



NEW SYSTEM FOR COMPETITIONS: IS EPSO HEADING ONCE AGAIN TOWARDS A LEGAL WATERLOO?

Luxembourg, 17/02/2023

EU competitions organised under the responsibility of the European Personnel Selection Office (EPSO), are notorious for being lengthy and cumbersome process. All parties involved (recruitment services, selection boards and candidates) were asking for a lighter, faster and more flexible way to select EU officials, in order to attract the best possible candidates and especially young officials within a rapidly evolving employment market.

EPSO's Director announced^[1] what she called "*EPSO*lution", i.e. "*the transformation process inside EPSO to make open competitions faster and simpler*". This new competition model was recently presented in the EPSO Board and is most likely approved.

To cut a long story short:

- EPSO and the Selection Boards will only deal with a first phase consisting of CBT and written tests, while the recruiting services within the institutions will conduct the interviews in order to evaluate general competences only at the recruitment stage.
- Recently reinstated EU knowledge tests will disappear again for specialists' competitions (as if these were supposed to know everything about the EU, even if they have worked in China or in the United States their whole professional life ...). It was, nevertheless, an obvious proof of motivation to work for the EU regardless of the type of competition.
- And last, but not least: all competitions will be run online via remote proctored tests. This is already the practice for some on-going competitions.

Union Syndicale Fédérale Luxembourg is not against a simplification of the current competitions' system. However, the first signs we get from candidates in very recent competitions are disappointing and make us fear that the much-publicised new selection system could rather lead to an "*EU-civil-service-dissolution*" or "*absolution*".

Indeed, serious doubts are raised with regard to remote testing, as far as these are conducted in a disrespectful and, sometimes, even humiliating way by proctors working for an external contractor. Several candidates of remotely conducted competitions (e.g. EPSO/AST/154/22) expressed their dissatisfaction and complained with regard to what they consider as a violent breach of their private life. In this respect, personal data protection issues arise and EPSO has not demonstrated until now it is able to respect the corresponding applicable rules.

The new system provides for the division of the whole process in two separate phases, where the Selection Board is involved only in written tests.

Union Syndicale Fédérale Luxembourg wishes to remind DG HR and EPSO the following:

- Staff regulations (Article 30) provide for a clear distinction between the **selection process** and the **recruitment phase**. This principle is not respected in the new system, where the last phase of the competition (oral tests) is conducted by the recruiting services.
- Staff Regulations also stipulate (Annex III, Article 5) that it is the Selection Board who completes the competition and not the recruiting services.
- Article 3 of the same Annex provides for an equal participation of staff representatives to the competition procedure. **Union Syndicale Fédérale Luxembourg** regrets that this provision will not be respected if the selection is completed by the recruiting services without an appropriate participation of staff representatives.
- The European case law (Dimitrios Pachtitis v European Commission, Case F-35/08, point 50) specifies that "[...] *the rules on the competition procedure are based on the principle of the sharing of powers between the appointing authority and the competition selection board*", further referring to the transparency of the selection procedure as well as to the key role of Staff Representatives.

- Additionally, in Case T-361/10 P (European Commission v Dimitrios Pachtitis) it is stipulated the following (point 43) : "[...] it is for the selection board to draw up a list of suitable candidates and to draw up a list of candidates who meet the requirements set out in the notice of competition." However, the Selection Board is excluded from any face-to-face contact with candidates that would enable it to evaluate their competencies in a global and complete way. EPSO's Director confirms that "*the final design was adopted following a proposal by one representative, which found a positive echo among the other EU institutions*".

Union Syndicale Fédérale Luxembourg considers this a rather weak way to prepare and adopt a major change that will affect Human Resources of all EU institutions for several years in the future and regrets that a proper social dialogue did not take place on such an important change.

Additionally, in a presentation meeting with trade unions' representatives, DG HR was not able to clarify an important number of points, while on others admitted that further clarification or assessment of the potential impact is needed. This demonstrates that the initiative to reform the competitions system was rushed and not properly nor sufficiently prepared.

Union Syndicale Fédérale Luxembourg is concerned that, by breaching both the Staff Regulations and the competitions related case-law, the new system will lead to a high number of appeals and a reputational risk for the European institutions.

Union Syndicale Fédérale Luxembourg requests HR and EPSO :

- to ensure that the new system will be applied in such a way as to guarantee transparency, equal and respectful treatment of all candidates, as well respect of their personal data and intimacy during remote testing;
- to ensure equal participation of staff representatives to all stages of competitions, as required by the Staff Regulations;
- to pay due attention to candidates' complaints and strive to improve the weaknesses of the new system as soon as possible;
- to open immediately negotiations with the staff representation on this new system.

[1][Introducing a faster, leaner and more accessible competition model! | EU Careers \(europa.eu\)](#)

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