

## **Decision on the European Investment Bank's (EIB) decision to withdraw a job offer for the position of Associate Credit Risk Model Officer (case 529/2022/EIS)**

Decision

**Case 529/2022/EIS - Opened on 21/06/2022 - Decision on 21/06/2022 - Institution concerned** European Investment Bank ( No maladministration found ) |

### **The concern raised with the European Investment Bank**

1. In April 2020, the complainant applied for a job as Associate Credit Risk Model Officer at the European Investment Bank (EIB). The relevant vacancy notice required, among other things, “*at least 3 years of highly relevant professional experience in a credit risk model development and/or validation role in an A-IRB bank, national regulator or consultancy provider*”.
2. Having passed the various steps of the selection procedure, the complainant received a conditional offer of employment from the EIB. The offer was subject to the confirmation of medical aptitude and of a satisfactory completion of the ‘pre-employment screening’. The complainant was invited to accept or reject the offer and, if he accepted, to complete the relevant pre-screening documents and send them back to the EIB. The complainant subsequently accepted the offer and sent the relevant documents to the EIB.
3. In August 2020, the EIB informed the complainant that the conditional offer of employment had to be withdrawn. This was because, based on the additional information the complainant had provided on his working time at the European Central Bank (ECB), the EIB no longer considered him eligible for the position. In the application form, the complainant had indicated that his work experience at the ECB was in full-time positions (100%), whereas the salary slips indicated that some were part-time (50%) positions.
4. The complainant wrote back to the EIB and asked whether it could reconsider his candidacy. The complainant explained that it was not clear to him why his professional experience was not considered sufficient for the position. He stressed that he has in total about eight years of experience covering different roles. He further argued that his PhD. traineeship and Master’s degree in Finance should be valuable for the position. He acknowledged that his two contracts at the ECB were officially set at 50% but practically they were often even more than 100%, given the intensity of the work. Finally, the complainant suggested that, to compensate for the



apparent insufficient work experience at the ECB, he could start with the EIB on a short-term contract and, after gaining sufficient additional work experience, move to the initially proposed long-term contract.

## The EIB's response to the complainant

5. In September 2020, the EIB replied to the complainant. It explained that, in accordance with its internal rules, it had to withdraw the conditional offer. To be eligible for recruitment following a selection procedure, candidates need to meet the eligibility requirements fully. The EIB could not reconsider the complainant's application because, based on its methodology for calculating what it considers to be *relevant* professional experience, it could not take into account some of the work experience listed by the complainant in his application. The EIB stressed that this does not mean that his experience was not valuable, but the EIB's strict definition has to be applied consistently to all candidates. Had his application form made clear that some of the positions were 50%, he would not have been invited to attend an interview. Since the same eligibility requirements would apply to a short-term contract for the position, it could not keep the position open for the complainant, but added that it would be glad to consider his candidacy in the future.

6. Dissatisfied with the EIB's response, the complainant turned to the Ombudsman, arguing that the EIB had wrongly assessed his professional experience and, as a result, wrongly concluded that he was not eligible for the position. In support of his view, the complainant further argued that the fact that he was subsequently invited to attend other similar interviews at the EIB (with the corrected CV) confirms that the decision was arbitrary and that the requirement of three years of highly relevant professional experience is not consistently applied in all selection procedures organised by the EIB.

## The European Ombudsman's finding

7. In line with relevant case-law, EU institutions have a wide margin of discretion when assessing a candidate's qualifications and professional experience in staff selection procedures. [1] The Ombudsman's role is thus limited to determining if there was a manifest error of assessment by the selection panel. [2]

8. In this respect, it is the responsibility of candidates to provide a selection panel with full and accurate information in their applications to enable it to check whether they fulfil the eligibility conditions set out in the vacancy notice. [3] A candidate's personal belief about the relevance of their experience cannot call into question the selection panel's assessment and does not constitute evidence of manifest error by the selection panel. [4]

9. In this case, apart from disagreeing with the EIB's assessment of his professional experience, the complainant has not provided any elements to suggest that there was a manifest error by the EIB. Moreover, the EIB's position is reasonable to the effect that it had to apply the same



pre-established eligibility criteria to the assessment of all candidates. If the EIB had given the complainant a short-term contract for the position in question, the EIB would have breached the principle of equal treatment.

**10.** The Ombudsman finds nothing in this case to suggest arbitrariness and inconsistency with other selection procedures. Every selection procedure is unique, involving a comparative assessment of all the applications received against the specific pre-established selection criteria for that particular selection procedure. The eligibility and selection criteria may be different for different selection procedures. Also, as set out above, selection boards enjoy discretion when assessing the professional experience of candidates and its relevance to the post to be filled.

**11.** Based on the above, the Ombudsman thus finds no maladministration in this case. [5]

Tina Nilsson

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Strasbourg, 21/06/2022

[1] Judgment of the General Court in 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 in 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].

[2] Judgment of the Court of First Instance in Case T-294/03, *Gibault v Commission*, paragraph 41: <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:62003TJ0294> [Link].

[3] Order of the General Court in Joined Cases T-95/00 [Link] and T-96/00, *Zaur-Gora and Dubigh v Commission*, paragraphs 55 and 56: <https://eur-lex.europa.eu/legal-content/en/TXT/?uri=CELEX:62000TO0095> [Link].

[4] Judgment of the Court of First Instance in Joined Cases T-17/90, T-28/91 and T-17/92, *Camara Alloisio and Others v Commission*, paragraph 90: <https://eur-lex.europa.eu/legal-content/GA/TXT/?uri=CELEX:61990TJ0017> [Link]; judgment of the Court of First Instance in 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].

[5] This complaint has been dealt with under delegated case handling, in accordance with [the](#)



Decision of the European Ombudsman adopting Implementing Provisions [\[Link\]](#).