

Decision in case 338/2020/VB on the European Personnel Selection Office's decision not to admit a candidate to the next phase of a selection procedure for security officers for the EU institutions

Decision

Case 338/2020/VB - Opened on 18/03/2020 - Decision on 13/07/2020 - Institution concerned European Personnel Selection Office (No maladministration found) |

The case concerned the European Personnel Selection Office's decision not to admit the complainant to the next phase of a selection procedure for security officers due to his lack of professional experience.

The Ombudsman found that the selection board had examined the information provided in the complainant's application and assessed it against the eligibility criteria. The Ombudsman did not identify a manifest error in how the selection board assessed the application, and closed the inquiry with a finding of no maladministration.

The complaint

1. The complainant took part in a selection procedure for recruiting EU civil servant security officers [1] , which was organised by the European Personnel Selection Office (EPSO).
2. After having succeeded in the computer based test, the complainant was informed that he was not eligible to participate in the next phase of the selection procedure since he did not have the necessary professional experience to meet the eligibility criteria set out in the 'notice of competition'. [2]
3. The complainant asked EPSO to review its decision. Following the review, EPSO informed the complainant that the selection board had confirmed its decision not to admit the complainant to the following stage of the selection procedure.
4. Dissatisfied with the outcome of the review, the complainant turned to the Ombudsman on 18 February 2020.



The inquiry

5. The Ombudsman opened an inquiry into the complaint about how the selection board assessed the complainant's professional experience.
6. In the course of the inquiry, the Ombudsman's inquiry team inspected EPSO's file relevant to this case. The inspection report, with EPSO's detailed explanations, is annexed to this decision.

The Ombudsman's assessment

7. In assessing candidates, selection boards are bound by the eligibility criteria for the selection procedure in question. At the same time, according to EU case-law, selection boards have a wide margin of discretion when assessing a candidate's qualifications and professional experience against those criteria. [3] The Ombudsman's role is thus limited to determining if there was a manifest error by the selection board. [4]
8. The documents and explanations given to the Ombudsman during the inspection of EPSO's file (see the inspection report annexed to this decision) do not indicate any manifest error in how the selection board assessed the complainant's eligibility.
9. A candidate's personal belief about the relevance of his profile cannot call into question the selection board's assessment and does not constitute evidence of manifest error by the selection board [5] .
10. On the basis of the above, the Ombudsman finds no maladministration in how the selection board assessed the complainant's eligibility.

Conclusions

Based on the inquiry, the Ombudsman closes this case with the following conclusion [6] :

There was no maladministration in how the European Personnel Selection Office assessed the complainant's eligibility.

The complainant and EPSO will be informed of this decision .

Emily O'Reilly

European Ombudsman

Strasbourg, 13/07/2020



[1] EPSO/AD/364/19 - 1 Security Officers,
<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=OJ:C:2019:030A:FULL&from=EN>
[Link].

[2] The eligibility criteria are defined in the 'notice of competition', which sets out the criteria and rules applying to the selection procedure.

[3] Judgment of the General Court of 11 February 1999, Case T-244/97, *Mertens v Commission* , paragraph 44: <https://eur-lex.europa.eu/legal-content/HR/TXT/?uri=CELEX:61997TJ0244> [Link]; judgment of the General Court of 11 May 2005, Case T-25/03, *De Stefano v Commission* , paragraph 34:
<http://curia.europa.eu/juris/celex.jsf?celex=62003TJ0025&lang1=en&type=TXT&ancre> [Link]=.

[4] See Decision of the European Ombudsman closing the inquiry into complaint 14/2010/ANA against the

European Personnel Selection Office, paragraph 14 (decision available here:

https://www.ombudsman.europa.eu/cases/decision.faces/en/10427/html.bookmark#_ftnref5 [Link]); and judgment of the Court of First Instance of 31 May 2005, Case T-294/03, *Gibault v Commission* , paragraph 41:
<https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:62003TJ0294> [Link].

[5] Judgment of the Court of First Instance (Third Chamber) of 15 July 1993 in Joined Cases T-17/90, T-28/91 and T-17/92, *Camara Alloisio e.a. v Commission* , paragraph 90:
<https://eur-lex.europa.eu/legal-content/GA/TXT/?uri=CELEX:61990TJ0017> [Link]; judgment of the Court of First Instance of 23 January 2003, Case T-53/00, *Angioli v Commission* , paragraph 94:

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