

## VACANCY NOTICE

The European Union Intellectual Property Office (EUIPO), “the Office”, is seeking candidates to fill the post of Executive Director of the Office.

Job title	<b>Executive Director of the EUIPO (M/F)</b>
Function group/grade	AD 15
Type of contract	Temporary Agent
Reference	VEXT/17/256/AD 15/Executive Director
Deadline for applications	<b>11/01/2018</b>
Place of employment	Alicante, SPAIN
Date foreseen for taking up duties	As from 1 October 2018

### 1. BACKGROUND

#### Historical and legal background

The Office was established by Council Regulation (EC) No 40/94 of 20 December 1993 (now Regulation (EU) 2017/1001 of the European Parliament and of the Council of 14 June 2017 on the European Union trade mark (“EUTMR”) as a decentralised agency of the European Union (“EU”) to offer IP rights protection to businesses and innovators across the EU and beyond. Council Regulation (EC) No 6/2002 of 12 December 2001 created the registered Community design which is also managed by the Office, and later, Regulation (EU) No 386/2012 of the European Parliament and of the Council of 19 April 2012 entrusted to the Office the European Observatory on Infringements of Intellectual Property Rights.

Since its foundation in 1994 the Office has been based in Alicante, Spain, where it manages the registration of the EU trade mark and the registered Community design, which are valid throughout the EU. The work at EU level also extends to the convergence of tools and practices in cooperation with the partners in national and regional IP offices throughout the EU-28, users and other institutional partners. Together, these offices constitute the European Intellectual Property Network (EIPN), working jointly to offer users a consistent registration experience, be it at national or at EU level.

The languages of the Office are English, French, German, Italian, and Spanish.

#### Governance, management and structure of the EUIPO

The governance structure of the EUIPO consists of the Management Board and the Budget Committee, each composed of one representative from each Member State, two representatives from the European Commission and one representative from the European Parliament. The EUIPO enjoys legal, administrative and financial autonomy.

The Council decides on the appointment of the Executive Director, the Deputy Executive Director(s), and the President and Chairpersons of the Boards of Appeal. The Executive Director is the legal representative of the Office and responsible for its management, being accountable to the Management Board and the Budget Committee. The Executive Director is assisted by one or more Deputy Executive Directors.

The Office's budget for 2017 is approximately EUR 401 million and the number of posts in the establishment plan is 890.

The EUIPO is organized into several functional departments, each reporting to the Executive Director. Although they are integrated into the Office's administrative and management systems, the Boards of Appeal have been established under EUTMR as a separate unit within the Office to provide an independent review of the Office's decisions, with further appeals being possible to the EU Courts in Luxembourg.

*For further information please consult the following website:*

<https://euiipo.europa.eu/ohimportal/en/home>

## **2. DUTIES**

The Executive Director manages the Office and acts as its legal representative. He/she is accountable to the Management Board and the Budget Committee and takes overall responsibility for the operations of the EUIPO and ensures the achievement of the objectives set. The specific formal, legal and administrative functions relating to the post are referred to in the EUTMR, and in particular in its Article 157.

The Executive Director shall be independent in the performance of his/her duties and shall neither seek nor take instructions from a government or from any other body, without prejudice to the powers of the Commission, the Management Board and the Budget Committee.

In particular, the Executive Director will be in charge of:

- Ensuring the functioning of the Office within the framework established by the various EU Regulations applicable, in particular the EUTMR, the Community Design Regulation, the Regulation on European Observatory on Infringements of Intellectual Property Rights, as well as the Financial and the Staff Regulations;
- Ensuring the timely preparation, consultation and approval process of: the draft multiannual strategic programme including the Office's strategy for international cooperation, as well as the draft multiannual staff policy plan; the annual work programme including the human and financial resources for each activity; the proposals for European Cooperation projects;
- Ensuring the implementation of the decisions taken by the Management Board;
- Ensuring the timely reporting of the annual activities as well as the progress on the multiannual strategic programme, to the Management Board;
- Ensuring the timely and regular follow up and reporting on internal and external audit reports and establishing measures for protecting the financial interests of the Union against fraud, including preparing an anti-fraud strategy for approval by the Budget Committee;
- Drawing up estimates of the revenue and expenditure of the Office and implementing the budget;
- Exercising the powers conferred by the Staff Regulations on the Appointing Authority and by the Conditions of Employment on the Authority Empowered to Conclude Contracts of Employment (CEOS), entrusted to him in respect of staff by the Management Board;
- Referring questions on points of law to the enlarged Board of Appeal, in case of divergence of practice

The objectives pursued by the Executive Director include to:

- Represent the Office and to communicate with the wide range of stakeholders and the public on all matters within the Office's remit;
- Continue improving the Office's performance by meeting its quality of service standards, as measured, in particular, by regular surveys of user satisfaction;
- Ensure that the Office continues to develop its legal practices so that the rights granted have an appropriate presumption of validity, and thereby contribute to a harmonised system of intellectual property rights within the EU;
- Facilitate close relationships within the European Intellectual Property Network and promote cooperation actions to uphold said network in accordance with the Office's mission, for the benefit of the users and in view of actively contributing to the economic and social growth of the EU, in full alignment with the policies and programmes of the EU Institutions;
- Manage the Office's staff effectively and efficiently, and foster a good team spirit and working environment;
- Ensure the appropriate level of delegation of her/his functions and responsibilities.

### 3. ELIGIBILITY CRITERIA

To be admissible for this selection procedure, candidates must fulfil all the following conditions by the deadline for submission of applications:

#### General conditions<sup>1</sup>

- Be a national of one of the Member States of the European Union and enjoy full rights as a citizen;
- Have fulfilled any obligations imposed by the laws concerning military service;
- Meet the character requirements<sup>2</sup> as to suitability for the performance of the duties involved;
- Be physically fit to perform the duties;
- Be able to complete a full 5-year mandate as from the expected date of taking up duties, before reaching retirement age which is set at the end of the month in which the candidate reaches the age of 66<sup>3</sup>. The expected date of taking up the duties is 1 October 2018.

An Executive Director of the Office whose term of office has been extended may not participate in another selection procedure for the same post at the end of his overall term of office.

#### Education

- Have a level of education which corresponds to completed university studies attested by a diploma, when the normal period of university education is four years or more;

OR

- Have a level of education which corresponds to completed university studies attested by a diploma and a professional experience of at least one year when the normal period of university education is at least three years.

#### Professional experience

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<sup>1</sup> Please refer to Article 12 CEOS

<sup>2</sup> The candidate must not have been convicted or found guilty of a criminal offence

<sup>3</sup> In accordance with Article 47(a) CEOS

Have by the deadline for submission of applications a **minimum of 15 years' professional experience** (16 years in the case of having a three year degree), acquired after the date of the relevant degree.

Of these 15 years' professional experience, at least 5 years must have been gained in a domain comparable with the Office's activities.

In addition, at least 5 of these 15 years' professional experience must have been gained in a high level management function<sup>4</sup>.

The periods of professional experience in a domain comparable with the Office's activities and of professional experience gained in a high level management function may overlap.

### **Language skills**

- Have a thorough knowledge of one of the official languages of the European Union (minimum level C1) – Language 1
- Have a satisfactory knowledge of a second official language of the European Union (minimum level B1) to the extent necessary for the performance of the duties – Language 2

Either language 1 or language 2 must be one of the five languages of the Office, namely, English (EN), French (FR) German (DE), Italian (IT) and Spanish (ES). The levels correspond to the Common European Framework of Reference for Languages.

## **4. SELECTION CRITERIA/ ADVANTAGES**

In order to select the best-qualified candidates for an interview, the following criteria will be used:

- a) Leadership and managerial experience, and in particular:
  - To have established a proven track record as an outstanding leader in one or more organisations comparable in size and characteristics to that of the Office;
  - To have exercised significant management responsibilities at a senior level, including planning of human and budgetary resources and financial management;
  - To have demonstrated the competences associated with high level external communication, e.g. addressing conferences, communication with the press and other media;
  - To have demonstrated a good understanding of the public service environment in which the Office operates;
  - To have experience of international negotiation and/or cooperation;
  - To have experience with change management practices;
- b) Technical knowledge and/or experience, and in particular:
  - In the intellectual property field;
  - Of the European IP environment and legislation, including counterfeiting and infringement matters;
  - Of the Institutions of the European Union and how they operate and interact;
  - Of organisations delivering services to the public or business sector;
- c) Other experience and knowledge, in particular

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<sup>4</sup> Applicants must describe all their high level management experiences acquired by indicating on the application form 1) Title and role of management positions held; 2) number of staff members overseen in these positions; 3) the size of the budget managed; 4) number of hierarchical layers above and below, as well as number of peers in the organization

- Working environment: Demonstrated ability to work in a multicultural and/or international environment

d) Languages:

- Professional experience of working in a language other than the candidate's mother tongue;
- Thorough knowledge of any other language of the Office (EN, FR, DE, IT, ES) (minimum level C1) apart from the languages mentioned under point 3 – Language 3 and further

In addition to the above criteria, candidates invited to the interview will also be assessed against the following requirements:

e) Competencies, in particular:

- Communication: Communicate clearly and precisely both orally and in writing, and build consensus to achieve results;
- Analysis and problem solving: Identify the critical facts in complex issues and develop creative and practical solutions;
- Working with others: Work co-operatively with others in teams and across organisational boundaries and respect differences between people; create a sense of team spirit by encouraging shared goals and exchange of knowledge and experience;
- Learning and development: Develop and improve personal skills and knowledge of the organisation and its environment; commit to train others, share knowledge, and systematically improve working methods;
- Prioritisation and organization: Ability to prioritise the most important tasks, work flexibly and organise own and others' workload efficiently;
- Quality and results: Take personal responsibility and initiative for delivering work to a high standard quality within set procedures; show clear customer orientation (internal and external); build systematic and methodical processes into projects and work of self and own team;
- Resilience: Remain effective under work pressure, be flexible and adapt to a changing work environment; encourage others to do the same and adjust own and team's approach to embrace changing circumstances;
- Leadership: Lead and manage people and teams to achieve results.

## 5. SELECTION PROCEDURE

### General

The selection procedure will be conducted subject to the control of the Management Board of the Office.

### Preliminary work

A Preparatory Subcommittee appointed by the Management Board will conduct a preliminary evaluation of applications and carry out interviews with the best-qualified candidates.

Admissible candidates whose applications rank amongst the best-qualified in accordance with the selection criteria detailed under point 4, may be contacted in order to verify their language skills, as well as to prove their professional experience and/or other skills, knowledge and

competencies. Candidates who are contacted during the pre-selection phase will not necessarily be entitled to be invited to an interview; such contact may be used as one of the steps in selecting the most suitable candidates to be invited for an interview.

The Preparatory Subcommittee will inform the candidates of the status of the procedure according to the specifications of the mandate given by the Management Board.

### **Interview**

Interviews will take place in Alicante. Candidates invited for an interview will be informed in due time of the exact date and time. The interview will be held in one of the languages of the Office (EN, FR, DE, IT, ES) other than the candidate's mother tongue as indicated on the application form.

The interview will test the candidate's knowledge and experience of matters relating to the duties to be performed (technical knowledge, behavioural competencies and the aspects listed under selection criteria), activities of the Office, knowledge of the EU environment, suitability to perform the tasks to be accomplished and suitability to work in an international environment.

### **List of candidates and appointment**

The Preparatory Subcommittee will draw up a report on the preparatory work for the Management Board, which will decide on the candidates to be placed on the list to be proposed to the Council, pursuant to Article 158 EUTMR.

Before being appointed, the candidates selected by the Management Board may be invited to make a statement before any competent European Parliament committee and to answer questions put forward by its members.

Applicants may be required to undergo further interviews or tests in addition to those indicated above.

## **6. CONDITIONS OF EMPLOYMENT**

The successful candidate will be appointed by the Council from a list of candidates proposed by the Management Board of the Office. The term of office shall be 5 years. In this regard, please note that the candidate must be able to complete a first full 5-year mandate before reaching retirement age, i.e.: the end of the month in which he/she reaches the age of 66<sup>5</sup>, from the date upon which it is proposed and agreed to enter into service.

A contract as a member of the temporary staff pursuant to Article 2(a) CEOS in category AD, grade 15 will be offered to the appointed candidate.

The current basic monthly salary corresponding to the first step of this grade is EUR 15.944,36. There are additional salary elements reflecting marital status and dependent children. Furthermore, various allowances for removals and travel are provided, as well as accident and health insurance and a pension scheme. Pay is subject to EU tax and other deductions laid down in the CEOS. It is however exempt from any national tax. Dependent children can attend the European School in Alicante free of charge.

Pursuant to Article 158 EUTMR, by the end of the first period of 5 years, the Management Board shall undertake an assessment which takes into account an evaluation of the performance of the Executive Director and the Office's future tasks and challenges. The Council, taking into account this assessment, may extend the term of office of the Executive Director once and for no more than five years.

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<sup>5</sup> In accordance with Article 47(a) of the Conditions of Employment of Other Servants of the European Union (CEOS)

An Executive Director whose term of office has been extended may not participate in another selection procedure for the same post at the end of his overall term of office.

Employment shall be terminated either at the end of the term or at the request of the appointed Executive Director, with three months' notice.

### **Independence and declaration of interests**

Pursuant to Article 157 EUTMR, the Executive Director shall be independent in the performance of her/his duties and shall neither seek nor take instructions from a government or from any other body. The Executive Director may be removed from office only upon a decision of the Council acting on a proposal from the Management Board, in accordance with the procedure laid down in Article 158 (2) EUTMR.

The Executive Director appointed will thus 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 her/his independence. Applicants must confirm their willingness to do so in their application.

Due to the particular nature of the functions, applicants invited to interviews will be required to sign a declaration relating to their current or future interests that might be considered prejudicial to their independence.

## **7. HOW TO APPLY**

Applications may be submitted preferably by e-mail, to the following e-mail address: [MBBCSecretariat@euipo.europa.eu](mailto:MBBCSecretariat@euipo.europa.eu), using the application form available on the Office's website:

<https://euipo.europa.eu/ohimportal/en/vacancies>

Applications sent by courier should be addressed to:

Chairperson of the Management Board  
EUIPO – European Union Intellectual Property Office  
Avenida de Europa, 4  
E - 03008 Alicante  
SPAIN

**Applications must arrive before midnight on 11/01/2018.**

Please note, in particular, that all sections of the form must be completed. An incomplete application form (for example one bearing remarks such as "see CV or motivation letter attached") will not be taken into account.

Candidates who are invited to an interview (see point 5 "Selection Procedure") will also be required by the time of the interview to have supplied the relevant documents supporting the basic requirements laid down, and other qualifications and experience claimed in their application:

- Copy of an identity document (such as passport or ID card);
- Copies of diplomas;
- Copies of certificates relating to the professional experience mentioned in point 3.

Other documents, particularly curricula vitae, will not be taken into consideration. It is to be noted that any qualifications or professional experience which cannot be supported by documentary evidence, such as copies of diplomas or certificates of employment, will be disregarded and that this may result in the application being rejected.

## **8. EQUAL OPPORTUNITIES**

The Office applies a policy of equal opportunities and accepts applications without distinction on the grounds of sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of national minority, property, birth, disability, age or sexual orientation.

## **9. PROTECTION OF PERSONAL DATA**

As the body responsible for organising the selection, the Office ensures that applicants' personal data are processed as required by Regulation (EC) No 45/2001 of the European Parliament and the Council of 18 December 2000 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 (OJ EU L 8, 12.1.2001, p. 1). This applies in particular to the confidentiality and security of such data.

## **10. APPEAL**

If a 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 Union ("Staff Regulations"), at the following address:

EUIPO – European Union Intellectual Property Office  
Human Resources Department  
Avenida de Europa, 4  
E - 03008 Alicante  
SPAIN

He/she can also submit a judicial appeal under Article 270 of the Treaty on the Functioning of the European Union and Article 91 of the Staff Regulations to the:

General Court  
Rue du Fort Niedergrünwald  
L – 2925 Luxembourg  
LUXEMBOURG

For details on how to submit an appeal, please consult the website of the General Court:  
[https://curia.europa.eu/jcms/jcms/Jo2\\_7033/en/](https://curia.europa.eu/jcms/jcms/Jo2_7033/en/)

## **11. FURTHER INFORMATION**

Further information may be obtained from:

Ms. Susana PÉREZ FERRERAS  
Director of the Human Resources Department  
EUIPO – European Union Intellectual Property Office



Office AA1-P5-A180  
Avenida de Europa 4  
E-03008 Alicante  
SPAIN  
e-mail: Susana.PEREZ@eupo.europa.eu

Applicants 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.

*\*Any reference in this notice to a person of the male sex must be deemed also to constitute a reference to a person of the female sex.*

*\*If there are discrepancies between the different linguistic versions, the English one should be taken as the correct version.*