



THE COURT OF JUSTICE AGREES WITH STAFF REPRESENTATION AND CONFIRMS THAT MULTILINGUALISM SHOULD STAY THE HEART OF RECRUITMENT PROCEDURES AT THE COMMISSION!

A judgment of the Court of Justice published on 27th November relative to an appeal introduced by the Italian Republic has confirmed the cancellation of the notices of competitions EPSO/AD/94/07 and EPSO/AST/37/07, giving as justification for this decision that these notices were not published in all the official languages of the Union and that the choice of the second language was limited to German, English and French. The Court decided to cancel these competitions without, however, calling into question their outcome.

According to the appreciation of the Court, it follows that:

- **in accordance with Appendix III of the Staff Regulations of the officials of the European Communities, the notices of competitions must be published fully in all the official languages**

- the 1st Article of Regulation n°1 indicates 23 languages not only as official languages, but also as working languages of the institutions of the Union, and that any discrimination based on the language is prohibited according to the Staff Regulations. It is advisable, however, to note that according to the Commission the three languages most used in the Institutions, and this for a long time, are German, English and French.

The Court confirms again the good founding of the positions defended by the Staff Representation.

In anticipation of the above-mentioned judgement, **SOLIDARITE EUROPEENNE, supported by other Unions of the Alliance** already introduced on 5th May 2006 a complaint to the European Mediator directed against EPSO for non-respect of Articles 27 and 28 point f) of the Staff Regulations. Indeed, at the recruitment tests the candidates had no other choice apart from German, English or French, thus depriving the juries of the possibility of testing the necessary competences for the required profiles, whilst favouring linguistic skills.

The Joint Committee (COPAR) gave a unanimous opinion at its meeting of November 8th, 2005 asking that the QCM of competitions and the AC selections be tested in the mother tongue or first language of the candidate.

This orientation also received the unanimous support of the staff representatives at the meetings of the COPARCO (inter-institutional joint committee) on 12th June 2005 and 9th March 2006.

The Central Staff Committee also supported this new procedure.

The Institutions consequently changed their position and requested EPSO to set the tests of pre-selection in the mother tongue or first language of the candidates. This is now reality and the Court has confirmed it!

It should be noted that the new management of EPSO had shown some sensitivity to these demands when before they qualified our position as coming from "dinosaurs" and some studies were conducted by EPSO to demonstrate that it was impossible to respect multilingualism due to the large number of languages and their complexity.

The Alliance never denied the complexity of organising competitions with tens of thousands of candidates in 23 official languages.

The Court in its judgment points out that in accordance with Article 27, first subparagraph of the Staff Regulations, the recruitment procedures must aim at providing officials who are highly qualified, high performers and of high integrity. This objective can be more easily met when the candidates are authorized to present the selection tests in their mother tongue or in a second language which they consider to master best. In this respect, it is up to the Institutions to set the right balance between the objective of knowledge of the "pivot" languages and the objective of recruiting those candidates having the best skills and required competences.

It is consequently advisable to set up internal rules defining the linguistic modalities so as to reconcile the requirement of the Staff Regulations regarding the candidates' knowledge of languages, verified with adequate tests, the needs of the Institutions and the creation of further post-recruitment training courses, in order to favour high quality communication - indispensable to their functioning.

It is also essential to avoid that following any Court judgement that questions any aspect of the competitions, EPSO invokes the necessity to modify Annex III of the Staff Regulations! As also seen with the Pachtitis judgement on the role of the jury, in its current version, Appendix III by no means prevents the achievement of the objectives concerning the linguistic regime that have always been at the centre of all competitions and has been confirmed by the Court.

With some modification, current recruitment procedures can perfectly satisfy the above-mentioned balance in a clear governance process, whilst guaranteeing the mission entrusted to EPSO which is that of the simple execution of policies decided by the Institutions, and not that of policymakers, even less for statutory modifications!