

## **Decision in case 963/2020/VB on how the European Personnel Selection Office (EPSO) assessed a candidate's eligibility to participate in a selection procedure for EU staff in the field of audit**

Decision

**Case 963/2020/VB - Opened on 29/06/2020 - Decision on 06/01/2021 - 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 a selection procedure for EU staff in the field of audit 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 staff, which was organised by the European Personnel Selection Office (EPSO) [1] to recruit staff in the field of audit.
2. EPSO informed the complainant that he was not eligible to participate in 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 selection procedure.
4. Dissatisfied with the outcome of the review, the complainant turned to the Ombudsman in June 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 and received clarifications in writing from the selection board. 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. It is the responsibility of candidates to provide the selection board with the information necessary for it to check whether they fulfil the conditions set out in the notice of competition. According to the notice of competition, the selection board assessed the candidates' eligibility solely on the basis of the information they provided in the sections "Education and Training", "Professional Experience", and "Language Skills" of their applications.
10. A candidate's personal belief about the relevance of their profile cannot call into question the selection board's assessment and does not constitute evidence of manifest error by the selection board [5] .
11. 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 .



Tina Nilsson Head of the Case-handling Unit

Strasbourg, 06/01/2021

[1] EPSO/AD/372/19 - Administrators in the field of audit (AD 5/ AD 7),

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3AOJ.CA.2019.156.01.0001.01.ENG&toc=OJ%3AC%3A>  
[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=TEXT&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](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:

<http://curia.europa.eu/juris/document/document.jsf?jsessionid=91DF16F82108923592A682AD1D7A6306?text=&doc>  
[Link].

[6] 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]