

## **Decision in case 1195/2016/BKB on the European Parliament's decision not to include the complainant's name in the database of successful candidates in a selection procedure for the recruitment of drivers**

Decision

**Case 1195/2016/BKB - Opened on 09/09/2016 - Decision on 20/10/2016 - Institution concerned** European Parliament ( No maladministration found ) |

The European Parliament did not shortlist the complainant for possible recruitment as a driver.

The Ombudsman inquired into the issue and found that there was no manifest error in the European Parliament's assessment of the complainant.

### **The background to the complaint**

1. The complainant participated in a selection procedure organised by the European Parliament ('Parliament') for recruiting drivers (EP/CAST/S/16/2016 [1] ).
2. On 16 June 2016, Parliament informed the complainant that he had not obtained enough points to be placed in the database of successful candidates.
3. The complainant then requested Parliament to review its evaluation of his "talent screener" [2] answers, in particular for the three questions where he had received 0 points.
4. On 19 July 2016, Parliament informed the complainant that the selection panel had re-examined his application and had confirmed its initial decision. The selection panel had based its assessment solely on the information provided by the complainant in the talent screener questionnaire. The complainant received 0 points for questions 1 and 9, in line with the evaluation grid, because the complainant's responses were not sufficiently detailed. The panel cannot take into account information provided after the deadline for submitting applications.
5. In relation to question 3, the selection panel decided to increase the complainant's score by one point. However, the slightly increased total score was still not sufficient [3] for the complainant to be included in the database of successful candidates.

6. On 9 August 2016, the complainant submitted a complaint to the Ombudsman. He



questioned the marks obtained for questions 1 and 9 in the talent screener.

7. The complainant argued, furthermore, that in a previous drivers selection procedure organised by the European Personnel Selection Office ('EPSO') in 2014 (CAST CHAUFFEURS 2014), his response to one of the questions, which was very similar in its wording to question 1 in the present selection procedure, had been assessed differently. In the present selection procedure, he was awarded 0 points for that question, whereas in 2014, he had been awarded 12 points.

### The inquiry

8. The Ombudsman opened an inquiry into the following issues:

- i) The complainant is concerned about the European Parliament's assessment of the information provided by him in response to questions 1 and 9 in the talent screener.
- ii) The complainant would like the European Parliament to review its position not to include him in the database of successful candidates by taking into account the information provided by him in his application form under "professional experience".

### The Ombudsman's assessment

9. Selection panels 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 recruitment notice for a particular recruitment procedure [4] . The position taken by a selection panel is open to review only if the exercise of that discretion has been vitiated by a manifest error in law or in fact [5] .

10. The selection panel is bound by the terms of the recruitment notice (or the Call for expression of interest - 'the Call' - in the present case) when it makes its evaluation of the candidates [6] .

11. Point VII of the Call ("Stages in the selection procedure") provides that *"the selection procedure is organised **solely** on the basis of qualification, in the form of an assessment of the detailed answers given by candidates to the questions in the 'Talent screener' on the application form:*

*- each of the question will be given a weighting of between 1 and 3 depending on the importance attached to the corresponding criterion,*

*- if candidates answer yes to the question, the selection committee will consider their answers and will award between 0 and 4 points for each of them; the points will then be multiplied by the relevant weighting."*

12. The selection panel was therefore entitled - and even required - to assess the complainant's



application **solely** on the basis of the information provided by him in his answers to the talent screener questionnaire.

**13.** The complainant received 0 points for questions 1 and 9. In response to question 1, the complainant was explicitly required to provide information on the duration (in months) of his professional experience as a driver in the area of transport of persons. **In response to question 1, the complainant gave no information on the duration of his professional experience as a driver.** He provided this information in his application form only.

**14.** As the Call required the selection panel to evaluate the candidates solely on the basis of the answers given to the questions in the 'talent screener', the selection panel was not allowed to take into account information provided in the application form. The decision to award the complainant 0 points does not, therefore, constitute a manifest error by the selection panel.

**15.** In relation to the complainant's statement that his professional experience as a taxi driver had been taken into account in a previous similar selection procedure, the Court has ruled that a selection board is not bound by the evaluation done by another selection board in another selection procedure.

**16.** Question 9 in the talent screener was about whether the candidate had professional experience as a driver working for European or international organisations or in a multicultural/multinational environment. The candidate was required to provide information on the number of months of such experience, as well as to give a detailed description of it.

**17.** In his reply, the complainant simply gave the name of the taxi company for which he worked, stating that he had provided transport services to top management of named multinational companies. The complainant did not provide information on the number of months of such experience. The selection panel's conclusion that the complainant's response to this question was not detailed enough does not, therefore, constitute a manifest error of assessment.

## **Conclusion**

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

**There was no maladministration by Parliament in its assessment of the complainant's talent screener replies.**

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

Strasbourg, 20/10/2016,



[1] <http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:C2016/131A/01&from=EN>

[2] An online question-and-answer form that candidates need to fill in

[3] Threshold of 32 points

[4] Case T-332/01, Pujals Gomis v Commission, [2002] ECR-SC I-A 233, para 39-41

[5] Case F-4/08, Hambura v Parliament, [2009] ECR-SC I-A-101 and II-A-447, para 24

[6] Case T-80/96, Fernandes Leite Mateus v Council, [1997] ECR-SC-I-A 87, para 27