

Case T-54/91

Nicole Almeida Antunes

v

European Parliament

(Official — Competition — Practical experience — Obligation to state reasons for a decision rejecting an application — Obligation to comply with the terms of a notice of competition)

Judgment of the Court of First Instance (Fourth Chamber), 21 May 1992 II - 1740

Summary of the Judgment

1. *Officials — Recruitment — Competitions — Competition based on qualifications and tests — Refusal of admission to tests — Decision adversely affecting candidate — Obligation to state reasons — Extent*

(Staff Regulations, Art. 25(2); Annex III, Art. 5)

2. *Officials — Recruitment — Competitions — Competition based on qualifications and tests — Conditions of admission — Definition in notice of competition — Supporting documents — Selection Board taking into account only documents submitted before the closing date for applications*

(Staff Regulations, Annex III, Art. 2)

1. The obligation to state the reasons for any individual decision taken under the Staff Regulations is intended both to provide the person concerned with sufficient details to allow him to ascertain whether or not the decision is well founded and to enable the Court to review the decision. With respect to the decision of a Selection Board not to admit a candidate to the tests, the Selection Board is required to indicate precisely which conditions in the

notice of competition are considered not to have been satisfied by the candidate. While in the case of a competition with a large number of applicants, the Selection Board may initially give only summary reasons for the refusal and notify candidates merely of the criteria and of the outcome of the selection process, it is nevertheless obliged to give individual explanations at a later stage to those candidates who expressly request them.

That requirement to state reasons is complied with if in the letter sent to a candidate not admitted to the tests the Selection Board, after reconsidering the application at the candidate's request, states that the practical experience required by the notice of competition has not been demonstrated in full by the closing date for applications laid down in that notice.

2. Although the Selection Board for a competition based on qualifications and tests has a discretion in evaluating the qualifications and practical experience of the candidates, it is nevertheless bound by the wording of the notice of competition. The basic function of that notice is to give those interested the most accurate information possible about the conditions of eligibility for the post to be filled, in order

to enable them to judge whether they should apply for it and what supporting documents are important for the proceedings of the Selection Board and must therefore be enclosed with the application.

The Selection Board is obliged to take into account only the supporting documents which the candidates must submit before the closing date for applications laid down in the notice of competition. It is under no obligation whatever to check through all the applications to ascertain whether all the documents required have been forwarded and to ask candidates, if necessary, to produce additional documents; nor is it obliged to take into consideration documents produced after the closing date.

JUDGMENT OF THE COURT OF FIRST INSTANCE (Fourth Chamber)
21 May 1992 *

In Case T-54/91,

Nicole Almeida Antunes, residing in Kayl (Luxembourg), represented by Jean-Noël Louis, Thierry Demaseure and Véronique Leclercq, of the Brussels Bar, with an address for service in Luxembourg at the office of Fiduciaire Myson SARL, 1 Rue Glesener,

applicant,

* Language of the case: French.