

## **Decision of the European Ombudsman in the case 1439/2019/KT on how the European Personnel Selection Office handled a request for review of the score obtained in a test in a selection procedure for the recruitment of EU civil servants in the field of audit**

Decision

**Case 1439/2019/KT - Opened on 21/04/2020 - Decision on 21/04/2020 - Institution concerned** European Personnel Selection Office ( No maladministration found ) |

Dear Mr X,

You submitted a complaint to the European Ombudsman against the European Personnel Selection Office (EPSO) concerning the selection procedure EPSO/AD/357/18.

You consider that EPSO's reply to the request for review of your score is not sufficiently and clearly reasoned and thus does not allow you to understand whether EPSO has indeed reviewed your test. You also consider that EPSO was wrong to include on the list of successful candidates a lower number of candidates than set out in the notice of competition, while excluding you from the selection procedure with just one point.

You would like EPSO to provide a detailed and reasoned reply to your request for review. You would also like EPSO to ensure transparency, accountability, efficiency and ethics in its work.

**Based on the information provided in the complaint, there is no indication of maladministration by EPSO. [1] [\[Link\]](#)**

We appreciate that you would have wished a more detailed and individualised reply to your request for review. While we acknowledge that EPSO's reply may be generic, this is not exceptional, nor specific to your case. On the contrary, EPSO always uses generic wording in its replies to requests for review. The reason for this is that EPSO has to reply to a high number of requests for review. EPSO thus uses letter templates to provide faster replies to candidates.

However, **a reply such as the one you received does not mean that there has not been a review** . Nor can it, as such, be considered evidence of non-transparent or unethical action. We know from our long experience in handling complaints against EPSO that EPSO has a very robust review procedure. **The fact that the selection board confirmed its assessment of**



**your test does not mean that it did not re-examine it.** As your main argument to EPSO was that you deserved a better score, it was understandable for EPSO, in giving its reasoning, to emphasise the wide powers that the selection board has in assessing candidates [2] [Link].

The selection board's wide margin of discretion means that its assessment can be questioned only in case of manifest error. The candidate's personal belief that they deserved more points in a test is not, as such, evidence of a manifest error of assessment by the selection board. Moreover, in view of its wide discretion, a selection board is not required to identify which of the candidate's answers were considered unsatisfactory or to explain why they were considered unsatisfactory [3] [Link].

Regarding the number of candidates on the reserve list, the notice of competition clearly set out that *"the selection board [ would] draw up a reserve list -until the number of successful candidates sought was reached — of those eligible candidates who [had] obtained all pass marks as well as the highest overall marks following the assessment centre".* **As you did not obtain the pass mark in one of the competency tests, the selection board was not allowed to include you on the reserve list .**

Thus, while we take note of the fact that EPSO's reply to your request for review could have been clearer, we do not consider the facts that you put forward to indicate any maladministration.

The Ombudsman has therefore closed the case.

Yours sincerely,

Tina Nilsson Head of Inquiries - Unit 4

Strasbourg, 21/04/2020

[1] [Link] Full information on the procedure and rights pertaining to complaints can be found at <https://www.ombudsman.europa.eu/en/document/70707> [Link].

[2] [Link] Judgment of the Court of First Instance of 19 February 2004, *Konstantopoulou v Court of Justice* , T-19/03, paragraph 43, available at <http://curia.europa.eu/juris/celex.jsf?celex=62003TJ0019&lang1=en&type=TEXT&ancre> [Link]=.

[3] [Link] Judgment of the Civil Service Tribunal of 11 December 2012, *Mata Blanco v Commission* , F-65/10, paragraph 109, available at <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:62010FJ0065> [Link].