

No maladministration in case about European Parliament selection procedure

Decision

Case 1377/2014/DK - **Opened on** 02/09/2014 - **Decision on** 10/03/2016 - **Institution concerned** European Parliament (No maladministration found) |

The case concerned the complainant's exclusion by the European Parliament from a selection procedure for research administrators.

The Ombudsman inquired into the issue and inspected the file held by Parliament.

On the basis of the information obtained during the inspection, the Ombudsman did not find maladministration by Parliament.

The background to the complaint

1. The complaint concerns the rejection of an application to work as a 'Research Administrator' at the European Parliament [\[1\] \[Link\]](#).
2. In June 2014, Parliament informed the complainant that she did not obtain enough points in the selection process and that her application was thus rejected. The complainant then submitted a request for review to Parliament to challenge her exclusion from the selection procedure.
3. In reply, Parliament informed the complainant that the selection panel had re-examined her application and confirmed its initial decision.
4. The complainant then submitted a complaint to the European Ombudsman.

The inquiry

5. The Ombudsman was conscious of the wide margin of discretion that selection boards (panels) enjoy in evaluating candidates' qualifications and their professional experience, and that such evaluations are open to review only if there has been a manifest error of assessment.



Taking into account the fact that the limited information provided to candidates actually makes it difficult for them to show such manifest errors, the Ombudsman decided that the most appropriate action was to inspect the file held by Parliament.

6. After the inspection, the Ombudsman decided for the reasons explained below that there was no need to ask Parliament to submit an opinion in writing.

Allegation that the Selection Panel made a manifest error in its assessment

Arguments presented to the Ombudsman

7. In her complaint, the complainant argued that the selection panel made a manifest error in assessing her answers to the following questions:

Question 1. *Do you have a postgraduate degree in one or more of the following areas: political science, economics, European studies, public administration, law, social science, international relations, natural science, statistics, history?*

8. The complainant pointed out that she has two Master degrees in Political Science and one PhD degree in Communication Science, yet she received only 3 points out of the maximum 4.

Question 2. *Do you have more than three years' professional experience relevant to the job description?*

9. The complainant pointed out that she had, on the closing day for submitting applications, 4 years, 10 months and 25 days of professional experience, yet she received only 2 points out of the maximum 4.

Question 3. *Do you possess a doctorate in one or more of the fields mentioned in question 1?*

10. The complainant pointed out that she has a PhD in Communication Science, yet she received only 2 points out of the maximum 4.

Question 4. *Do you have professional experience as a researcher in a national or European think tank?*

11. The complainant pointed out that she had professional experience as a researcher in a think tank and worked as a visiting fellow in the Centre for European Studies on research projects for 8 months, yet she received only 3 points out of the maximum 4.

Question 5. *Do you have professional experience as a researcher in an EU institution or body or in an EU Member State public service?*



12. The complainant pointed out that she has been working for the Joint Research Centre of the European Commission since November 2012, yet she received only 2 points out of the maximum 4.

Question 6. *Have you ever published articles in national/international peer-reviewed journals in one or more of the fields mentioned in question 1a?*

13. The complainant pointed out that she has 3 publications in peer reviewed journals in the field of social sciences, yet she received only 3 points out of the maximum 4.

Question 7. *Have you ever published a book on a subject related to one or more of the fields mentioned in question 1?*

14. The complainant pointed out that she authored 3 books, contributed to another 3 books, was the co-editor of one book and was both the co-editor and a contributor to a further book, yet she received only 2 points out of the maximum 4.

Question 9. *Do you have experience in drafting documents (reports, notes, articles, etc.) in German, English or French?*

15. The complainant pointed out that she has experience in drafting different type of documents (notes, speeches, reports and scientific articles) in English, yet she received only 1 point out of the maximum 4.

The Ombudsman's assessment

16. It is necessary to take account of the following considerations as regards the revision of decisions by selection boards (panels) in selection procedures.

17. Selection boards enjoy wide discretionary powers in determining whether the qualifications and professional experience of candidates correspond to the level required by the Staff Regulations and the notice of competition itself [\[2\]](#) [\[Link\]](#). The position taken by a selection board is open to review only if the exercise of that discretion has been vitiated by a manifest error in law or in fact [\[3\]](#) [\[Link\]](#). The terms of the notice of competition constitute both the legal framework of the selection board's proceedings and the assessment framework for its evaluation of the candidates [\[4\]](#) [\[Link\]](#).

18. Furthermore, the admission requirements set out in the notice of competition should be interpreted in line with the purpose of the competition, which follows from the description of the duties relevant to the posts to be filled. Consequently, that part of the notice of competition describing the nature of the duties and the part concerning the admission requirements must be considered together [\[5\]](#) [\[Link\]](#). In other words, it is the notice of competition (or the Call in the present case) that provides candidates with information in respect of the profiles sought by the



institutions and constitutes both the legal framework of the selection panel's proceedings and the assessment framework for its evaluation of candidates. Consequently, selection boards cannot apply conditions which are not in the notice of competition and should give the terms of that notice their ordinary and natural meaning and their interpretation of the notice should not diverge from that of an attentive candidate [6] [Link].

19. It is also important to have regard to the provisions of the Call [7] [Link] that are relevant in the present case.

20. Point IV (Eligibility) of the Call, under specific conditions, provided that candidates should, as regards the required qualifications and work experience, have an " *officially recognised diploma corresponding to completed university studies of at least three years' duration in one of the following areas: political science, economics, European studies, public administration, law, social sciences, international relations, natural sciences, statistics, history; and at least three (3) years' professional experience relevant to the job description.* " As regards the required languages, the same point provided that candidates must have a thorough knowledge of one of the European Union's official languages and a very good knowledge of English, French or German.

21. As regards the selection procedure, point VI of the Call provided that the selection procedure would include selection on the basis of qualifications and an assessment of candidates' detailed answers to the questionnaire included in the application form. It further provided that candidates would be assessed on the basis of the following criteria:

1. possession of a postgraduate diploma in one or more of the following areas: political science, economics, European studies, public administration, law, social sciences, international relations, natural sciences, statistics, history;
2. more than three years' professional experience in an area **relevant to the job description** ;
3. possession of a doctorate in a subject related to: political science, economics, European studies, public administration, law, social sciences, international relations, natural sciences, statistics, history;
4. professional experience as a researcher in a national or European think tank;
5. professional experience as a researcher in a European Union institution or body or in a public-sector body in a Member State of the European Union;
6. authorship of articles published in peer-reviewed national/international periodicals on a topic related to one or more of the areas listed under point 3. above;
7. authorship of a book on a topic related to one or more of the areas listed under point 3. above;



8. experience of drafting documents (reports, notes, articles, etc.);

9. experience of drafting documents (reports, notes, articles, etc.) in English, French or German.

22. The Call then explained that the selection panel would apply a weighting of between 1 and 3 to each question in the questionnaire, and award 0 to 4 points for each of the detailed answers. The final mark will be obtained by multiplying the points awarded for each answer by the weighting for the relevant question.

23. In addition, in its reply of 24 July 2014 to the complainant's request for review, Parliament explained that the selection panel determined, by means of a pre-defined evaluation grid, which qualifications were the most relevant for the purposes of this selection procedure.

24. During the inspection, the Ombudsman's services carefully examined the evaluation grid established by the selection panel and received a detailed explanation of it. The Ombudsman's services also examined the complainant's 9 answers given in the questionnaire, as well as the weighting and scores allocated by the selection panel. Finally, the Ombudsman services also obtained copies of the applications of the 53 candidates whose names were included in the database of successful candidates, together with the selection panel's evaluations.

25. In the Ombudsman's view, the detailed comments of the selection panel as regards the complainant's answers to questions 1, 2, 3, 4, 5, 6, 7 and 9 do not reveal any manifest error of assessment. In this context, it should be noted that the evaluation grid of the selection panel was, in the Ombudsman's view, sufficiently detailed to reflect, even in a relatively narrow scale of 0-4 points, the possible differences in the candidates' qualifications and professional experience. In fact, it established that a minimum score is given for a candidate who meets the qualifications and professional experience required in the Call, thereby allowing additional points to be given if a candidate had further diplomas and more extensive professional experience.

26. As regards the complainant's specific grievances, the Ombudsman notes that the complainant considers that she should have been given maximum points for having fulfilled the minimum requirements set out in the Call.

27. In this regard, the Ombudsman notes that the Call required candidates to fulfil certain **minimum** conditions in four aspects: (i) qualifications (assessment criteria 1 and 3); (ii) professional experience (assessment criteria 2, 4, 5 and 8), (iii) publications (assessment criteria 6 and 7) and (iv) use of languages (assessment criterion 9).

28. As regards qualifications, the Call stated that candidates should have a postgraduate diploma in *one or more* of the 10 areas listed.

29. The Ombudsman notes that if a candidate did not meet the minimum requirements set out above for a criterion, he or she would not have obtained any points in relation to that criterion. It is clear, however, that if a candidate did meet the criterion, he or she would not automatically



have obtained full marks for that criterion. If that were the case, it would imply that Parliament would have no margin for evaluating **to what extent** the professional qualifications of the candidates were **relevant** to the work needs of Parliament. It may well be the case, in fact it would be expected, that certain types of experience might be more relevant to Parliament's work requirements.

30. It is clearly within the margin of discretion of the selection panel to consider, for example, that the PhD of the complainant was not as relevant to the work of Parliament as the PhDs of other candidates. As such, the Ombudsman finds no manifest error of assessment by the selection panel in not awarding the maximum points for the complainant's answers to questions 1 and 3.

31. As regards professional experience, the Call stated that candidates should have a minimum number of years (3) relevant to the job description. Again, the selection panel had to assess the *relevance* of candidates' professional experience and to do that on a comparative basis. The Ombudsman therefore finds no manifest error of assessment by the selection panel in not awarding the maximum points for the complainant in this regard and thereby reserving the right to award more points to candidates whose professional experience it found to be *more* relevant to the duties concerned or who had a higher number of years of such professional experience.

32. As regards publications, the same considerations apply as explained above. Namely, the selection panel's comparative assessment of the candidates' publications made it necessary for it to be able to award more points to candidates whose publications it found to be more relevant to the profile sought in comparison with the complainant. The Ombudsman therefore finds no manifest error of assessment in this regard either.

33. Finally, as regards the use of languages, the Ombudsman notes that the Call provided that candidates should have experience in drafting documents in English, French *or* German. The complainant received 2 points for her answer under question 9, as she said she had experience in drafting documents in English but made no reference to drafting documents in either of the other two languages. The Ombudsman finds no manifest error of assessment by the selection panel in deciding to award the complainant only 2 points in comparison to other candidates who had experience in drafting documents in more than one languages from English, French or German.

34. In these circumstances, the Ombudsman finds no maladministration by Parliament.

Conclusion

On the basis of the inquiry into this complaint, the Ombudsman closes it with the following conclusion:

The Ombudsman finds no maladministration by Parliament .



The complainant and Parliament will be informed of this decision.

Emily O'Reilly

Strasbourg, 10/03/2016

[1] [\[Link\]](#) Published in OJ 2014 C 55 A, p.1

[2] [\[Link\]](#) Case T-332/01, *Pujals Gomis v Commission* , [2002] ECR-SC I-A 233, paragraphs 39-41.

[3] [\[Link\]](#) Case F-4/08, *Hambura v Parliament* , [2009] ECR-SC I-A-101 and II-A-447, paragraph 24

[4] [\[Link\]](#) Case T-80/96, *Fernandes Leite Mateus v Council* , [1997] ECR-SC-I-A 87, paragraph 27.

[5] [\[Link\]](#) Case T-146/99 *Teixeira Neves v Court of Justice* [2000] ECR-SC-I-A-159 and II-731, paragraph 34-36.

[6] [\[Link\]](#) Case 255/78, *Andrée Anselme and Roger Constant v Commission* , [1979] ECR-2323, paragraphs 9-10.

[7] [\[Link\]](#) Full text available at:

<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:C2014/055A/01&from=EN>
[\[Link\]](#)