

Case T-55/91

Olivier Fascilla v European Parliament

(Official — Competition — Experience — Statement of reasons
for the decision rejecting a candidature)

Judgment of the Court of First Instance (Fourth Chamber), 21 May 1992 II - 1758

Summary of the Judgment

Officials — Recruitment — Competition — Competition based on qualifications and tests — Refusal of admission to the tests — Decision adversely affecting person concerned — Obligation to state reasons — Scope

(Staff Regulations, Art. 25, second para; Annex III, Art. 5)

The purpose of the obligation to state the reasons for any individual decision adopted under the Staff Regulations is to provide the person concerned with sufficient details to allow him to ascertain whether or not the decision is well founded and to make it possible for the decision to be the subject of judicial review. As regards the decision of a Selection Board not to admit a candidate to the tests, it is necessary for the Selection Board to state clearly the conditions in the notice of competition which it considers the candidate has not satisfied. Although, where there is a large number of candidates in a competition, the Selection Board may initially confine itself to stating the reasons for

its refusal in a summary manner and informing the candidates only of the criteria and the result of the selection, the Selection Board must nevertheless subsequently provide an individual explanation to those candidates who expressly ask for it.

That requirement to state reasons is not satisfied where, in a letter sent to a candidate who has not been admitted to the tests, the Selection Board, after reconsidering his candidature at his request, does not specify the reasons for which his training and experience were considered to fall below the minimum laid down for admission laid down in the notice of competition.