

Decision in case 576/2019/LM on the European Parliament's failure to reply to a request for review of its decision not to admit a candidate to the next stage of a staff selection procedure due to lack of managerial experience

Decision

Case 576/2019/LM - Opened on 09/04/2019 - Decision on 29/07/2019 - Institution concerned European Parliament (No maladministration found) |

1. In March 2018, the complainant applied to two selection procedures organised by the European Parliament for the selection of Directors [1] . In December 2018, Parliament rejected the complainant's applications because it considered that the complainant did not have sufficient managerial experience. On 14 January 2019, the complainant requested Parliament to review its decision to reject his application. Not having received a reply to his review request in March 2019, the complainant turned to the Ombudsman.

2. In the course of the inquiry, Parliament informed the Ombudsman that it was handling the complainant's request for review as a complaint under Article 90(2) of the EU Staff Regulations [2] . Under this provision, any person to whom the EU Staff Regulations apply may submit a complaint against a decision by an EU institution within three months of the notification of the decision. The EU institution shall send its reasoned decision to the person concerned within four months from the date of the complaint. In this case, the deadline for Parliament to send its reply was therefore 14 May 2019.

3. Parliament sent a reply to the complainant on 21 June 2019. As Parliament has now provided a reasoned reply to the complainant - albeit late - the issue of the lack of reply to the review request is **resolved** .

4. In future, if possible, the Ombudsman encourages Parliament to set out in its recruitment notices whether it intends to handle review requests under Article 90(2) of the EU Staff Regulations and to indicate the time-limits for that procedure. As the EU Staff Regulations are normally only applicable to existing EU civil servants, external candidates in staff selection procedures might not be aware of the complaints procedure set out therein.



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Strasbourg, 29/07/2019

[1] PE/211/S

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3AC2018%2F090A%2F03> [Link]
and PE/214/S

<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:C2018/090A/05&from=ES>
[Link].

[2] On the basis of Article 90(2) of the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Economic Community and the European Atomic Energy Community:

<http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A01962R0031-20140501> [Link]