

## Decision of the European Ombudsman on complaint 416/98/(XD)ADB against the European Parliament

Decision

**Case 416/98/XD/ADB - Opened on 10/06/1998 - Decision on 20/05/1999**

Strasbourg, 20 May 1999 Dear Mr G., With two letters of 17 April and 7 May 1998, you lodged a complaint with the European Ombudsman concerning allegations of irregularities in a competition (PE/11/D) organised by the European Parliament. On 10 June 1998, I forwarded the complaint to the President of the European Parliament. The European Parliament sent its opinion on 31 July 1998. On 27 October 1998, I informed you that on the same day I had asked the Parliament for an additional opinion which I received on 17 December 1998. On 18 December 1998, I forwarded both the original and the additional opinion to you with an invitation to make observations, if you so wished. I have not received any observations from you. I am writing now to let you know the results of the inquiries that have been made.

### THE COMPLAINT

The complainant participated in a competition (PE/11/D) organised by the European Parliament to recruit French-speaking ushers. On 18 March 1998, he was informed that he was not among the 12 best candidates registered on the reserve list for filling the posts. He was given more detailed reasons for this decision on 30 March 1998. As he has been told by some ushers that he was among the 12 best candidates, and suspecting some irregularities, he asked the Ombudsman to investigate the matter. He made two main allegations. The complainant considers that the results of the competition, in which more than 3000 candidates participated, reveal the existence of favouritism. The fact that, according to the complainant, two of the candidates registered on the reserve list for the post are the personal secretaries of the Chairman of the Selection Board, that one of them is the spouse of an official, and that a third successful candidate is the son of an official, lead him to suspect that the competition questions were leaked. The complainant also alleges that one of the aforementioned secretaries' application for the competition was belated. Secondly, the complainant, still in connection with the aforementioned favouritism, expressed his surprise at being only 13th after the competition, given that he was 2nd after the oral test, and that his mark for the written test was 73/100.

### THE INQUIRY

**The European Parliament's opinion** The opinion of the Parliament on the complaint is in summary the following: The Parliament considered the comments of the complainant connected to the family status of some successful candidates as improper. The allegedly belated application from one of the candidates whose name is on the reserve list, was handed



in on time and met all the formal criteria. As regards the alleged leaks, the Parliament stated that the usual procedures were followed. Accordingly, the Selection Board chose the questions for the tests at the last moment. As far as the complainant's results and classification is concerned, the Parliament put forward that the complainant was never informed of his classification after the competition. The complainant did indeed obtain excellent results in the oral test and was accordingly classified 3rd for this particular test, but at the end of all the oral and written tests he was finally classified 15th. The Parliament stressed that given the high quality of the candidates in this competition, even candidates having obtained good results were not among the 12 best. **The European Parliament's additional opinion** Given that the Parliament did not comment on all the allegations of the complainant, the Ombudsman asked the Parliament for an additional opinion. The Parliament informed the Ombudsman that the two candidates mentioned by the complainant were not secretaries of the Chairman of the Selection Board, who was Head of the Information Office of the European Parliament in Strasbourg. Both are under contract with the Council of Europe, and are in charge of the reception of groups visiting the premises of the Council of Europe and the European Parliament in Strasbourg. The Parliament also reasserted that the usual procedures for the selection were followed, and that the members of the Selection Board themselves did not know the questions of the first written test before the competition was carried out. The Parliament declared that for these two reasons no question of partiality by the Chairman of the Selection Board could arise. **The complainant's observations** The European Ombudsman forwarded the Parliament's opinion to the complainant with an invitation to make observations. The complainant didn't hand in any observations.

## THE DECISION

**1 Irregularities in the procedure** 1.1 The complainant claims that the connections of some successful candidates in a competition organised by the European Parliament to recruit ushers, made him suspect irregularities in the procedure. 1.2 The Parliament informed the Ombudsman that the information put forward in the complaint did not correspond to reality, and that the characteristics of the selection procedure were likely to prevent the irregularities suspected by the complainant. The Ombudsman has therefore concluded that there is no evidence to suspect any instance of maladministration as regards this aspect of the case. **2 Personal results of the complainant** 2.1 The complainant considered that his final classification, as 13th, did not correspond to the results he had obtained during the tests. The Parliament acknowledged that the complainant had obtained excellent results which in fact classified him 15th, but explained that the high quality of the candidates in this competition may have had the consequence that even excellent candidates were not among the 12 best. 2.2 The Ombudsman notes that the complainant was not informed of his exact classification after the tests, however he was informed of his marks which were insufficient to qualify him for the reserve list of 12. Moreover, the Parliament gave reasonable explanations for the fact that the complainant's marks might not be sufficient to place him among the 12 best candidates. The Ombudsman has therefore concluded that there is no evidence of maladministration as regards this aspect of the case. **3 Conclusion** On the basis of the European Ombudsman's inquiries into this complaint, there appears to have been no maladministration by the European Parliament. The Ombudsman has therefore decided to close the case. The President of the European Parliament will also be informed of this decision. Yours sincerely, Jacob SÖDERMAN