



Brussels, 29 September 2023

Note to the attention of the Chair of the EPSO Management Board and its members

Dear Ms Ingestad,

Dear members of the EPSO Management Board,

We want to bring to your attention some important aspects regarding recent EPSO competitions, particularly about the complaints we continue receiving from the candidates for all the ongoing competitions. In the attachment, you can find some of the testimonies for your consideration. In this respect, we would like to have clarification on various matters and some of the issues raised in the reply of Ms Vuorio to our open letter of 6 July 2023.

Competition EPSO/AST/154/22

Despite the claims of the EPSO Director that the number of complaints in the competition EPSO/154/22 hereunder referred as “competition 154” was very low (although we are aware of a higher number), we would like you to explain why the EPSO Management Board decided to cancel the competition leading to a financial loss of 300 000 EUR.

According to the statistics provided by EPSO, a common rate of non-show-up for the tests lies between 3% to 5%. Consequently, EPSO Management Board Members should ask themselves; why for the competition in question, about 20% of the candidates that booked the test, in the end did not manage to take part in it?

Out of 1000 complaints in total, 800 were not accepted because EPSO only considered 20% of them legitimate (for technical or organisational issues. Nevertheless, only 54% of the “legitimate” complaints were rescheduled. The rest did not meet the relevant criteria. We would therefore like to address the following questions:

- What were the requested criteria not met by the remaining number of complainants?
- Why did EPSO reject the remaining 80% of the total complaints and what type of issues were they related to?
- What was the procedure followed when analysing all the complaints – who was involved in it (EPSO, jury of the competitions and/or Prometrics)?
- Knowing that the cancellation costs were around 300 000 EUR, how much will the retesting and relaunching costs?
- What will be the delay in recruitment and additional time needed to relaunch the entire competition?
- Apart from the legal analysis, was any financial analysis conducted related to the cancellation and if so, could you provide us with the details?

- Ms Vuorio refers in her reply that an answer was given to the European Ombudsman. Could we also receive a copy of it?

We noticed that the competition in question was already rescheduled for September 2023. However, some of the domains of the original notice of the competition were not included. Thus, we would like to ask you for an explanation and urge you to include them as originally.

Data protection

It is quite surprising that the EPSO Director was not aware of the EDPS opinion issued on 5 October 2021 on case [2021-0747](#) related to data protection, data processing and risk of disclosing sensitive personal data in the context of online recruitment with remote invigilation/proctoring. The EDPS made several recommendations to update the Data Protection Impact Assessment (DPIA) (from the General Data Protection Regulation (GDPR)) and to indicate situations when a candidate should be video recorded.

Even if the Framework Contract ensures that, the data collection complies with EU data protection rules - being stored in the EU, for a limited duration, with the usual safeguards and guarantees applying.

- Could you provide us with evidence that the data has only been stored in the European Union given that the invigilators are located outside the EU?

Complaints

EPSO claims that after the cancellation of the “competition 154”, the number of complaints decreased. This could be explained by the fact that:

- Some complaints from the candidates are considered illegitimate due to late answers from the proctoring company. For this reason, they are clearly unable to meet the very short deadline of 3 days given by EPSO.
- Moreover, some others do not even dare to complain because they are afraid of possible consequences for their selection process. (Although they were not excluded, certain issues affected their results e.g. stress caused due to several hours of waiting.
- Others confess fear or scepticism, yet another cancellation would arise or do not think that a registered complaint with the EPSO would bring any results.

Disabilities In terms of disabilities, even though the EPSO had put specific policies in place, the proctoring company does not always respect them, or they are not properly implemented in practice. We have several testimonies that show otherwise.

New competition model

The most important part of the selection, i.e. oral examination, examination of competences (competence-based interview and personality) and motivation will be conducted by the recruiting services of the institutions. This will be an additional burden for services, which, in contrast to selection boards, are neither particularly familiar nor sufficiently trained to ensure unbiased selection.

- Is there an evaluation of the financial costs and human resources required for this part?

- As only half of the laureates will be recruited, will the staff representatives be involved to guarantee equal treatment and impartiality of the procedure (ex. between internal and external candidates?)
- Will Temporary Agents be nominated without a competence based and personality interview?
- Ms Vuorio mentions in her reply that the new competition model will achieve considerable savings. Could you thus indicate any estimate of budgetary costs?

Although EPSO claims to be open to dialogue, it is unfortunate we did not have the opportunity to have a proper debate with those that are mandated to take decisions (the EPSO Management Board) on the remote testing. Moreover, we have never called for preferential treatment for internal candidates, on the contrary, we call for a transparent and equitable selection process based on merit and that would ensure equal treatment to all candidates. As staff unions representatives, we do not only represent our colleagues in the institutions but also the broader European public that might have a poor opinion of the EU as a whole after this negative experience.

In view of the above, we would appreciate receiving answers to all our questions in due course. Moreover, since we requested an urgent social dialogue to DG HR in a separate letter, we would like you to reconsider the new EPSO model and adjust it based on the results of this social dialogue.

Yours sincerely,

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To. Ms Ingestad, Members of the EPSO management Board

cc. Cabinet Hahn, Mr Christian Roques, Ms Enjolaes, Mr Duluc, Mr Athanasios Katsogianis

Annexes: Open Letter Common Front, Reply of Ms Vuorio, Testimonies 154 & other testimonies