

Decision on how the European Border and Coast Guard Agency (Frontex) addressed concerns regarding recruitment to its standing corps (case 1930/2021/FA)

Decision

Case 1930/2021/FA - **Opened on** 18/11/2021 - **Decision on** 18/11/2021 - **Institution concerned** European Border and Coast Guard Agency (No maladministration found) |

Dear Mr X,

On 29 October 2021, you submitted a complaint to the European Ombudsman against the European Border and Coast Guard Agency (Frontex). Your complaint concerns Frontex's recruitment to its standing corps from a shortlist from which successful candidates may be recruited ('reserve list') [1]. You are included on that reserve list and you are dissatisfied that Frontex has still not offered you a position in its standing corps.

You question why other candidates on the reserve list have been offered a post while you have not. You also argue that Frontex failed to publish the reserve list, that some candidates were allegedly recruited before the completion of the selection procedure, and that some candidates on the reserve list were recruited to posts different from the type set out in the vacancy notice.

Regarding the recruitment of candidates from the reserve list, after a careful analysis of all information you have submitted, **we find no maladministration by Frontex in this case.**

In its replies to your e-mails, Frontex clearly explained that being placed on the reserve list is not a guarantee to be offered a job. This is in line with the vacancy notice [2] and the applicable rules for the recruitment of EU staff. Frontex has also replied to your queries regarding how it recruits from the reserve list.

On this basis, there is nothing to suggest that Frontex failed to comply with the rules governing the recruitment of candidates from a reserve list in this case. We note that, as the reserve list is valid for two years, Frontex may still recruit from it.

Regarding the other issues that you raise in your complaint, we cannot deal with them as you have not yet raised them directly with Frontex. Complainants are required to first have contacted the EU body concerned with their concerns, before complaining to the Ombudsman. In this way, the EU body in question will have an opportunity to deal with the problem without the need to



involve the Ombudsman.

Although we understand you will be disappointed with this reply, we nevertheless hope you find these explanations helpful [3] .

Yours sincerely,

Tina Nilsson Head of the Case-handling Unit

Strasbourg, 18/11/2021

[1] Reference RCT-2019-00070.

[2] The vacancy notice provides that “ *The reserve list will be valid for two years (the validity period may be extended). Each interviewed candidate will be notified in writing whether she/he has been placed on the reserve list.* Candidates should note that the placement on the reserve list does not guarantee an employment offer .” (*emphasis added*)

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