

Case T-115/89
(Publication by way of extracts)

José Maria González Holguera

v

European Parliament

(Officials — Conditions for admission
to an open competition)

Summary of the Judgment

1. *Officials — Recruitment — Competition — Competition based on qualifications and tests — Admission requirements — Qualifications of a candidate assessed differently in successive competitions — Whether permissible — Conditions*
(*Staff Regulations, Annex III, Art. 5*)
2. *Officials — Actions — Grounds — Insufficient statement of reasons — Inquiry by the Court of its own motion*
3. *Officials — Recruitment — Competition — Selection board — Drawing up of a reasoned report — Purpose*
(*Staff Regulations, Annex III, Art. 5, sixth paragraph*)
4. *Officials — Recruitment — Competition — Admission to the tests refused — Statement of reasons — Obligation — Scope*
(*Staff Regulations, Annex III, Art. 5*)
5. *Officials — Recruitment — Competition — Competition based on qualifications and tests — Relevant experience of candidate — Discretion of the selection board — Review by the Court — Limits*

1. If successive notices of competition have laid down admission requirements which are formulated in identical terms, a candidate cannot form the subject of a less favourable appraisal than that made of him in a previous competition, unless

the statement of reasons on which that decision is based clearly justifies such a difference of appraisal, *a fortiori* where the requirements of the previous competition were more demanding than those of the competition at issue.

2. The Court is bound to inquire of its own motion whether the defendant institution satisfied its obligation to state the reasons on which the contested decision was based.
3. The obligation imposed on selection boards by the sixth paragraph of Article 5 of Annex III to the Staff Regulations to draw up a reasoned report accompanying the list of suitable candidates which is addressed to the appointing authority is designed to enable the appointing authority to exercise its discretion with due judgment and to assess whether the selection board's decisions were free from irregularity or whether, owing to some irregularity committed by the board, it should disregard the results of the competition and recommence the whole procedure. To that end, the report must set out both the general criteria employed by the board and the manner in which they were applied to the candidates.
4. The selection board is required to indicate precisely which conditions in the notice of competition were considered not to have been satisfied by the candidate. However, in view of the practical difficulties posed by a competition in which there is a large number of candidates, the selection board may initially notify candidates merely of the criteria and of the result of the selection process and provide individual explanations at a later stage to those candidates who expressly ask for an explanation.
5. Where the appraisal of a candidate's experience involves an appraisal falling within the specific competence of the members of the selection board, the Court must confine itself to examining whether the exercise of that power was vitiated by a manifest error of judgment.

JUDGMENT OF THE COURT OF FIRST INSTANCE (Fifth Chamber)
13 December 1990 *

In Case T-115/89,

José María González Holguera, an official of the European Parliament, represented by **Blanche Moutrier**, of the Luxembourg Bar, with an address for service in Luxembourg at her Chambers, 16, avenue de la Porte-Neuve,

applicant,

v

* Language of the case: French.