

Decision in case 55/2021/PL on how the European Labour Authority assessed the professional experience of a candidate in a staff selection procedure for programming and reporting officers

Decision

Case 55/2021/PL - Opened on 01/03/2021 - Decision on 23/07/2021 - Institution concerned European Labour Authority (No maladministration found) |

The case concerned how the European Labour Authority's (ELA) assessed the complainant's professional experience in a selection procedure for recruiting programming and reporting officers.

The Ombudsman found nothing to suggest a manifest error in the selection committee's assessment of 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 programming and reporting officers, which was organised by the European Labour Authority's (ELA) (ELA/AD/2019/005).
2. Following a 'talent screener', ELA informed the complainant that he was not invited to the next stage of the selection procedure. In the talent screener, candidates have to answer questions about their professional experience and qualifications. The questions are based on the selection criteria [1] for the selection procedure. The 'selection committee' [2] then assesses and scores the candidates' answers. On the basis of the complainant's answers in the talent screener, the selection committee 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 he should have received a higher score in the talent screener, and requested a review of the assessment. Following the review, ELA informed the complainant that the selection committee 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 in



January 2021.

The inquiry

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

The Ombudsman's assessment

7. In assessing candidates, selection committees are bound by the selection criteria for the selection procedure in question. At the same time, according to EU case-law, selection committees 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 committee. [4]
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 committee 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 ELA's file (see the inspection report annexed to this decision) do not indicate that there was any manifest error in how the selection committee assessed the complainant's answers in the talent screener.
10. A candidate's personal belief about the relevance of their experience cannot call into question the selection committee's assessment and does not constitute evidence of manifest error by the selection committee. [5]
11. On the basis of the above, the Ombudsman finds no maladministration in how the selection committee assessed the complainant's answers to the talent screener.

Conclusions

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

There was no maladministration in how the European Labour Authority assessed the complainant's professional experience.

The complainant and ELA will be informed of this decision .



Tina Nilsson

Head of the Case-handling Unit

Strasbourg, 23/07/2021

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

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

[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:



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