

Decision on how the European Commission takes into account work experience in staff selection procedures (case 1124/2021/LM)

Decision

Case 1124/2021/LM - Opened on 29/07/2021 - Decision on 29/07/2021 - Institution concerned European Commission (No maladministration found) |

Strasbourg, 30/07/2021

Subject: Decision on how the European Commission takes into account work experience in staff selection procedures (case 1124/2021/LM)

Dear Mr X,

On 18 June 2021, you complained to the European Ombudsman against the European Commission. Your complaint concerns the Commission's reply to your queries about how it takes into account work experience in staff selection procedures.

The Commission said that the main practice of the EU institutions is to take into account only work experience acquired after the award of the relevant diploma constituting the minimum requirement for recruitment to the AD function group [1] . According to the Commission, a case-by-case analysis of the relevance of pre-graduate professional experience would lead to unequal treatment of candidates, as such an assessment would have to be made on the basis of non-harmonised information sources, such as former employers and national authorities, which apply their own individual rules and definitions. The Commission further argued that such a case-by-case assessment could give rise to an impossible burden of proof on the candidates to demonstrate the relevance or the level of the experience.

You disagree that only work experience acquired after obtaining a diploma can be relevant and of an appropriate level. You argue that the Commission's approach discriminates against candidates who are objectively qualified for a given post, given their (pre-graduate) professional experience.

After a careful analysis of your complaint , I regret to inform you that **the Ombudsman finds no maladministration by the European Commission [2] .**



According to the case law of the EU courts, the EU institutions have a wide margin of discretion in setting minimum requirements of education and professional experience for the recruitment of EU staff. The Ombudsman would question such matters only when there is an indication of a manifest error, that is, if the requirements in question seem unreasonable in light of the interest of the service. [3]

Due to the difficulties in determining, in an equal way, the relevance and level of the experience acquired *before* obtaining a diploma, the EU institutions have decided to take into account only experience acquired *after* the diploma has been obtained, as a way to ensure a minimum degree of relevance and level of the experience. We find this approach reasonable.

The relevant national authorities have deemed your professional experience sufficient to admit you to a Master's degree program. In such a situation, it is reasonable not to take into account your professional experience both as equivalent to a diploma admitting you to a Master's degree program *and* as years of professional experience, as this would entail counting your experience twice.

While we understand that this decision may be disappointing for you, we hope you find these explanations helpful.

Yours sincerely,

Tina Nilsson

Head of the Case-handling Unit

[1] Article 5(3)(b)-(c) of the EU Staff Regulations.

[2] Full information on the procedure and rights pertaining to complaints can be found at

<https://www.ombudsman.europa.eu/en/document/70707> [Link]

[3] Judgement of the Civil Service Tribunal of 14 November 2021, *Da Silva Tenreiro vs European Commission*, case F-120/11, paragraph 26 and 27, available at <https://eur-lex.europa.eu/legal-content/FR/TXT/?uri=CELEX:62011FJ0120> [Link].