EPSO/EuSA EXTRAORDINARY MANAGEMENT BOARD MEETING

31 January 2023, 14:00 to 16:30

The One building (L-107), VIP room, 22nd floor and Webex

Minutes

Management Board

European Commission (EC) Chair
European Parliament (EP) Member
European Parliament (EP) Alternate
Council of the EU Member
Council of the EU Alternate
European Commission (EC) Member
Court of Justice of the EU (CJEU) Member
Court of Justice of the EU (CJEU) Alternate
European Court of Auditors (ECA) Member
European Ombudsman (EO) Alternate
Economic and Social Committee (EESC) Member
Committee of the Regions (CoR) Member

European External Action Service (EEAS) Observer
European Data Protection Supervisor (EDPS) Observer
European Data Protection Supervisor (EDPS) Observer

Staff Committee observers

European Parliament
European Commission
Committee of the Regions

Guest

European Commission (EC)

European Personnel Selection Office (EPSO)

Meeting also followed online by EPSO Head of Units & other authorised persons
1. Adoption of the Agenda

Chair, welcomed participants to the extraordinary meeting of the EPSO/EuSA Management Board (henceforth ‘Board’). The agenda was adopted.

Update from the EPSO Director

3. Proposal for a new competition model

Minna Vuorio went through the essentials of the relevant supporting document highlighting the crucial question that the Board must address at the meeting: can each institution live with the elimination of the oral tests of the Assessment Centre from the competition phase? She described the support concept that EPSO will offer, free of charge and on a voluntary basis in the recruitment stage and stressed that no unwanted workload will be pushed to the institutions.

As regards possible staff reductions in EPSO, Minna Vuorio underlined that imminent relief would follow for the institutions from the fact that Selection Board members would no longer be needed to conduct the Assessment Centre interviews. Otherwise, she urged caution and patience in the transitional phase while several complex competitions are ongoing under the current model. Furthermore, the EPSO Director recalled that until tangible outcomes from HRT emerge for EPSO it continues to rely on outdated IT tools and time-consuming manual processes.

On the sensitive question of the language regime, in anticipation of Court rulings in 3 new cases brought by France, the idea is to continue the current practice of deciding on a case-by-case basis.

On CAST P, it was proposed that the discussion takes place separately, once there is clarity on the new competition model.

The Chair asked each representative to give its views on the proposal for a new competition model. In a first round of discussion, the Board members and observers:

- **All institutions**: recognised the need for a more efficient selection process;
- **EP**: was favourable to the new model and recognised the advantages it would bring while reminding that the discussions about the reform had already started in the Special Working Group which had issued its recommendations in 2019; supported the role of EPSO as service provider to the institutions; agreed with the suggestion of EPSO to conduct a proper analysis on the impact of the new model on EPSO’s staffing, but expressed the expectation that the new model would bring some efficiency gains.
- **CJEU**: expressed concern that selection tasks previously done by EPSO would be transferred to its HR and recruiting services, which would be unable to cope with the workload; did not deem the recruitment-related assistance offered by EPSO particularly helpful in addressing such problem; suggested to transfer staff from EPSO to the small and medium-sized institutions, if the new competition model is adopted; insisted on maintaining in that case the current features of the written phase of its lawyer-linguist competitions; was not in a position to give agreement
to the proposal until the resources question has been addressed. **ECA:** agreed that the Assessment Centre phase is too time-consuming; was uneasy about taking over the oral interviews, which are now done in the selection phase as it may require additional resources; enquired about the marking of the (field-specific) written test; asked to receive more information about the recruitment-related assistance from EPSO;

- **EEAS:** agreed that the proposal goes in the right direction; wished to understand better the role of Selection Board members under the new model; asked for more details about the planning modalities for EPSO’s assistance; supported the ad-hoc approach to the language regime;

- **CoR:** shared the concerns about the need for additional resources by the small institutions at recruitment time; was uncertain about EPSO’s capacity to deliver the requested assistance within reasonable timeframes; raised the issue of common standards in selection and interinstitutional mobility in a system where oral interviews take place only at the time of recruitment and the framework vary between the institutions;

- **Council:** was of the opinion that the current system is dysfunctional, so drastic changes are needed; reminded that the process will still remain highly selective; informed that its managers are looking forward to the reform; considered that some risk-taking is justified and necessary in order to progress and that savings will be generated from the significantly lesser need for Selection Board members, including Permanent ones; stressed that EPSO services will be free of charge; gave green light to the proposed changes;

- **EC:** supported the proposed changes which would increase the institutions’ attractiveness on the labour market; suggested that each institution would need to define its own needs for the recruitment stage; remarked that the absence of oral tests in the Assessment Centre should have a favourable impact on the issue of the language regime; did not exclude the organisation of its own open competitions without EPSO’s involvement; wished to learn the opinion of the Commission Legal Service on aligning the currently ongoing competitions with the new model; urged the Board to decide swiftly.

- **EESC:** acknowledged that the current system does not work; was interested to learn whether it is legally feasible to speed up the ongoing competitions by aligning them to the proposed new competition model; agreed to continue the ‘as is’ approach regarding the language regime; asked whether EPSO would be able to cope in a timely manner with all requests for support; enquired whether the reform is considered legally sustainable;

- **EO:** echoed the concerns about resources expressed by other small institutions; observed that there might be different levels of rigorousness in the recruitment interviews in the various institutions, which may result in a ‘sub-category’ of officials thereby potentially having a detrimental effect on interinstitutional mobility;

- **EDPS:** recognised the need for radical changes but regretted the direction of the discussion which it feared will result in the weakening of EPSO and gradual deterioration of the quality of future officials; insisted on receiving further guarantees about EPSO’s support offer.

Overall, the small institutions asked for greater reassurances that they will receive free and timely support by EPSO as they felt more exposed to risks related to additional workload.

**Bernhard Schima (EC),** specially invited to this Board meeting, gave the position of the Legal Service on the following points:
Legal sustainability of the proposed reform

There are no legal obstacles to the elimination of the Assessment Centre oral tests – the Staff Regulations do not specify the type of tests that are to be organised. The selection procedure ends, as follows from the Staff Regulations, with the establishment of the reserve list. From then on, starts the recruitment stage. It is arguable that EPSO may assist with recruitment under a broad reading of Annex III, Article 7. At the same time, the selection procedure cannot continue after the establishment of the reserve list. If EPSO conducts something that comes close to an oral test after and outside the selection procedure, that risks being considered a circumvention of the rules on selection procedures. It is therefore critical that EPSO is at that stage entirely at the service of the recruiting institutions and does not reduce their margin to choose candidates from a reserve list.

Language regime

EPSO should only limit the language choice of the candidates where it can be justified. 3 new Court cases have been brought by France but the rulings are not expected before the end of 2023, so no clarity can be expected soon. The Court has so far agreed to EN-only for the field-related tests but it does not mean that we can expect sympathy towards an EN-only approach for all tests.

Amendments to Notices of ongoing competitions

A case-by-case assessment should take place. Amending the respective Notices of Competition would require substantive justification. The legitimate expectations of candidates is a key factor to be born in mind.

The Chair thanked the Legal Service for its explanations and advice, which will guide EPSO’s approach to this matter.

provided the following answers in relation to the various points raised on the new competition model:

- In particular for the two ongoing multi-field ICT competitions (AD and AST), EPSO, in cooperation with the respective services, will seek to amend the Notice of Competition in order to progress faster;
- Assessment Centres are run mostly by the Selection Boards. With the new model, the role of Selection Boards will be significantly reduced thereby alleviating the human resources burden on the institutions. EPSO also expects to eventually be in a position to release some permanent members who can then reintegrate their service of origin;
- EPSO’s Assessment Centre team is composed of abt. 5 persons who coordinate and provide support to Selection Board members;
- Work is advanced on a new way of planning the competitions, and also on the assistance that EPSO can offer under the new competition model. EPSO is therefore confident that it will be able to deliver timely support, given that the intensity of the intervention requested will probably vary between the different institutions; we can provide more operational details to EPSO Working Group on the how the assistance would be organised;
- The new competition model still offers a credible and rigorous selection process based on qualifications and tests. Complemented by the recruitment stage interviews, the reform will maintain high quality of candidates. At the recruitment
stage, EPSO’s role is limited to assistance, the final recruitment decision remains with the recruiting institution.

- Certain flexibility in justified cases is possible but the aim is to have a standard framework, so that protracted negotiations do not have to restart every time a new competition is prepared. Bilateral discussions will continue with the CJEU in order to find the most suitable structure for competitions aimed at the recruitment of lawyer-linguists.
- The case study is in principle meant to explore general competencies, not field-related competencies, it will assess drafting/communication on X-best basis;
- Until new IT tools are available, it will be unrealistic to expect significant reductions in EPSO’s staff even with the elimination of Assessment Centres. EPSO is ready to prepare a proper impact analysis of the new model on its human resources.

The Chair recalled the extensive preparatory work, strategic reflections and consultations that have already taken place and stressed the importance of not postponing a decision on the new competition model any longer. She summarised the main points emerging from the discussion and, in a second roundtable, proceeded by asking each Board member to state clearly his/her position on the proposal for a new competition model.

- The following institutions confirmed their support: EC, EP, Council, ECA, EESC, CoR, EO, EEAS.
- CJEU was not in a position to give its agreement.
- EDPS was not in favour but did not oppose either.

As a result, the Chair announced that the new competition model is considered adopted by the Board. The Chair asked EPSO to proceed with an impact analysis on its staffing and to continue looking for efficiency gains.
There being no other business, the meeting ended at 16:30.

The meeting was resumed, and the minutes of the preceding meeting were adopted. The Chair informed that the Board was aware of the concerns raised by the EESC and the Staff Committee observers, and that the Board had discussed these concerns with EPSO. The Chair underscored that the Board was committed to ensuring a fair and transparent competition process.

The Board noted that the complaints received had been investigated and that steps had been taken to address the issues raised. The Chair highlighted the importance of continuing to engage with all stakeholders and to ensure that the competition process was transparent and fair.

The Board was informed that EPSO had provided an explanation of the measures taken to prevent cheating during the online examination. The Board noted that EPSO had taken steps to ensure that the competition was conducted in a fair and transparent manner.

The Chair emphasised the importance of following up on the concerns raised and of continuing to engage with all stakeholders. The Board agreed to continue to monitor the competition process and to take appropriate action to address any issues that may arise.

The Board thanked EPSO for its efforts to ensure a fair and transparent competition process and agreed to continue to engage with all stakeholders to ensure that the competition was conducted in a fair and transparent manner.