Decision in case 553/2020/VB on how the European Personnel Selection Office (EPSO) assessed the education and experience of a candidate in a selection procedure for EU staff in the field of financial rules applicable to EU budget

Decision
Case 553/2020/VB - **Opened on** 22/04/2020 - **Decision on** 11/12/2020 - **Institution concerned** European Personnel Selection Office (No maladministration found) |

The case concerned how the European Personnel Selection Office (EPSO) assessed the complainant's education and professional experience in a selection procedure for recruiting EU staff in the field of financial rules applicable to EU budget.

The Ombudsman found nothing to suggest a manifest error how the selection board assessed the complainant's qualifications. The Ombudsman therefore closed the inquiry with a finding of no maladministration.

The complaint

1. The complainant took part in a selection procedure for recruiting EU staff, which was organised by the European Personnel Selection Office (EPSO) [1] . The selection procedure was organised to recruit experts in the field of financial rules applicable to EU budget.

2. EPSO informed the complainant that she was not admitted to the final stage of the selection procedure (the assessment centre), as she had not obtained the sufficient score in the 'talent screener' stage. In the talent screener, candidates have to answer questions about their professional experience and qualifications. The questions are based on the selection criteria [2] for the selection procedure. The 'selection board' [3] then assesses and scores the candidates' answers. [4] On the basis of the complainant's answers in the talent screener, the selection board gave the complainant a score below the threshold required to be admitted to the next stage of the selection procedure.

3. The complainant considered that she should have received a higher score in the talent screener, and 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 next stage of the selection procedure.

4. Dissatisfied with the outcome of the review, the complainant turned to the Ombudsman on 19 March 2020.

The inquiry

5. The Ombudsman opened an inquiry into the complaint about how EPSO assessed the complainant's professional experience in the selection procedure.

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 selection 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. [5] The Ombudsman's role is thus limited to determining if there was a manifest error by the selection board. [6]

8. The talent screener aims to select those eligible candidates whose profiles best match the duties to be performed. In order to make that choice, the selection board first determines evaluation criteria and a scoring grid for each talent screener question.

9. 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 that there was any manifest error in how the selection board assessed the complainant's answers in the talent screener.

10. A candidate's personal belief about the relevance of their experience or how they answered the talent screener questions cannot call into question the selection board's assessment and does not constitute evidence of manifest error by the selection board. [7]

11. On the basis of the above, the Ombudsman finds no maladministration in how the selection board assessed the complainant's answers to the talent screener.

Conclusions

Based on the inquiry, the Ombudsman closes this case with the following conclusion [8] :

There was no maladministration in how the European Personnel Selection Office

assessed the complainant's answers to the talent screener.

The complainant and EPSO will be informed of this decision **.**

Tina Nilsson Head of the Case-handling Unit Strasbourg, 11/12/2020

[1] EPSO/AD/374/19 - 4 - Administrators (AD 7) in the field of financial rules applicable to EU budget, https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3AOJ.CA.2019.191.01.0001.01.ENG&toc=OJ%3AC% [Link].

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

[3] Each selection procedure has a selection board, which is responsible for selecting candidates at each stage, based on pre-determined criteria, and drawing up the final list of successful candidates.

[4] For more information on the talent screener, see https://epso.europa.eu/help/faq/2711_en [Link].

[5] 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]=.

[6] 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].

[7] 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:
http://curia.europa.eu/juris/document/document.jsf?text=&docid=47998&pageIndex=0&doclang=FR&mode=lst&dir=
[Link].

[8] This complaint has been dealt with under delegated case handling, in accordance with Article 11 of the Decision of the European Ombudsman adopting Implementing Provisions [Link]