Have a thorough knowledge of two official languages of the institutions of the European Union necessary for the performance of the duties (candidates should also indicate their level of knowledge of other official languages).

3. **SELECTION CRITERIA**

The successful candidate shall be selected on the basis of their personal and professional qualities and their extensive proven experience.

3.1. **Professional criteria**

— An established and proven record of at least 10 years of relevant knowledge and professional experience, including legal or judicial practice to a high level, in the fields of procedural guarantees including in the context of regulatory appeals and/or complaint handling procedures;

— A very good knowledge of EU law, in particular of EU administrative law, fundamental rights and procedural guarantees or in other areas relevant to the work of OLAF;

— Have expertise or management experience in investigating / dealing with issues relevant to the work of OLAF, including conflicts of interest and corruption;

— Have experience in dealing with complaints or actions before the courts.

3.2. **Personal criteria**

— Have sufficient general knowledge of the EU institutions, policies, legal framework and working methods;

— Have a very good understanding of the work of OLAF;

— Should be sufficiently available to deal with complaints within fixed deadlines;

— Demonstrate that their independence, impartiality, probity and integrity are beyond doubt;

— Have critical and strategic thinking and excellent problem solving skills;

— Have very good communication skills, including inter-personal communication skills;

— Demonstrate a strong commitment to maintaining a positive work environment and good working relationships with OLAF and with external interlocutors.

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[3] Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation (EC) No 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) No 1074/1999 (OJ L 248, 18.9.2013, p. 1).

4. **SUBMISSION OF APPLICATIONS**

Interested persons should express their interest using the cvOnline **application** ([4]).

Before submitting your application, you should carefully check whether you meet all eligibility requirements listed in point 2 above. Failure to meet any of the eligibility requirements means an automatic exclusion from the selection procedure.

To register, you must have a valid email address, which will be used to confirm your registration as well as to remain in contact with you during the different stages of the procedure. Therefore, please keep the European Commission informed about any change in your email address.

To complete your application, you need to upload a CV in PDF format and to fill out, online, a letter of motivation (maximum 8 000 characters). Your CV and your letter of motivation may be submitted in any of the official languages of the European Union.

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 ([5]).

Once you have finished your online registration, you will receive an electronic mail confirming that your application has been registered. If you do not receive a confirmation mail, your application has not been registered.

Please note that it is not possible to monitor the progress of your application online. You will be contacted directly by the European Commission regarding the status of your application.

If you require more information and/or encounter technical problems, please send an email to: HR-MANAGEMENT-ONLINE@ec.europa.eu

For functional reasons and to complete the selection procedure as quickly as possible in the interest of the candidates as well as that of the institutions, the selection procedure will be carried out in English ([6]).

Closing date

The closing date for registration is 9 September 2021. Online registration will not be possible after 12.00 noon Brussels time.

It is your responsibility to complete your online registration in time. We strongly advise you not to wait until the last few days before applying, since heavy internet traffic or a fault with your internet connection could lead to the online registration being terminated before you complete it, thereby obliging you to repeat the whole process. Once the deadline for the submission of registrations has passed, you will no longer be able to introduce any data. Late registrations are not accepted.

5. **SELECTION PROCEDURE**

The European Commission will establish a selection panel to consider all the applications received.

The panel will evaluate and compare the qualifications, experience and motivation of all the applicants who are eligible, on the basis of their applications. The panel will issue an opinion including a shortlist of at least three suitably qualified candidates for the function of Controller of procedural guarantees.

The European Commission will approve the shortlist of suitably qualified candidates and proceed to the consultation of the European Parliament and the Council.

The European Commission will appoint the Controller of procedural guarantees.

6. **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.

([4]) https://ec.europa.eu/dgs/human-resources/seniormanagementvacancies/CV_Encadext/index.cfm?fuseaction=premierAcces

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

([6]) The selection panel will ensure that no undue advantage is given to native speakers.

7. **INDEPENDENCE AND DECLARATION OF INTERESTS**

Before taking up his/her duties, the Controller is required to declare that he/she will act independently in the public interest and have no interests, which might be considered prejudicial to his/her independence.

Before taking up their duties, they will be required to submit:

— a declaration of their commitment to act independently in the public interest,

— a declaration listing all other activities carried out, and

— a declaration in respect of any interests which might be considered prejudicial to their independence,

— an extract of their criminal record.

By applying, candidates confirm their willingness to provide these declarations.

8. **CONDITIONS OF EMPLOYMENT**

The Controller will be appointed on the basis of a contract as Special Adviser within the meaning of Article 5 of the Conditions of Employment of Other Servants of the European Union. The contract as Special Adviser will be extended to cover the duration of the mandate. The Controller will be remunerated on a *per diem* basis by reference to an AD 14, step 1, basic salary, for the days that they work ([7]) ([8]). However, former EU officials in receipt of a retirement pension will not receive a remuneration; they will only be entitled to the reimbursement of travel and accommodation expenses.

In accordance with the provisions in force within the Commission for its staff members, travel and accommodation expenses incurred by the Controller shall be reimbursed by the Commission upon claim with the supporting documents, as well as a daily allowance to cover other costs.

9. **PROFESSIONAL SECRECY**

The Controller shall refrain from any unauthorised disclosure of information received in the line of duty, unless that information has already been made public or is accessible to the public. The Controller shall continue to be bound by this obligation after the end of their mandate.

The Controller shall not, without permission from the Commission, disclose on any grounds whatever, in any legal proceedings, information of which they have knowledge by reason of their duties. Permission shall be refused only where the interests of the Union so require and such refusal would not entail criminal consequences as far as the expert is concerned. The Controller shall continue to be bound by this obligation after the end of their mandate. (This paragraph shall not apply to the Controller or former Controller giving evidence before the Court of Justice of the European Union or before the Disciplinary Board of an institution on a matter concerning a servant or former servant of the European Union).

10. **PROTECTION OF PERSONAL DATA**

The Commission will ensure that candidates' personal data are processed as required by Regulation (EU) 2018/1725 of the European Parliament and of the Council ([9]). This applies in particular to the confidentiality and security of such data.

([7]) 22 being the average number of working days in a month.

([8]) The 2020 Annual update of the remuneration and pensions of the officials and other servants of the European Union can be consulted at: https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52020XC1211%2801%29&from=FR

([9]) 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 (OJ L 295, 21.11.2018, p. 39).