

## APPEAL AND COMPLAINT PROCEDURES

### REQUESTS FOR REVIEW ADDRESSED TO THE CHAIRPERSON OF THE SELECTION COMMITTEE

You can submit a **request for review** if:

- Fusion for Energy has failed to observe the provisions governing the selection procedures,
- the Selection Committee has failed to abide by the provisions governing its proceedings.

Human Resources will transmit your request to the Chairperson of the Selection Committee if it comes within the Board's remit. You will be notified of the Selection Committee's decision as soon as possible or maximum within 45 calendar days of receipt of the request for review.

#### Procedure

Submit your request within **10 calendar days** from the date when the letter from Fusion for Energy is sent to you by email and state the grounds on which it is based

The request should be submitted:

- either by email to [hr-selections@f4e.europa.eu](mailto:hr-selections@f4e.europa.eu),
- or by post to the following address:

"Fusion for Energy"  
Chairman of the Selection Committee  
C/ Josep Pla 2,  
Torres Diagonal Litoral, Edificio B3  
Human Resources Unit  
08019, Barcelona,  
Spain

#### Please quote in the subject line of your letter:

- the selection title
- the selection reference
- Subject : 'Request for review'
- what stage of the selection your request concerns (e.g. invitation to written tests, outcome of written tests, invitation to oral tests, final outcome).

Note that Selection Committees enjoy wide powers of discretion in assessing whether and to what extent your answers are correct or incorrect. **It is therefore pointless to contest the outcome unless there has been a manifest error in law or in fact.**

## ADMINISTRATIVE COMPLAINT

You can lodge **an administrative complaint addressed to the Director of Fusion for Energy** under Article 90(2) of the Staff Regulations of Officials and Conditions of Employment of Other Servants of the European Union (“Staff Regulations”) at any stage of the selection if you consider that:

- Fusion for Energy or the Selection Committee has acted unfairly or has failed to comply with:
  - the rules governing the selection procedure, or
  - the provisions of the vacancy notice,
- and that your interests have been prejudiced as a result.

### Procedure

An administrative complaint under Article 90(2) of the Staff Regulations shall be lodged:

- either by email to [hr-selections@f4e.europa.eu](mailto:hr-selections@f4e.europa.eu)
- or by post to the following address:

“Fusion for Energy”  
Director  
C/ Josep Pla 2,  
Torres Diagonal Litoral, Edificio B3  
08019, Barcelona,  
Spain.

The complaint must be lodged **within 3 months**. The time limit for initiating this type of procedure starts to run from the time the candidate is notified of the act allegedly prejudicing his/her interests.

### Please quote in the subject line of your letter:

- the selection title,
- the selection reference,
- Subject: ‘Complaint under Article 90(2)’
- what stage of the selection your complaint concerns.

## **JUDICIAL APPEAL TO THE EUROPEAN UNION CIVIL SERVICE TRIBUNAL**

Following an administrative complaint procedure, a candidate may bring a case under Article 91 of the Staff Regulations before the Court of Justice of the European Union (Civil Service Tribunal), who has jurisdiction in such disputes under Article 270 of the Treaty on the Functioning of the European Union.

A decision by a Selection Committee can be also challenged directly before the courts of the European Union without the need for a prior administrative complaint under Article 90(2) of the Staff Regulations.

### **Procedure:**

The judicial appeal shall be submitted to:

The European Union Civil Service Tribunal  
Boulevard Konrad Adenauer  
2925 Luxembourg  
Luxembourg

The appeal must be lodged within 3 months. The time limit for initiating this type of procedure starts to run from the time the candidate is notified of the decision or from the date of expiry of the period prescribed for the reply to the candidate's administrative complaint (in the latter case the appeal is against an implied decision rejecting an administrative complaint).

For further details of how to submit an appeal, please consult the website of the European Union Civil Service Tribunal: [http://curia.europa.eu/jcms/jcms/T5\\_5233/](http://curia.europa.eu/jcms/jcms/T5_5233/)

## **COMPLAINT TO THE EUROPEAN OMBUDSMAN**

Like all citizens of the European Union, you can make a complaint to the European Ombudsman.

### **Procedure:**

To lodge a complaint to the European Ombudsman pursuant to Article 228 of the Treaty on the Functioning of the European Union and in accordance with the conditions laid down in the Decision of the European Parliament of 9 March 1994 on the regulations and the general conditions governing the performance of the Ombudsman's duties (OJ L 113, 4.5.1994, p. 15), a candidate should submit it to the following address:

1 avenue du Président Robert Schuman  
CS 30403  
67001 Strasbourg Cedex  
France  
<http://www.ombudsman.europa.eu/media/en/default.htm>

Note that complaints made to the Ombudsman have no suspensive effect on the period laid down in Article 90(2) and Article 91 of the Staff Regulations for lodging complaints or for submitting appeals to the Civil Service Tribunal.

Note also that, under Article 2(4) of the general conditions governing the performance of the Ombudsman's duties, **any complaint lodged with the Ombudsman must be preceded by the appropriate administrative approaches to the institutions and bodies concerned.**