

Decision of the European Ombudsman on complaint 1159/98/PD against the European Commission

Decision

Case 1159/98/PD - Opened on 20/11/1998 - Decision on 09/06/1999

Strasbourg, 9 June 1999 Dear Mr G., On 3 November 1998 you lodged a complaint with the European Ombudsman concerning the European Commission. You alleged that the Commission had wrongly excluded you from participating in competition COM/A/11/98. On 20 November 1998 I forwarded the complaint to the President of the European Commission. The Commission sent its opinion on 10 March 1999 and I forwarded it to you with an invitation to make observations, if you so wished. No observations have been received. On 20 May 1999, the Ombudsman's services inspected the Commission's file. I am writing now to let you know the result of the inquiries that have been made. **THE COMPLAINT** The complainant sent the Commission an application for participating in the competition COM/A/11/98. The Commission informed him that he could not be admitted to the competition because the application was incomplete. After having approached the Commission, the complainant lodged the complaint with the Ombudsman, alleging that he had lodged a complete application.

THE INQUIRY

The Commission's opinion In its opinion, the Commission stated that it followed clearly from the notice of competition that incomplete applications would be refused. As the complainant's application was incomplete, the Commission considered that he was rightly excluded from the competition. **The inspection** On 20 May 1999 a senior legal officer of the Ombudsman's services inspected the Commission's file on the Commission's premises in Brussels. Present from the Commission services were representatives of DG IX and the Secretariat General. The purpose of the inspection of the Commission's file was to verify whether the Commission had rightly considered the complainant's application incomplete. The inspection showed that the file was in order and that half of the application was indeed missing. It shall be noticed that the envelope in which the application was sent was in the file; the envelope was empty and thus no part of the application could by mistake have remained in the envelope. There were no signs which could suggest that the application had arrived complete at the Commission and only thereafter become incomplete.

THE DECISION

1 The complainant's application 1.1 It follows from the notice of the competition that incomplete applications will be refused. As the case stands, the application appears to have been incomplete upon arrival at the Commission. Therefore, it appears that the Commission



was right to refuse it. **2 Conclusion** On the basis of the European Ombudsman's inquiries into this complaint, there appears to have been no maladministration by the European Commission. The Ombudsman has therefore decided to close the case. The President of the European Commission will also be informed of this decision. Yours sincerely, Jacob SÖDERMAN