



Decision on how the European Parliament assessed the qualifications and the professional experience of a candidate in a selection procedure for intercultural and language professionals (case 2133/2021/KT)

Decision

Case 2133/2021/KT - Opened on 17/12/2021 - Decision on 15/12/2022 - Institution concerned European Parliament (No maladministration found) |

The case concerned a selection procedure organised by the European Parliament to recruit 'intercultural and language professionals'. The complainant considered that the score he received in the 'talent evaluator' stage of the procedure, which aimed to evaluate candidates' qualifications and professional experience, did not represent an accurate assessment of his relevant professional experience and his studies in the field.

The Ombudsman found no manifest error in how the selection board assessed the complainant's talent evaluator and closed the inquiry with a finding of no maladministration. She identified some elements for Parliament to consider in future procedures and drew Parliament's attention to them.

Background to the complaint

- 1.** In 2021, the complainant applied to a selection procedure organised by the European Parliament to recruit intercultural and language professionals [1]. As part of the pre-selection stage, the complainant had to take a multiple-choice questions (MCQ) test and to complete and submit a 'talent evaluator', which aimed to assess in detail candidates' relevant qualifications and professional experience [2].
- 2.** On 25 October 2021, the Parliament informed the complainant that he met the eligibility criteria of the selection procedure, and that his score in the MCQ test placed him among the top 150 eligible candidates. However, the score awarded to him for his talent evaluator (20/39 points) was not sufficient to place him among the top 50 candidates admitted to the subsequent stage of the procedure (for which the threshold was 25/39 points).
- 3.** On the same day, the complainant asked the Parliament to review its assessment of his talent evaluator and to explain to him in detail how it had assessed his answers. He argued that his score in the talent evaluator did not represent an accurate assessment of his professional experience and his extensive studies in the field of the selection procedure.
- 4.** In November 2021, the Parliament replied, informing the complainant that the 'selection board' [3] had reviewed the assessment of his answers to the talent evaluator but that it had



confirmed the score initially attributed. It also gave greater information on the selection criteria used to evaluate candidates' talent evaluators. It added that, in accordance with the conditions set out in the 'notice of competition' [4], candidates excluded in the pre-selection stage could not access more detailed information about how their applications were marked, in particular the points awarded to each response to questions in the talent evaluator.

5. Dissatisfied with this reply, the complainant turned to the Ombudsman in November 2021. The inquiry

6. The Ombudsman opened an inquiry into how the Parliament assessed the complainant's answers to the talent evaluator questions.

7. In the course of the inquiry, the Ombudsman inspected documents in the Parliament's file on the selection procedure. The inspection report, with the Parliament's detailed explanations, is annexed to this decision.

8. The inspection report was sent to the complainant for comments. The complainant did not submit comments.

Arguments

9. The *complainant* contended that the selection board had not assessed fairly his talent evaluator, and that the score it awarded did not reflect his professional experience and his extensive studies in the field of the selection procedure.

10. He was also dissatisfied with the information the Parliament had made available to him, following his request for review, about how his talent evaluator was assessed.

11. The *Parliament* explained to the Ombudsman inquiry team the selection criteria used to assess the talent evaluator and the weightings applied by the selection board to different questions on the evaluator. It stated that the selection board had correctly applied the criteria and that this was confirmed in the review carried out following the complainant's request.

12. It also argued that the information it provided to the complainant about how his talent evaluator was assessed was in line with the conditions set out in the notice of competition.

The Ombudsman's assessment

13. In assessing candidates, selection boards are bound by the selection 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. [5] The Ombudsman's role is thus limited to determining if there was a manifest error by the selection board. [6]



14. The Ombudsman's inquiry identified no manifest error in how the selection board assessed the complainant's talent evaluator. The Ombudsman's inspection confirmed that the selection board took into consideration practically *all* the experience declared by the complainant in his answers to the relevant questions in the talent evaluator and awarded him respective points in accordance with the pre-established criteria. [7]

15. As regards the feedback and information shared with the complainant, according to EU case-law [8], giving access to the marks awarded constitutes an adequate statement of the reasons for a selection board's decision in relation to a particular candidate.

16. In this case, the selection board provided the complainant with his total score in the talent evaluator, the minimum score required for admission to the subsequent stage of the selection procedure, as well as with the weighting of two of the seven selection criteria of the talent evaluator.

17. While this information could be considered adequate, the Ombudsman notes that, in selection procedures organised by the European Personnel Selection Office (EPSO) that include a 'talent screener' stage (which is equivalent to the talent evaluator in this case), EPSO gives candidates the score per talent screener question, on request. In addition, the European Data Protection Supervisor (EDPS) has concluded that candidates should be given access to their evaluation results regarding *all* stages of the selection procedure and that their score per criterion is personal data that should be disclosed on request, and that it is not part of the secrecy of the selection board's proceedings. [9]

18. The Ombudsman thus considers that, to be in keeping with the above established good practice in the EU administration, in future selection procedures, where candidates request access to information on their talent evaluator results, the Parliament should provide them with their marks broken down by talent evaluator question.

19. In addition, in the context of the inspection, the Ombudsman inquiry team noticed that one of the questions assessed in the talent evaluator concerned candidates' command of the second and third languages indicated in their applications. However, according to the notice of competition, knowledge of a second and a third language was part of the *eligibility criteria* for candidates to be admitted to the pre-selection (and talent evaluator) stage. The Ombudsman is concerned that including the assessment of an *eligibility* condition among the talent evaluator questions might have given eligible candidates the impression that they could obtain points also for their answer to that specific question. However, this was not the case, as candidates could not be awarded any points for their answer to that question.

20. To prevent any misunderstandings, in future selection procedures involving talent evaluators, it would be preferable for the Parliament to avoid including in the talent evaluator questions that verify factors that are part of *eligibility* conditions.

Conclusion

Based on the inquiry, the Ombudsman closes this case with the following conclusion [10]:

There was no maladministration in how the European Parliament assessed the



complainant's talent evaluator.

The complainant and the European Parliament will be informed of this decision .

Tina Nilsson Head of the Case-handling Unit

Strasbourg, 15/12/2022

[1] Competition PE/AD/260/2021 - AD5 (
<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:C2021/170A/01&from=EN>).

[2] The talent evaluator consisted of seven questions and is attached to the Guide for candidates (Annex III). See
<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:C2021/170A/01&from=EN#page=20>

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

[4] The notice of competition sets out the criteria and rules applying to the selection procedure. The Parliament referred, in particular, to the Guide for candidates (
<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:C2021/170A/01&from=EN#page=12>

[5] Judgment of the General Court of 11 February 1999, *Mertens v Commission* , T-244/97, paragraph 44: <https://eur-lex.europa.eu/legal-content/HR/TXT/?uri=CELEX:61997TJ0244> ; judgment of the General Court of 11 May 2005, *De Stefano v Commission* , T-25/03, paragraph 34:
<https://curia.europa.eu/juris/document/document.jsf?text=&docid=59296&pageIndex=0&doclang=FR&m>

[6] 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, *Gibault v Commission* , T-294/03, paragraph 41:
<https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:62003TJ0294>

[7] There is only one question in which the complainant's score suggests that the selection board might not have taken fully into account his professional experience. However, even if



the selection board had taken into account the total duration of the experience declared by the complainant in his answer to that question, the complainant's total score would still have been below the relevant threshold.

[8] Judgment of the Civil Service Tribunal of 11 December 2012, *Mata Blanco v Commission*, F-65/10, paragraphs 107-109:

<https://eur-lex.europa.eu/legal-content/FR/TXT/?uri=CELEX:62010FJ0065>

[9] See EDPS Guidelines concerning the processing operations in the field of staff recruitment (pages 8 and 9):

https://edps.europa.eu/sites/default/files/publication/08-10-10_guidelines_staff_recruitment_en.pdf#page

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