



Decision of the European Ombudsman on own-initiative inquiry OI/2/2004/GG against the European Personnel Selection Office

Decision

Case OI/2/2004/GG - Opened on 10/03/2004 - Decision on 24/06/2004

Strasbourg, 24 June 2004

Dear Mr H.,

On 10 March 2004, I informed you that I had decided to open an own-initiative inquiry concerning competition EPSO/A/4/03 organised by the European Personnel Selection Office (EPSO) and asked you to provide an opinion.

On 25 May 2004, you sent me EPSO's opinion.

I am writing now to let you know the results of the inquiries that have been made.

THE REASONS FOR THE OWN-INITIATIVE INQUIRY

On 10 February 2004, Mr. F., a Hungarian national, submitted a complaint (434/2004/GG) to the European Ombudsman which concerned competition EPSO/A/4/03 organised by the European Personnel Selection Office (EPSO). In this complaint, Mr F. alleged that test c) of the preselection tests of this competition had contained so much information and so many complicated questions that it had been impossible to answer these questions within the time that candidates had been granted (one hour).

The Treaty establishing the European Community provides for the European Ombudsman to receive complaints from *"any citizen of the Union or any natural or legal person residing or having its registered office in a Member State of the Union."*

Given that Mr F. did not appear to fall into any of these categories at the time when the complaint was lodged (that is to say, prior to the accession of Hungary to the EU), the Ombudsman informed him, on 23 February 2004, that he had no power to deal with his complaint.

However, given that the relevant test comprised 40 questions set out on 8 pages, the Ombudsman considered that the issue raised by Mr F. should be examined. He therefore decided to open an own-initiative inquiry into this matter.

The Ombudsman therefore requested EPSO to submit its views regarding the issue raised by Mr F. He added that it would also be useful if EPSO could indicate (1) how many candidates



had failed to pass the said test, (2) how many of these candidates had passed the other preselection tests and (3) what the average number of points achieved by candidates at this test was (if such a figure is available). Given that the relevant test appeared to have been common to competitions EPSO/A/1-10/03, the Ombudsman explained that it would be useful if EPSO could provide corresponding figures (or global figures) for the other competitions as well.

THE INQUIRY

In its opinion, EPSO made the following comments:

The general competitions EPSO/A/1-10/04 had been published on 22 May 2003 with a view to establishing reserve lists for assistant administrators who were nationals of the ten accession countries in the areas of "law", "economy" and "audit".

Preselection test c) was meant to assess the general abilities of candidates, notably in so far as verbal and numerical reasoning skills were concerned. A maximum of 40 points could be achieved in this test. The pass mark was 20 points. Exercising the large margin of discretion of which they dispose in the matter, the Selection Boards set up for these competitions fixed the number of questions to be answered at 40. These questions related to a text, a table or a graphic illustration. No prior knowledge of whatever nature was required on the part of candidates. The answers to the questions had to be based only on the information provided in the texts, tables or graphic illustrations. In accordance with the instructions given to candidates on the day when the preselection tests were carried out, test c) lasted 60 minutes.

The fact that the Selection Boards had opted for 40 questions could not be criticised as such, given that this was a modality of the competition that was left to the discretion of the Selection Board. Furthermore, it was frequent for tests of such a nature to comprise 40 questions.

EPSO further provided tables setting out the overall results of preselection tests. According to this information, of the 2 221 candidates in competition EPSO/A/4/03 that had sat the preselection tests, 916 (41 %) had failed test c). Of these 916 candidates, 358 had passed the other preselection tests. In total, 10 243 candidates had taken part in the preselection tests in all ten competitions, 4 857 (47 %) of whom had failed test c). EPSO noted that 59 % of candidates in competition EPSO/A/4/03 had thus passed preselection test c) and that this percentage was higher than the overall percentage for all ten competitions (53 %).

THE DECISION **1 Possibly too difficult nature of preselection test**

1.1 In March 2004, the Ombudsman opened an own-initiative inquiry concerning competition EPSO/A/4/03 organised by the European Personnel Selection Office (EPSO). This inquiry concerned the possibility that test c) of the preselection tests of this competition had contained so much information and so many complicated questions that it had been impossible to answer these questions within the time that candidates had been granted (one hour).

1.2 In its opinion, EPSO explained that preselection test c) which was common to competitions EPSO/A/1-10/04 (that had been published on 22 May 2003 with a view to



establishing reserve lists for assistant administrators who were nationals of the ten accession countries in the areas of “law”, “economy” and “audit”) was meant to assess the general abilities of candidates, notably in so far as verbal and numerical reasoning skills were concerned. The relevant questions related to a text, a table or a graphic illustration. No prior knowledge of whatever nature was required on the part of candidates. The answers to the questions had to be based only on the information provided in the texts, tables or graphic illustrations. The number of questions to be answered had been set by the Selection Boards, making use of the discretion of which they dispose in the field.

1.3 EPSO provided tables setting out the overall results of preselection tests. According to this information, of the 2 221 candidates in competition EPSO/A/4/03 that had sat the preselection tests, 916 (41 %) had failed test c). In total, 10 243 candidates had taken part in the preselection tests in all ten competitions, 4 857 (47 %) of whom had failed test c). EPSO pointed out that 59 % of candidates in competition EPSO/A/4/03 had thus passed preselection test c) and that this percentage was higher than the overall percentage for all ten competitions (53 %).

1.4 In view of these figures, the Ombudsman concludes that although test c) of the preselection tests appears to have been a difficult test, there is nothing to show that it was impossible for candidates to pass it.

2 Conclusion

On the basis of the Ombudsman's inquiries into this complaint, there appears to have been no maladministration by the European Personnel Selection Office (EPSO). The Ombudsman therefore closes the case. A copy of the decision will also be sent to to the complainant in case 434/2004/GG, for information.

Yours sincerely,

P. Nikiforos DIAMANDOUROS