

## Decision of the European Ombudsman on complaint 64/99/JMA against the European Commission

Decision

**Case 64/99/JMA - Opened on 22/01/1999 - Decision on 25/10/1999**

Strasbourg, 25 October 1999 Dear Mrs A., On 21 January 1999, you lodged a complaint with the European Ombudsman concerning the refusal of the European Commission to make special arrangements for your participation in open competition COM/A/12/98, in order to allow you to feed your newly born baby. You claimed that the Commission's decision constituted an instance of discrimination, since the institution had previously agreed to provide special facilities in similar cases. You included in your complaint copies of the exchanges you had had with the responsible Commission services. In your first letter of 15 October 1998 to Mrs d'Haen, Head of Unit in DG IX responsible for the organisation of this competition, you requested that the institution make arrangements to enable you to give the necessary assistance to your baby. You indicated that special provisions for this type of situation were in place in most of the labour laws in the Member States. You repeated this request by letter of 16 December 1998. The Commission's reply dated 13 January 1999 explained that your demands could not be satisfied since the requested facilities had not been foreseen in the planning of competition COM/A/12/98. By letter of 21 January 1999, you asked for a reconsideration of this decision on the grounds that it did not respect the principle of equality of opportunities between men and women. In support of your request you quoted several documents which the Commission had endorsed, such as the Commission's handbook on equal opportunities between men and women, the Council Resolution of 21 May 1991, and even, the provisions included in the notice for competition COM/A/12/98. On 22 January 1999, I forwarded your complaint to the President of the European Commission with a request for comments by the end of April 1999. Following the intervention of the European Ombudsman, the Commission agreed to your request. The institution informed you on 3 February 1999, that your baby, accompanied by a third person, could stay at the entrance of the building while the tests were to take place. During the pause of the test, the Commission allowed you to feed him. You informed the Ombudsman of these arrangements by fax of 8 February 1999 and indicated that the situation had been settled satisfactorily. Furthermore you expressed your gratitude to the Ombudsman for his actions. On 28 April, the Commission confirmed the information you had already provided and I forwarded this information to you on 6 May 1999. I received no further comments from you. The Ombudsman concludes that the case has been settled by the European Commission to the complainant's satisfaction. Against this background, the European Ombudsman decides therefore to close the case. The President of the European Commission will also be informed of this decision. Yours sincerely Jacob SÖDERMAN