

## Decision of the European Ombudsman on complaint 102/99/VK against the European Parliament

Decision

**Case 102/99/VK - Opened on 01/03/1999 - Decision on 03/04/2000**

Strasbourg, 3 April 2000 Dear Mr P., On 2 February 1999 you made a complaint to the European Ombudsman. In your complaint you alleged that the European Parliament had wrongly refused to provide you with detailed information on the criteria for the assessment of the examination papers regarding Open Competition PE/83/A. On 1 March 1999, I forwarded the complaint to the President of the European Parliament. The Parliament sent its opinion on 15 April 1999 and I forwarded it to you with an invitation to make observations, which you sent on 1 July 1999. I am writing now to let you know the results of the inquiries that have been made.

### THE COMPLAINT

On 8 December 1998, the complainant was to sit the written test of Parliament competition PE/83/A for Greek administrators. Before the start of the exam, the candidates were asked to read a paper with instructions regarding the exam. The paper included the following sentence: "Note that there would be mark deduction for every incorrect answer." The complainant asked the supervising official to inform all candidates, prior to the exam, what the mark deduction for each incorrect answer would be, as this information was essential in order to ensure transparent and objective conditions. The complainant put forward that neither the Notice of Competition nor the General Guidelines for Candidates provided information on this matter. The supervising official only stated that the mark deducted for each incorrect answer would be set after the exam by a private company which was hired by the Parliament to evaluate the exam papers. The complainant regarded the fact that the candidates were not informed about the level of penalisation for incorrect answers unacceptable and, he subsequently refused to take the exam and left the room. In his complaint to the Ombudsman, the complainant alleged that the level of penalisation for incorrect answers should be made known to the candidates before the exam. The Parliament's failure to do so resulted in a lack of transparency that was likely to lead to distortions so that equal treatment of candidates was jeopardised.

### THE INQUIRY

**The European Parliament's opinion** The Parliament explained that prior to the organisation of the written tests, the selection board had decided not to communicate in advance the level of penalisation for incorrect answers for the test in question. It further stated that total transparency was ensured by the communication, both in written and oral instructions in each of the exam centres of the same information, i.e. the fact that incorrect answers would be penalised and that



the level of that penalty was not communicated. The Parliament referred to the total anonymity of the correction of this test carried out by an optical reader, due to which there was no question of manipulation of the penalty or of its applications to all candidates other than in a spirit of total objectivity and equity. **The complainant's observations** The complainant maintained his complaint. He put forward that the fact that the level of penalisation for incorrect answers was decided only after the test was taken was proof of a lack of transparency, lack of objectivity and discrimination which could lead to a manipulation of the competition results.

## THE DECISION

**1 Prior information of the level of penalisation for incorrect answers** 1.1 The complainant claimed that the Parliament should have disclosed the level of penalisation for incorrect answers as it was important for the candidates in the test to know this in advance. Furthermore, the complainant put forward that the current practice of the Parliament was not transparent and objective, but in fact discriminatory. 1.2 The Parliament explained that prior to the organisation of the written tests, the selection board had decided not to communicate in advance the level of penalisation for incorrect answers for the test in question. It further stated that total transparency was ensured by the communication, both in written and oral instructions in each of the exam centres of the same information, i.e. the fact that incorrect answers would be penalised and that the level of that penalty was not communicated. 1.3 Principles of good administrative behaviour require that the appointing authority provides clear and sufficient information to the candidates of a competition to enable them to understand the conditions of the procedure. The Ombudsman finds it reasonable that the participants are informed that there would be mark deduction for every incorrect answer. The European Ombudsman finds no maladministration in this case. **2 Conclusion** On the basis of the Ombudsman's inquiries into this complaint, there appears to have been no maladministration by the European Parliament. The Ombudsman therefore decided to close the case. The President of the European Parliament will also be informed of this decision. Yours sincerely Jacob SÖDERMAN