

IMPORTANT MESSAGE TO CANDIDATES OF OPEN COMPETITION
EPSO/AD/177/10

Dear Candidate,

On 15th June, the Civil Service Tribunal of the European Union issued its ruling in case F-35/08, *Pachtitis/Commission*, which principally concerned the authority of the European Personnel Selection Office to set admission tests.

The possibility of the Commission launching an appeal against this ruling is currently being examined and if such a decision is taken, it could be accompanied by a request for an urgent procedure.

In the interest of transparency, EPSO would like to inform you of the following measures taken for both this competition as well as for future competitions.

Concerning this competition, given that more than 37,000 candidates have now already taken the admission tests, EPSO has decided, in agreement with its Management Board, that it would not be feasible either to stop or to cancel the ongoing selection procedure.

In order to avoid that candidates introduce complaints and appeals - whilst fully protecting their interests - EPSO has also decided, in agreement with its Management Board, that should the ruling *Pachtitis/Commission* be confirmed on appeal, all candidates excluded from open competition EPSO/AD/177/10 on the basis of their results in the admission tests – either because they had not obtained the minimum pass mark in any given test, or because they were not amongst the candidates invited to the Assessment Centre stage – would be invited to new tests in a subsequent competition, for the same profiles, and to which they alone would be admitted. This decision will allow for candidates' interests to be safeguarded, by maintaining the competition timetable, whilst safeguarding the interests of the Institutions, by providing them with the appropriate number of laureates within fixed deadlines.

This undertaking by the Institutions aims 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 mentioned case – appeals which, in any case, would be suspended pending the outcome of the above-mentioned appeal.

Concerning future competitions and whilst awaiting a new ruling, EPSO procedures will be adapted for all competitions to be published in order to fully reflect the Tribunal's decision, this without prejudice to any appeal procedure.

EPSO wishes to thank candidates for their understanding in these exceptional circumstances and reiterates that the above solution will enable the current competition to continue and will also prevent candidates from being negatively affected by the non-application of the ruling should the latter be confirmed on appeal.