



Vacancy for one post of Legal Officer(Contract Agent - FGIV) in the European High Performance Computing Joint Undertaking (EuroHPC JU) and establishment of a reserve list

REF.: EuroHPC/2020/06

CORRIGENDUM

Publication	External
Title of function	Legal Officer <u>(EuroHPC JU)</u>

1. WE ARE

The European High Performance Computing (HPC) Joint Undertaking (EuroHPC JU) was established by the Council Regulation (EU) 2018/1488 of 28 September 2018. The mission of the Joint Undertaking is to develop, deploy, extend and maintain in the European Union an integrated world-class supercomputing and data infrastructure and to develop and support a highly competitive and innovative HPC ecosystem. The overall objectives of the Joint Undertaking are:

- to provide the European research and scientific community, as well as the industry including SMEs, and the public sector with the best available and competitive High Performance Computing and data infrastructure and to support the development of its technologies and its applications across a wide range of fields;
- to acquire and deploy an integrated, demand-oriented and user-driven world-class petascale and pre-exascale supercomputing and data infrastructure in the EU;
- to provide EU-level coordination and adequate financial resources to support the development and acquisition of such infrastructure, which will be accessible to users from the public and private sector primarily for research and innovation purposes;
- to support an ambitious research and innovation agenda to develop and maintain in the EU a world-class HPC ecosystem, exascale and beyond, covering all scientific and industrial value chain segments, including low-power processor and

middleware technologies, algorithms and code design, applications and systems, services and engineering, interconnections, know-how and skills, for the next generation supercomputing era;

- to promote the uptake and systematic use of research and innovation results generated in the EU by users from science, industry, including SMEs, and the public sector.

Members of the Joint Undertaking are the European Union represented by the Commission, Member States and Associated Countries to the Framework Programme Horizon 2020, and the two private associations European Technology Platform for High-Performance Computing (ETP4HPC) Association and the Big Data Value Association (BDVA).

The EuroHPC Joint Undertaking is located in Luxembourg.

For further information, please consult the following website: <https://eurohpc-ju.europa.eu/home> or send your question to the Functional Mailbox recruitment@eurohpc-ju.europa.eu, quoting the post reference code EuroHPC/2020/06 and your family name.

2. OVERALL PURPOSE

The Legal Officer provides the Executive Director and the staff of the Joint Undertaking with relevant legal advice and support for the smooth operation of the activities of the JU, monitors the implementation of contractual obligations of the JU, and drafts the legal documents of the JU.

As Legal Officer, he/she assists in the implementation of the staff policy and is the JU's Data Protection Officer.

He/she shall report to the Executive Director of the EuroHPC JU and work very closely all JU colleagues.

2.1. Duties and Responsibilities

The Legal Officer shall in particular be responsible for:

- organising written procedures and preparing decisions for the Governing Board and/or the Executive Director;
- monitoring compliance with European Union and EuroHPC JU rules and regulations;
- preparing and following-up Administrative Agreements with the National Funding Authorities;
- assisting the Executive Director and staff in legal and governance issues (including procurement and grant-making) of EuroHPC JU;
- contributing to the monitoring and development of the present and future mandates of EuroHPC JU;
- assisting the Executive Director in the definition and implementation of the staff policy;
- representing EuroHPC JU in legal procedures and litigation;
- representing EuroHPC JU in the coordination with other Joints Undertakings and relevant services of the European Commission dealing with legal affairs;
- act as JU Data Protection Officer;

- contributing to the production of manuals, vade-mecum, internal procedures;
- contributing to administrative quality checks on files for signature;
- execute any other tasks corresponding to the profile and grade, as deemed necessary in the interest of the service and in support of the Executive Director and the EuroHPC JU team.

2.2. Eligibility Criteria

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

- Be national of one of the Member States of the EU or a EuroHPC JU Participating State and enjoy full rights as citizens.
- Have a level of education which corresponds to completed university studies of at least 3 years attested by a diploma; or a level of secondary education attested by a diploma giving access to post-secondary education, and appropriate professional experience of at least three years.
- Previous experience in providing legal advice to EU institutions, bodies, offices or Agencies, or in proceedings before the EU institutions;
- Thorough knowledge of one of the languages of the European Union, preferably English, French or German, and a satisfactory knowledge of another language of the European Union to the extent necessary for the performance of his/her duties.
- Produce the appropriate character references as to their suitability for the performance of duties of the post.¹
- Have fulfilled any obligations imposed by applicable laws concerning military service.
- Be physically fit to perform the duties linked to the post.²

2.3. Selection criteria

Candidates selected on the basis of the above eligibility criteria will then be evaluated according to the following selection criteria. Failure to comply with the eligibility and essential selection criteria will result in a disqualification of the applicant concerned.

Successful candidates should have:

2.3.1. *Essential qualifications and experience*

- At least 6 years professional experience³ in tasks closely related to those listed in section 2.1 of this vacancy notice, in relation to the implementation of Union Law;
- Proven knowledge of and experience with the organisation, structure and working procedures of the European Union, its institutions and decision making processes;
- Proven professional experience with legal matters of relevance for the establishment of a Joint Undertaking or similar legal agency, or for its daily operations;
- Strong analytical skills to evaluate complex information;
- Excellent office management IT tools;
- Good analytical ability, problem-solving, and organisational skills;

¹ Prior to the appointment, the successful candidate will be asked to provide a certificate issued by the competent authority attesting the absence of any criminal record.

² Before his/her appointment, the candidate shall be medically examined in line with the requirement of Article 12(2)(d) of the Conditions of employment of other servants of the European Communities.

³ Professional experience is counted only from the date the candidate obtained the diploma required for being eligible

- Excellent written and oral communication skills, with demonstrated ability to communicate both scientific and business information at all levels inside and outside the organisation;
- Very good command of both written and spoken English.

2.3.2. *Advantageous qualifications and experience*

- Working experience in a field related to the duties in an international and multicultural environment, preferably within an European Institution or body;
- Working experience in legal aspects of grant-making and procurement procedures.
- Proven professional experience of the Regulations, rules and procedures of relevance to a Joint Undertaking, EU Agencies or offices;

2.3.3. *Behavioural competences*

- Motivation - open and positive attitude;
- Excellent organisational skills and flexibility to manage multiple priorities;
- Excellent interpersonal skills with an ability to interact and communicate at all levels inside and outside the organisation;
- Ability to work under pressure and respect tight deadlines;
- Sense of initiative and team spirit.

For each of the selection criteria listed above, candidates are invited to (briefly) explain in their motivation letter in which position, activities and responsibilities they acquired their skills.

3. INDEPENDENCE AND DECLARATION OF INTERESTS

The successful candidate will be required to make a declaration of commitment to act independently in the public interest and to make a declaration in relation to interests which might be considered prejudicial to his/her independence. Candidates must confirm their willingness to do so in their application.

4. SELECTION AND APPOINTMENT PROCEDURE

Applications must be complete and validly submitted by the closing date for applications as specified in section 8. Applications that do not meet the above criteria will be rejected. If, at any stage in the procedure, it is established that the information application is incorrect, the applicant will be disqualified from the selection;

A Selection Board is nominated by the Appointing Authority of the EuroHPC Joint Undertaking. After the screening of the applications the Selection Board will, basing itself on elements of the applications, draw up a shortlist of candidates to be invited for an interview. After the interviews, the Selection Board will draw up a list of the most suitable candidates. The Executive Director of the Joint Undertaking will select the successful candidate and offer the post. A binding commitment can only be made after the verification of all conditions and will take the form of a contract signed by the Executive Director.

- Only the best-qualified candidates, i.e. those who obtained the highest number of points within the assessment of applications, will be short-listed for a written test and an interview;
- Applicants invited to an interview will receive an email invitation, with the date, time and location of the interview;

- During the interview, the Selection Committee will examine each candidate's profile and will assess their relevancy to the post against the criteria defined in Section 2.3 above. The minimum threshold to pass the written test and the interview is 50% of the total points allocated to each one of them. Passing the written test and the interview does not guarantee inclusion on the reserve list;
- The interview and the written tests will be held in English. Native English speakers will be tested for their second language skills.

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. EuroHPC JU has the right to disqualify applicants who fail to submit all the required documents.

The number of candidates invited for an interview will be limited to a maximum of 10.

The Executive Director may decide to interview the candidates before establishment of the reserve list and/or appointment. The reserve list may be used in order to fulfil posts within the EuroHPC JU. Candidates should note that inclusion on the reserve list does not guarantee recruitment. Recruitment will be based on availability of posts and budget.

The reserve list for this post will be valid until 31 December 2021 and may be extended at the discretion of the Appointing Authority of the EuroHPC JU.

5. EQUAL OPPORTUNITIES

The EuroHPC JU, as a Union body, applies a policy of equal opportunities and non-discrimination in accordance with Article 1d of the Staff Regulations³.

6. CONDITIONS OF EMPLOYMENT

The successful candidate will be appointed by the (Interim) Executive Director of the EuroHPC JU as a **contractual agent (Function Group IV)** for a period of three years.

The successful candidate will be asked to perform nine months of probationary period.

After an evaluation of the post holder's performance, the contract may be renewed in accordance with the EuroHPC JU legal basis. The period of engagement will not in any case exceed the lifetime of the EuroHPC JU.

Remuneration will be based on the Union scale of salaries. Pay is subject to Union tax and other deductions laid down in the Staff Regulations. Remuneration is, however, exempt from any national taxation.

The pay of staff members consists of a basic salary supplemented with specific allowances, including expatriation or family allowances. The provisions guiding the calculation of these allowances can be consulted in the Conditions of Employment of Other Servants available at the following address:

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:1962R0031:20140101:EN:PDF>

The place of employment is Luxembourg, where the JU premises are located.

7. APPLICATION PROCEDURE

For applications to be valid, candidates must submit:

1. A letter of motivation;

2. A curriculum vitae (CV) preferably drafted using the European CV format (available on <http://europass.cedefop.europa.eu>).

The application will be rejected if the dossier is incomplete.

In order for the application to be considered complete, candidates **will be asked to provide, following a successful interview, the originals or certified photocopies of the supporting documents for their education qualifications and employment (diplomas, working certificates, etc.)**. All documentary evidence of professional experience must indicate both start and end date of previous positions and the start date of the position held currently, full time or part time work has also to be indicated. Freelance or self-employed candidates must provide either a copy of the entry in the relevant trade register, or any official document (for example a tax revenue) showing clearly the length of the relevant professional experience.

The EuroHPC JU has the right to disqualify candidates who fail to submit all the required documents.

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

Applications, in English, should be sent by email, quoting the post reference code EuroHPC/2020/06 and your family name, to: recruitment@eurohpc-ju.europa.eu

8. CLOSING DATE

Applications must be sent by email no later than 17.00 (Luxembourg time) on 6 November 2020.

The closing date of this vacancy by publication may be prolonged.

The candidates will receive an acknowledgement of receipt of their application.

Candidates are reminded not to wait until the final days before the closing date of applications' submission. The EuroHPC JU cannot be held responsible for any last-minute malfunction due to any overflow of the mailbox.

9. IMPORTANT INFORMATION FOR CANDIDATES

Candidates are reminded that the selection committees' work is confidential. It is forbidden for candidates to make direct or indirect contact with their members or to ask anybody else to do so on their behalf.

10. REVIEW AND APPEAL PROCEDURE

A candidate who feels that he/she has been treated incorrectly may ask to have his/her application reconsidered by sending, within 20 calendar days of the date of notification, a request for review via email to: recruitment@eurohpc-ju.europa.eu. The candidate should quote the number of the selection procedure concerned and address the request to the Chairman of the Selection Board.

The Selection Board will reconsider the application and notify the candidate of its decision within 45 calendar days of receipt of the request.

If the candidate considers that he/she has been adversely affected by a particular decision, he/she can lodge a complaint under Article 90(2) of the Staff Regulations of Officials of

the European Communities and the Conditions of employment of other servants of the European Communities (CEOS), at the following address:

The Executive Director
The European High Performance Joint Undertaking (EuroHPC JU)
Drosbach Building (DRB) – Wing E – 1st floor
12E rue Guillaume Kroll
L-2920 Luxembourg

The complaint must be lodged within 3 months counting from the notification of the decision you wish to contest.

If the complaint is rejected the candidate may bring a case under Article 270 of the Treaty on the functioning of the European Union and Article 91 of the Staff Regulations and the CEOS before the European Union Civil Service Tribunal .

The Appointing Authority does not have the power to amend the assessment decisions of the Selection Board. The Court has consistently held that the wide discretion enjoyed by Selection Boards is not subject to review by the Court unless rules which govern the proceedings of the Selection Board have been infringed.

It is also possible to complain to the European Ombudsman:

European Ombudsman
1 avenue du Président Robert Schuman - BP 403
F-67001 Strasbourg Cedex

Complaints made to the Ombudsman have no suspense effect on the period laid down in the Articles 90(2) and 91 of the Staff Regulations for lodging, respectively, a complaint or an appeal with the European Union Civil Service Tribunal under Article 270 of the Treaty.

11. PROTECTION OF PERSONAL DATA

The EuroHPC JU will ensure the candidates' personal data is processed as required by Regulation (EC) No 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. This applies in particular to the confidentiality and security of such data (Official Journal of the European Community L295 of 21.11.2018). Please note that EuroHPC JU will not return applications to applicants.

For more explanations on data protection, please see the annexed privacy statement.

ANNEX – PROTECTION OF YOUR PERSONAL DATA

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1. Introduction

The EuroHPC Joint Undertaking is committed to protect your personal data and to respect your privacy. The EuroHPC Joint Undertaking collects and further processes personal data pursuant to [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 (repealing Regulation (EC) No 45/2001).

This privacy statement explains the reason for the processing of your personal data, the way we collect, handle and ensure protection of all personal data provided, how that information is used and what rights you have in relation to your personal data. It also specifies the contact details of the responsible Data Controller with whom you may exercise your rights, the Data Protection Officer and the European Data Protection Supervisor.

This statement concerns data processed regarding the recruitment of personnel for the EuroHPC Joint Undertaking undertaken by the European Commission. The data will be processed by the Euro HPC Joint Undertaking, with support from the Commission, until this entity is fully operational, under the conditions laid down in this privacy statement.

2. Why and how do we process your personal data?

Purposes of the processing operation: Data are processed for the purpose of organising the selection and recruitment for temporary agents, contract agents, seconded national experts and trainees for the EuroHPC Joint Undertaking; they are only disclosed to the Staff of the Commission and the Joint Undertaking involved in the selection procedures and/or recruitment and those who manage reserve lists.

The data will, under no circumstances, be used for commercial purposes, including for direct marketing purposes. We review our data collection, storage and processing practices to ensure that we only collect, store and process the personal information needed to provide or improve our services or for the purposes set out above.

Your personal data will not be used for an automated decision-making including profiling.

3. On what legal ground(s) do we process your personal data

The processing operations of personal data for the purposes described above, are necessary and lawful for the performance of a task carried out in the public interest (Article 5(1)(a) of Regulation 2018/1725), namely to fulfil the tasks of the EuroHPC Joint Undertaking as defined in its establishing Regulation⁴.

Legal basis:

- Council Regulation (EU) 2018/1488 establishing the European High Performance Computing Joint Undertaking, in particular Article 16 thereof;
- The Statutes annexed to the Council Regulation (EU) 2018/1488 establishing the European High Performance Computing Joint Undertaking,
- The Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Union laid down in Council Regulation (EEC, Euratom, ECSC) No 259/68 (1) ('Staff Regulations' and 'Conditions of Employment') and the rules adopted jointly by the institutions of the Union for the purpose of applying the Staff Regulations and Conditions of Employment.

In addition, as the data provided in the selection and recruitment procedures are provided on voluntary basis by candidates themselves, the data subject gives an explicit consent for their processing, which constitutes a complimentary ground for lawfulness of data processing.

4. Which personal data do we collect and further process?

The data of candidates registered for the selection.

- Identification details – information provided by the candidate to allow themselves to be identified and contacted by the EuroHPC Joint Undertaking or the Commission (e.g. surname, first name, date of birth, gender, address, email address);
- Selection criteria information – information provided by the candidate to distinguish their suitability and eligibility for the post advertised (e.g. nationality, education history, training and professional experience, including name and address of the employer) languages spoken, Skills and competences, Technical and non-technical skills relevant to the position, motivation, strengths and achievements, commitments from the candidate to adhere to any security checks, other related details);
- Information provided by the candidate to support claims for the reimbursement of travel costs for interview or medical visits (e.g. passport details, bank account details) and documents to support other claims to which the candidates may be entitled to during the selection and recruitment process;
- Results of the pre-selection checks and/or interviews.

Candidates are free to give their data on voluntary basis, although failure to respond with any further information requested will exclude the candidate automatically from the recruitment procedure.

5. How long do we keep your personal data?

⁴ OJ L 252, 08.10.2018, p. 1-34

The EuroHPC Joint Undertaking and the Commission will store the applications for varying amounts of time depending on the outcome of each application:

Candidates eliminated during the selection: data are stored for five years after the conclusion of the selection.

Non - recruited applicants included on a Reserve List: the five - year retention period of data applies from the starting date of the expiry of the Reserve List. The validity of Reserve List is in general initially one year and depends on the Vacancy Notice (please refer to it on a case –by –case basis).

After the allotted timeframe for retention of personal data has elapsed, EuroHPC Joint Undertaking and the Commission may need to keep certain information for statistical purposes. In this case, any data permitting the identification of the candidate will be destroyed according to Article 13 of Regulation (EU) 2018/1725.

6. How do we protect and safeguard your data?

All personal data in electronic format (e-mails, documents, databases, uploaded batches of data, etc.) are stored on the servers of the European Commission or of the EuroHPC Joint Undertaking.

All processing operations are carried out pursuant to the [Commission Decision \(EU, Euratom\) 2017/46](#) of 10 January 2017 on the security of communication and information systems in the European Commission.

In order to protect your personal data, the Commission and the EuroHPC Joint Undertaking has put in place a number of technical and organisational measures in place. Technical measures include appropriate actions to address online security, risk of data loss, alteration of data or unauthorised access, taking into consideration the risk presented by the processing and the nature of the personal data being processed. Organisational measures include restricting access to the personal data solely to authorised persons with a legitimate need to know for the purposes of this processing operation.

7. Who has access to your personal data and to whom is it disclosed?

All personal data provided by you can be accessed on a need to know basis by Commission staff and staff of the EuroHPC Joint Undertaking. These include:

- Human Resources Officers in charge of selection
- Head of Administration Department
- Members and Secretary of the Selection Committee
- Executive Director of the Joint Undertaking
- Finance Officers (for reimbursement purposes)

The information we collect will not be given to any third party, except to the extent and for the purpose we may be required to do so by law.

8. What are your rights and how can you exercise them?

You have specific rights as a ‘data subject’ under Chapter III (Articles 14-25) of Regulation (EU) 2018/1725, in particular the right to access, rectify or erase your personal data and the right to restrict the processing of your personal data. Where applicable, you also have the right to object to the processing or the right to data portability.

You have the right to object to the processing of your personal data, which is lawfully carried out pursuant to Article 5(1)(a).

You can exercise your rights by contacting the Data Controller, or in case of conflict the Data Protection Officer. If necessary, you can also address the European Data Protection Supervisor. Their contact information is given under Heading 9 below.

9. Contact information

- The Data Controller

If you would like to exercise your rights under Regulation (EU) 2018/1725, or if you have comments, questions or concerns, or if you would like to submit a complaint regarding the collection and use of your personal data, please feel free to contact the Data Controller:

*European High Performance Computing Joint Undertaking
Drosbach Building- (DRB)- Wing E – 1st floor
12E rue Guillaume Kroll
L-2920 Luxembourg*

Email: recruitment@eurohpc-ju.europa.eu

- The Data Protection Officer (DPO) of the Commission

You may contact the Data Protection Officer (DATA-PROTECTION-OFFICER@ec.europa.eu) with regard to issues related to the processing of your personal data under Regulation (EU) 2018/1725.

- The European Data Protection Supervisor (EDPS)

You have the right to have recourse (i.e. you can lodge a complaint) to the European Data Protection Supervisor (edps@edps.europa.eu) if you consider that your rights under Regulation (EU) 2018/1725 have been infringed as a result of the processing of your personal data by the Data Controller.