

21/12/2012

General Court judgement in the case T-361/10 P Pachtitis: information for candidates

Further to the Court ruling in the case F-35/08, *Pachtitis/Commission*, EPSO's Management Board engaged to re-organise the tests in 2013 (see our news item of March 2012). A corrigendum to the EPSO/AD/177/10 competition will be published during the month of March 2013 on our web site: www.eu-careers.eu .

As previously stated, only candidates of EPSO/AD/177/10, EPSO/AD/178/10 and EPSO/AD/179/10 who were excluded from the selection process on the basis of their results in the admission tests, either because they did not reach the pass mark, or because they were not amongst the best candidates to be invited to the Assessment Centre based on their score are allowed to re-sit the tests.

All these candidates have already received further information in their EPSO accounts on the re-run in 2013 of the EPSO/AD/177/10 and EPSO/AD/178-179/10 competitions. No further action is required from them until the corrigendum is published in March 2013.

09/03/2012

Follow up to "General Court judgement in the case T-361/10 P Pachtitis

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In 2010 participants in the open competitions EPSO/AD/177/10, EPSO/AD/178/10 (Librarians) and EPSO/AD/179/10 (Audiovisual), received an undertaking from the European Institutions by way of EPSO's Management Board that should the ruling F-35/08, *Pachtitis/Commission* of 15 June 2010 be confirmed on appeal all candidates excluded from those competitions on the basis of their results in the admission tests would be invited to new tests in a subsequent competition. The aim was to protect the candidates' interests, who, in this way, would not need to introduce complaints or appeals on the same grounds upheld by the Civil Service Tribunal in the above case.

At the end of 2011 the General Court issued the confirmatory ruling above which upheld the initial position of the Tribunal.

To honour their undertaking, the Institutions, via EPSO's Management Board, have decided that **in 2013**

- the AD5 generalist cycle will be replaced with an AD5 competition organised for the candidates unsuccessful at the pre-selection stage of the EPSO/AD/177/10 competition, and will include the same five profiles as for that competition (European Public Administration, Law, Economics, Audit and ICT).
- Similarly, for the EPSO/AD/178/10 (AD5 Librarians) and EPSO/AD/179/10 (AD5 Audiovisual), a new selection will also be organised.

In all cases the number of successful candidates will be adjusted proportionately to offer broadly the same chance of success as in the original selections.

It is important to note that all EU Careers selection procedures which have commenced since the original judgment (F-35/08, *Pachtitis/Commission* of 15 June 2010) have been structured to take account of that ruling.

Candidates affected will be informed individually via their EPSO account in the coming weeks.

19/12/2011

General Court judgement in the case T-361/10 P Pachtitis

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On 15 June 2010 the Civil Service Tribunal gave judgment in Case F-35/08 Pachtitis v Commission, in favour of Mr. Pachtitis, a candidate in a competition organised in 2006/7 to establish a reserve list of Greek translators (AD5).

Mr. Pachtitis successfully argued that he should not have been excluded from the competition on the basis of his results in the pre-selection test, exclusively defined by EPSO for that particular competition, without any involvement of the selection board. Indeed, the cornerstone of Mr. Pachtitis' case was an interpretation of Annex III of the Staff Regulations which led the Tribunal to conclude that only the selection board, and not EPSO, has the power to determine the content of questions for pre-selection tests. The decision excluding him from the main part of the competition was therefore declared invalid.

The Commission appealed against the judgement.

On the 14th December 2011 the General Court delivered its judgment on the appeal case (T-361/10 P) and confirmed the interpretation of the Civil Service Tribunal whereby the Staff Regulations do not sufficiently clarify EPSO's role in the context of computer based testing (CBT). On the other hand the merits of CBT are in no way questioned by the judgment – indeed in a different judgment, in Case F-2/07, Matos Martins v Commission, of 15 April 2010, the Civil Service Tribunal has rejected an application against a decision in a selection procedure for contract agents which had been made on the basis of CBT, the utility of which has not been questioned by the judges.

The Commission will carefully analyse the judgment in order to identify the necessary measures for implementation. It will contact the candidates concerned by this ruling as soon as possible in the new year.

It is important to note that all EU Careers selection procedures which have commenced since the original judgment have been structured to take account of the CST's ruling, now confirmed by the General Court.

02/07/2010

02/07/2010: Civil Service Tribunal judgement in the case F-35/08 Pachtitis

On 15 June the Civil Service Tribunal issued a judgement in the case F-35/08 Pachtitis which ruled in favour of Mr. Pachtitis, a candidate in a competition organised in 2006/7 to establish a reserve list of Greek translators (AD5).

Mr. Pachtitis argued that he should not have been excluded from the competition on the basis of his results in the pre-selection test, exclusively defined by EPSO for that particular competition, without any involvement of the selection board. Indeed, the cornerstone of Mr. Pachtitis' case is an interpretation of Annex III of the Staff Regulations which leads the Tribunal to conclude that only the selection board, and not EPSO, has the power to choose the questions for pre-selection tests. His result in the competition has therefore been declared invalid.

It is important to say at the outset that EPSO does not share the Tribunal's interpretation of the Staff Regulations. Having consulted the Legal Service of the Commission, EPSO believes that there are grounds for an appeal against the ruling.

EPSO will naturally respect the ruling, but feels that it is also important not to lose sight of the success of the first annual AD 5 competition cycle launched in March this year.

Thanks to the changes made to the selection methods and in particular the use of computer-based tests, delivered on a worldwide basis for the first time ever, 37.000 candidates were able to register, book and sit their pre-selection tests in a record two months from the publication of the competition.

A full statement on this ruling can be found [here](#).

A Q&A for existing, and potential, candidates can be found [here](#).