

## Decision of the European Ombudsman in the case 790/2020/PB on the assessment of a job application by the European Union Agency for Fundamental Rights (FRA)

Decision

**Case 790/2020/PB - Opened on 29/05/2020 - Decision on 29/05/2020 - Institution concerned** European Union Agency for Fundamental Rights |

Dear Mr X,

On 8 May 2020, you submitted a complaint to the European Ombudsman against FRA, concerning the points given to your job application in recruitment procedure FRA-TA-PADIR-AST4-2019. You consider the points too low and you are dissatisfied with FRA's related assessment of your administrative complaint.

I have concluded that there has been no maladministration on the part of FRA. It accurately informed you that “ *selection boards for [recruitment procedures] enjoy a wide discretion* ”, and that the purpose of a review in such cases is only “ *to ascertain a manifest error or misuse of power* ”. FRA considered that your administrative complaint contained no evidence of manifest errors or misuse of power.

I would like to first confirm and emphasise that, in the absence of any evidence of manifest errors or misuse of power, an EU selection board has no obligation to conduct a new assessment of a job application based on an applicant's subjective view that the board should have awarded higher points. In your case, I see no evidence of manifest errors or misuse of power.

A possible source of misunderstanding in the present case may concern the nature of the assessments of job applications by the EU administration, which is **comparative** . This means that, even if your application demonstrated significant knowledge and skills, the outcome of the assessment also still depends on the *other* applications. FRA has explained that, in this selection procedure, 17 applications were deemed better and you were thus not invited for an interview.

I would finally like to also confirm that FRA accurately informed you that, according to the EU Court's case-law, “[the] *marks awarded by a [selection board] constitute a sufficient statement*



*of reasons* ". FRA's early provision of the breakdown of your points for all applicable selection criteria was therefore a good and transparent response to your application.

I hope that the above information helps to better understand FRA's decision, and I thank you for having contacted the European Ombudsman.

Yours sincerely,

Tina Nilsson Head of Inquiries - Unit 4

Strasbourg, 29/05/2020