



Decision on the European Personnel Selection Office's decision not to admit a candidate to a selection procedure for experts in technical support to Member States' structural reforms (case 702/2022/PL)

Decision

Case 702/2022/PL - Opened on 25/04/2022 - Decision on 18/07/2022 - 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 'experts in technical support to Member States' structural reforms', because she did not meet the eligibility requirements as regard the level of education and years of professional experience.

The Ombudsman found no manifest error in the selection board's finding that the complainant did not fulfil the eligibility criteria. The Ombudsman thus 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] . The complainant had applied to the field of the selection procedure that was organised to recruit experts in 'technical support to Member States' structural reforms'.
- 2.** According to notice of competition, in order to be eligible for the field in question, candidates were required to have either (a) three years of relevant university studies and seven years professional experience directly related to the duties in the field of structural reforms or (b) four years of relevant university studies and six years of such professional experience.
- 3.** EPSO informed the complainant that she was not eligible to participate in the selection procedure since she did not meet the eligibility requirements as regard the level of education and years of professional experience as set out in the 'notice of competition'. [2]
- 4.** The complainant asked EPSO to review its decision. In particular, she argued that she had the required academic qualifications and professional experience, namely four years of relevant university studies and six years of such professional experience. As such, she asked EPSO to reconsider her application.
- 5.** Following the review, EPSO informed the complainant that the selection board had



confirmed its decision.

6. Dissatisfied with the outcome of the review, the complainant turned to the Ombudsman in March 2022.

The inquiry

7. The Ombudsman opened an inquiry into how the selection board assessed the complainant's eligibility, specifically her professional experience and academic background.

8. In the course of the inquiry, the Ombudsman inquiry team inspected EPSO's file relevant to this case. The inspection report is annexed to this decision.

The Ombudsman's assessment

9. 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]

10. To assess whether the candidate has the required professional experience, the selection board had to examine whether the tasks the candidate performed in previous positions are directly related to the duties mentioned in the notice of competition. It is the responsibility of candidates to provide the selection board with clear and comprehensive information in their applications.

11. The documents disclosed to the Ombudsman during the inspection of EPSO's file (see the inspection report annexed to this decision) show that, in this selection procedure, the selection board had decided that the professional experience must clearly be directly related to structural reforms. The information the complainant provided in her application was not very detailed and does not appear to refer to any professional experience related to structural reforms. In view of this, the Ombudsman found no manifest error in the selection board's conclusion that the complainant does not possess the required professional experience to be eligible for the field in question.

12. Given that the complainant does not possess the required professional experience to be eligible (not even six years of experience, see paragraph 2 above) it would serve no useful purpose to inquire further into whether the selection board had incorrectly assessed the complainant academic qualifications.

13. 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 [5] :

There was no maladministration in the finding that the complainant was not eligible to participate in the selection procedure.

The complainant and EPSO will be informed of this decision .



Tina Nilsson

Head of the Case-handling Unit

Strasbourg, 18/07/2022

[1] Notice of competition EPSO/AD/391/21 - 1 available:

<http://epsvlwp095.ep.parl.union.eu:10000/archives/2022/incident/202200702/COMPLAINT%20ANNEXES>

[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>; 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 =](http://curia.europa.eu/juris/celex.jsf?celex=62003TJ0025&lang1=en&type=TXT&ancre=).

[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); 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>.

[5] This complaint has been dealt with under delegated case handling, in accordance with the Decision of the European Ombudsman adopting Implementing Provisions