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(Announcements)

ADMINISTRATIVE PROCEDURES

EUROPEAN CENTRAL BANK

Call for competition for the selection of the Market Infrastructure Board non-central bank members and the creation of a reserve list

(Ref. PRO-008792)

(2023/C 62 A/01)

With this Call for Competition, the European Central Bank (ECB) is launching the process for the selection and appointment of two non-central bank members of the Market Infrastructure Board (MIB) and the establishment of a reserve list.

1. Background information

In line with the Treaty on the Functioning of the European Union and the Statute of the European System of Central Banks and of the European Central Bank, the Eurosystem offers market infrastructures, platforms, applications and related services in the fields of cash settlement, securities settlement and collateral management, comprising TARGET services which include T2, T2S and TIPS services as well as, in the future, ECMS.

On 16 March 2016, the Governing Council of the European Central Bank approved the establishment of the MIB. The MIB is the governance body responsible for technical and operational management tasks in the field of market infrastructure and platforms. On 25 January 2019, the Governing Council adopted Decision (EU) 2019/166 of the European Central Bank (ECB/2019/3) (¹) (hereinafter the 'Decision').

The MIB is composed of, inter alios, two non-central bank members (without voting rights), one with experience as a senior official in the payments industry, and one with experience as a senior official in the securities industry (Chapter 1, Section 2, of Annex II to the Decision).

The mandate of the MIB, including its objectives, responsibilities and tasks are set out in Annex I to the Decision.

The ECB is organising this Call for Competition to appoint two new non-central bank members of the MIB and establish a reserve list that may be used for the replacement of the non-central bank members of the MIB.

2. Place of execution/performance of the works

Services are provided both remotely and at the ECB's premises in Frankfurt am Main, Germany, and may involve travel to other EU locations.

3. Type of procedure: call for competition

The ECB invites applications with a view to selecting and appointing two candidates as non-central bank members of the MIB and to create a reserve list for replacements. The selection is solely based on the quality of the applications received.

(¹) Decision (EU) 2019/166 of the European Central Bank of 25 January 2019 on the Market Infrastructure Board and repealing Decision ECB/2012/6 on the establishment of the TARGET2-Securities Board (ECB/2019/3) (OJ L 32, 4.2.2019, p. 14).

The procedure will be governed by Annex IV to the Decision, which establishes the procedures and requirements applicable to the selection, appointment and replacement of the non-central bank members of the MIB, as well as by Decision (EU) 2016/245 of the European Central Bank (ECB/2016/2) (²).

4. Complete documentation

The complete documentation (the English version), which specifies (a) the role of the MIB; (b) the role and tasks of the non-central bank members of the MIB; (c) the selection criteria; (d) the relevant financial aspects; and (e) the application procedure, including a deadline for receipt of applications (35 days as of date this notice is published in the *Official Journal of the European Union*), can be downloaded from the ECB's website at <https://www.ecb.europa.eu/ecb/jobsproc/tenders/html/index.en.html>.

5. Further information

Candidates may address any queries on this procedure to:

Mr Francois-Guillaume Bertrand
European Central Bank
Directorate General Market Infrastructure and Payments
Sonnenmannstrasse 22
60314 Frankfurt am Main
GERMANY
Tel. + 49 6913448475

Queries must be submitted by email to mip-procurement@ecb.europa.eu. The ECB will not assume any responsibility for queries that are not submitted as described above.

(²) Decision (EU) 2016/245 of the European Central Bank of 9 February 2016 laying down the rules on procurement (ECB/2016/2) (OJ L 45, 20.2.2016, p. 15), as amended by Decision (EU) 2016/956 of the European Central Bank of 7 June 2016 amending Decision (EU) 2016/245 (ECB/2016/2) laying down the rules on procurement (ECB/2016/17) (OJ L 159, 16.6.2016, p. 21) and Decision (EU) 2020/380 of the European Central Bank of 18 February 2020 amending Decision (EU) 2016/245 laying down the rules on procurement (ECB/2020/10) (OJ L 69, 6.3.2020, p. 41).



20/02/2023

EUROPEAN CENTRAL BANK

Call for competition and description of service for new non-central bank members of the Market Infrastructure Board of the European Central Bank

PRO-008792

(Frankfurt am Main, Germany)

1. Introduction and role of the Market Infrastructure Board

In line with the Treaty on the Functioning of the European Union and the Statute of the European System of Central Banks and of the European Central Bank, the Eurosystem offers market infrastructures, platforms, applications and related services in the fields of cash settlement, securities settlement and collateral management, comprising TARGET services which include TARGET, T2S and TIPS services as well as, in the future, ECMS (the ‘Eurosystem infrastructure services’).

On 16 March 2016, the Governing Council (the ‘Governing Council’) of the European Central Bank (‘ECB’) approved the establishment of the Market Infrastructure Board (‘MIB’), the governance body responsible for technical and operational management tasks in the field of market infrastructure and platforms. On 25 January 2019, the Governing Council adopted Decision ECB/2019/3 on the Market Infrastructure Board (‘MIB’) and repealing decision ECB/2012/6 on the establishment of the TARGET2-Securities Board (Decision ECB/2019/3) (the ‘Decision’, attached hereto as **Annex 5 to Appendix 1**)¹.

The MIB is the governance body that supports the Governing Council in ensuring that the Eurosystem infrastructure services are maintained and further developed. The MIB also ensures that projects concerning existing or new Eurosystem infrastructure services (the ‘Eurosystem infrastructure projects’ or ‘projects’) are managed in line with the Treaty objectives of the European System of Central Banks (the ‘ESCB’), the business needs, technological advances, the legal framework applicable to Eurosystem infrastructure

¹ Decision (EU) 2019/166 of the European Central Bank of 25 January 2019 on the Market Infrastructure Board and repealing Decision ECB/2012/6 on the establishment of the TARGET2-Securities Board (ECB/2019/3) (OJ L 32, 4.2.2019, p.14 - 31).

services and projects, as well as regulatory and oversight requirements. Furthermore, the MIB ensures that projects are managed in full respect of the mandates of the ESCB committees established under Article 9 of the ECB Rules of Procedure. The MIB reports to the ECB decision making bodies.

Without prejudice to its ultimate decision-making power, the Governing Council has entrusted the MIB with the performance of clearly defined tasks, related to both operation of Eurosystem infrastructure services, as well as Eurosystem infrastructure projects. The Decision establishes no presumption to the effect that every new market infrastructures project falling within the scope of the Decision's definition of Eurosystem infrastructure project automatically is to be entrusted to the MIB. Only those projects explicitly entrusted by the Governing Council to the MIB are to be managed by the MIB.

The mandate of the MIB, including its objectives, responsibilities and tasks, is set out in ***Annex I to the Decision***.

The MIB is composed of inter alia two non-central bank members (without voting rights), one with experience as a senior official in the payments industry, and one with experience as a senior official in the securities industry, (***Chapter 1, Section 2 of Annex II to the Decision***).

The ECB is organising this call for competition to appoint new non-central bank members of the MIB (henceforth referred to as the "call for competition") in accordance with ***Annex IV to the Decision***, which establishes the procedures and requirements applicable to the selection, appointment and replacement of the non-central bank members of the MIB, as well as in accordance with Decision ECB/2016/2 of the European Central Bank².

2. The role of the non-central bank members of the Market Infrastructure Board

The non-central bank member shall provide his or her expertise in the payments industry or in the securities industry, as well as expertise relating to the wider Union financial sector, thereby facilitating the work of the MIB and supporting the MIB in fulfilling its mandate, and shall prepare for and attend all meetings of the MIB. The tasks of the MIB to which the non-central bank member shall contribute are described in detail in ***Annex I to the Decision***.

The overall workload of a non-central bank member is estimated to take up around 90-100 days per calendar year. This estimation includes:

- contributing to MIB documentation;
- preparations for and participation in all MIB meetings;
- preparations for participation in and possibly chairing of MIB Committee meetings;
- preparations for and participation in meetings of other groups of the MIB governance;
- preparations for and participation in relevant meetings with clients/users;
- preparations for and participation in relevant meetings of market groups.

² Decision (EU) 2016/245 of the European Central Bank of 9 February 2016 laying down the Rules on Procurement (OJ L 045 20.2.2016, p.15), as amended by Decision ECB/2016/17 (OJ L 159, 16.6.2016, p. 21–22).

The non-central bank MIB members are appointed in a personal capacity. They do not have voting rights and they may not delegate their responsibilities to another MIB member or to a third party.

The ECB may, within reasonable limits and within the limits of the scope stipulated in this contract and its appendices and annexes, specify the scope of the services and the way they are to be performed by means of instructions in line with the ECB Procurement Rules. The non-central bank member shall comply with such instructions.

In addition to their regular tasks, the non-central bank members shall also assume any specific responsibilities relating to the MIB that the MIB decides to grant them.

The ECB may request alterations to the services and/or request additional services and the non-central bank member shall adapt his or her performance accordingly. The non-central bank member may refuse to perform altered or additional services if performance is technically impossible or unreasonable, or if no appropriate resources are available. If the request entails changes to the contract, the non-central bank member shall inform the ECB without undue delay and shall not implement any altered or additional services before the ECB has confirmed its acceptance in writing.

The non-central bank members of the MIB may undertake other activities provided that these do not give rise to a conflict of interest as defined in the Code of Conduct in ***Annex III to the Decision***. The non-central bank members are required to pay particular attention to the respect of the confidentiality rules set out in the Code of Conduct. Non-central bank members must also comply with any additional rules of conduct that may be provided for in the letter of their appointment and in their contract with the ECB.

The non-central bank member shall perform the services personally, in a complete and timely manner, and with a level of quality commensurate with professional diligence and the purposes of the contract. In performance of the services, the non-central bank member shall comply with the rules of conduct specified in the Market Infrastructure Board Code of Conduct, attached as ***Annex III to the Decision*** (hereinafter the 'Code of Conduct').

The non-central bank member shall sign the declarations referred to in ***Section 6.1 of Annex IV to the Decision***.

The non-central bank member shall perform the contract as an independent contractor. The non-central bank member is free to determine how the contract is fulfilled within the limits set out in the contract. The parties agree that the contract does not establish an employment relationship between the ECB and the non-central bank member, nor any expectation to enter into such a relationship or to become entitled to any benefits related to such a relationship. The non-central bank member remains responsible for paying all taxes, social security contributions or other charges of whatever nature arising out of his or her activities under the contract.

If the non-central bank member is not available to attend an MIB meeting in person or online or otherwise perform the agreed services, the non-central bank member shall inform the Chairperson of the MIB as soon as possible, stating the grounds for such unavailability. In cases in which circumstances other than proven health reasons prevent the non-central bank member from providing the services, the Chairperson of the MIB and the non-central bank member shall discuss this matter in good faith with a view to identifying a solution that ensures proper continuation of the service provision.

3. Term of the mandate, place of performance; house rules; security clearance

The non-central bank members of the MIB are appointed for a mandate of up to 36 months, renewable for a further term of no longer than 36 months so that the total term does not exceed the maximum term permitted for non-central bank members of six years. This mandate may be terminated prior to the end of the term in the cases provided for by **Section 7 of Annex IV to the Decision**.

The non-central bank member shall provide the abovementioned services and, in particular, shall attend meetings, principally at any of the ECB's premises in Frankfurt am Main and remotely. However, it is possible that the provision of services shall also require the non-central bank member's attendance at meetings held at other national central banks of the European System of Central Banks (ESCB) or in another location within the EU.

4. Evaluation of applications

4.1. Eligibility criteria

The ECB shall exclude candidates that are in one of the situations described in Article 30(4) of Decision ECB/2016/2 (e.g. conviction for fraud or corruption) or put on a blacklist in accordance with Article 30(8) of Decision ECB/2016/2.

The ECB may exclude candidates that are in one of the situations described in Article 30(5) of Decision ECB/2016/2 (e.g. insolvency, grave professional misconduct, misrepresentation).

The ECB shall exclude Candidates that are subject to EU restrictive measures adopted under Article 29 of the Treaty on the European Union (TEU) or Article 215 of the Treaty on the Functioning of the EU (TFEU), such as Regulation (EU) No. 833/2014 and Regulation (EU) 269/2014. The sanctions that apply can be found in the Official Journal of the EU.

Candidates shall declare in their Candidate's statement (attached as **Appendix 2**) that they meet the eligibility criteria. Candidates shall inform the ECB without undue delay if any circumstances arise after the submission of their application that may affect their eligibility.

The ECB reserves the right to request from candidates documentary evidence in support of the statements made in the Candidate's statement.

4.2. Selection criteria

According to **Section 3 of Annex IV to the Decision**, the selection criteria are as follows:

- (a) expertise as a senior official in the payments industry or expertise in the securities industry, either as a service provider or as a user of services in this field, as well as expertise relating to the wider Union financial sector;
- (b) at least 10 years of experience in interacting with major market players in Union financial markets;

- (c) relevant experience, preferably in project management; and
- (d) the ability to effectively communicate in English.

The selection criteria listed above are assessed one by one and evaluated on the basis of a scoring system from zero to five points as follows.

Score	Definition
0 point	No evidence/Total failure: The proposal totally fails to address the criterion under examination or cannot be assessed due to missing evidence.
1 point	Very Poor: The criterion under examination is addressed in an incomplete and unsatisfactory manner; serious concerns
2 points	Poor: The criterion under examination is partly addressed but with a few major gaps or issues.
3 points	Fair: The criterion under examination is generally addressed with minor issues.
4 points	Good. The criterion under examination is fully addressed.
5 points	Excellent. The criterion under examination is fully addressed and the proposal offers some added value.

Applications who do not obtain at least 3 points (out of a maximum of 5) for each of the selection criteria may be considered to be of an unacceptably low quality, rejected and not further evaluated.

5. Appointment; contract terms and conditions; reserve list

The selection procedure is carried out in accordance with ***Annex IV to the Decision***. The non-central bank members are appointed by the Governing Council of the ECB.

All appointments shall be subject to the appointee signing a contract with the ECB, setting out the applicable indemnities and rights of reimbursement in respect of expenses, and also the declarations referred to in ***Section 6.1 of Annex IV to the Decision***.

The contractual relationship shall be based on the attached draft contract (***Appendix 1***). Any candidate submitting an application accepts thereby the terms and conditions of this contract. Candidates are not allowed to propose changes or additions to the terms and conditions of the contract.

Candidates who are not appointed nor discarded in the selection process are kept on a reserve list. If a non-central bank member vacancy arises in the MIB, the Executive Board may select a candidate from the reserve list according to their ranking and propose them to the Governing Council as non-central bank members of the MIB for a mandate. That mandate may be renewable for a further term. The total period of the mandates may not exceed the maximum term permitted for non-central bank members of six years. However, inclusion in the reserve list does not create an entitlement to become a non-central bank member of the MIB at any time or in the event of a vacancy.

The reserve list shall remain valid for a period of 36 months once it has been approved by the Governing Council. The Governing Council may extend the validity of the reserve list for a further period of 36 months if it deems necessary to do so. In deviation from Article 22(7) of Decision ECB/2016/2 of the European Central Bank, the reserve list shall not be open for new applicants.

In deviation from Article 22(8) of Decision ECB/2016/2, candidates may access, update or correct their data but may not update or correct information relevant to their fulfilment of the selection criteria after the closing date of the Call for Competition.

6. Indemnities and reimbursement of expenses

The non-central bank members of the MIB are entitled to indemnities related to their participation in the activities of the Board as specified in the price sheet (**Annex 6 to Appendix 1**).

7. Application procedure

For the applications to be valid, they must be submitted in accordance with the procedures set out below.

Applications shall take the form of a **motivation letter and curriculum vitae (CV)**, of maximum 3 pages each, including:

- a description of relevant expertise and experience;
- educational background and professional development in Europass format, including a description of the applicant's ability to effectively communicate in English;
- an outline of how the role of non-central bank member of the MIB would be fulfilled.

Applications shall also include the **Candidate's statement**, signed in handwriting or electronically by the candidate (attached hereto as **Appendix 2**).

Candidates shall submit their application documents in English language.

Please note that the ECB may request the candidates to submit copies of relevant diplomas, certificates, reference letters etc. within 10 days in order to verify the information provided in the CVs. Such request(s) may be done on a sample basis.

8. Communication, queries regarding the procedure

During the preparation of their applications all candidates are encouraged to submit questions to the ECB on any aspect of the Call for Competition.

Candidates shall address all queries regarding this procedure to Mr Francois-Guillaume Bertrand, European Central Bank, Directorate General Market Infrastructure and Payments, Sonnemannstrasse 22, 60314 Frankfurt am Main, Germany, tel. +49 69 13448475. Queries shall be submitted by e-mail to mip-

procurement@ecb.europa.eu. The ECB does not assume any responsibility for queries which are not submitted in writing.

The ECB shall endeavour to answer all queries as quickly as possible but cannot guarantee a minimum time response. The ECB shall not be bound to reply to queries received less than seven calendar days before the time-limit for the submission of applications, but will try to do so if possible.

If a query is of general interest, the ECB shall make the query and the corresponding answer (Q&A) public. The query shall be anonymised and information relating to personal data or of a commercially confidential nature shall not be disclosed. The Q&A will be published by the ECB on the ECB's website (at: https://www.ecb.europa.eu/ecb/jobsproc/tenders/_html/index.en.html). Candidates shall therefore regularly access the ECB's website to verify whether a Q&A document is published. It should be noted that it is the sole responsibility of the candidates to do so as the ECB will not follow up on this issue.

During the Call for Competition, candidates shall not contact any other ECB staff members (apart from the contact point specified above) or organisations/persons working for the ECB with regard to this Call for Competition. Candidates shall also not contact other potential candidates with regard to the Call for Competition. Any violation of this communication rule may lead to the exclusion of the applicant in question.

Unless otherwise provided, all communication with the ECB concerning this Call for Competition shall be made in English.

9. Preparation of the applications; expenses

Candidates shall obtain at their own responsibility and expense all information necessary for the preparation of their applications. Candidates are solely responsible for the costs and expenses incurred in connection with the preparation and submission of their applications. The ECB shall not be liable for any costs or expenses borne by candidates or persons involved by them.

Candidates are solely responsible for obtaining the information which they consider is necessary in order to make decisions regarding the content of the Call for Competition and to undertake any investigations they consider necessary in order to verify any information provided to them.

10. Time limit, format and modalities for submitting applications

Tenderers shall submit their proposal **via e-mail** no later than 18:00, Frankfurt local time, on **27/03/2023** by attaching their complete offer to the following e-mail address MIP-procurement@ecb.europa.eu considering the points below:

- (a) The tenderers shall fill the subject line of the e-mail as follows: "**PRO-008792 - Call for Competition for MIB non-central bank members –tenderer name**".
- (b) The tenderers shall password protect their tender documentation, before submitting it to the ECB, to prevent reading.

- (c) The tenderers shall not submit the corresponding password together with the tender submission. They shall submit it in a separate email to: MIP-procurement@ecb.europa.eu one day after the tender submission deadline, i.e. on **28/03/2023**.
- (d) If the tender file is **bigger than 20 megabytes**, the tenderers shall zip the attached file and/or send their tender documentation in two/three separate e-mails thereby ensuring that each e-mail submission will not exceed 20 megabytes. The tenderers shall clearly identify the chronological order and total number of separate e-mails in all the emails that they submit (e.g. part 1/(2) of the tender submission and part 2/(2) of the tender submission). For administrative reason, the ECB reserves the right to exclude tenderers that have submitted their tender by way of submitting more than 3 separate e-mails.

Important:

Please note that the tenderer bears the responsibility

- to proof, if necessary, the timely dispatch and arrival of their tender via e-mail and
- that the submitted tender documentation is password protected and that they provide the password to the ECB only after the deadline for tender submission has expired.

Proposals received after the tender submission time-limit shall be excluded.

The ECB may extend the time limit for submitting applications, prior to its expiry.

Applications submitted after one of the above time-limits, or via other means (e.g. via fax) will not be taken into account. The ECB may exclude unclear or incomplete applications or applications that were not submitted in English. The ECB may also, at its own discretion, exclude applications that do not comply with other substantial formal requirements laid down in this Call for Competition.

Candidates must keep the MIB informed in writing of any change in their situation or address/contact details without delay, so that their application may be kept up to date.

11. Notification of outcome; remedies; cancellation

Following the selection decision, the ECB shall within a reasonable time inform in writing all candidates having submitted an application of the outcome of the selection and appointment process.

In the event of any dispute arising between the ECB and an applicant with regard to this call for competition, the Court of Justice of the European Union shall have exclusive jurisdiction.

The ECB may cancel this Call for Competition as a whole or in part at any time before the contract is signed without candidates being entitled to claim any compensation.

12. Appendices and annexes

Appendix 1 - The draft contract ; and:

Annex 1 The ECB's specific contract terms (SCTs)

Annex 2 The ECB's general contract terms (GCTs)

Annex 3 The description of the services, (*present document*)

Annex 4 The Contractor's offer (*to be attached to the final contract*)

Annex 5 The Decision ECB/2019/3 including its annexes :

Annex I Mandate

Annex II Rules of Procedure

Annex III Code of Conduct

Annex IV Procedures and Requirements for the Selection, Appointment and Replacement of the Non-Central Bank Members of the Market Infrastructure Board

Annex 6 The price sheet

Appendix 2 - The candidate's statement