

## **Decision in case 2011/2019/LM on how the European Commission dealt with the fact that the wrong deadline was given for traineeship applicants to upload supporting documents**

Decision

**Case 2011/2019/LM - Opened on 21/11/2019 - Decision on 19/02/2020 - Institution concerned** European Commission ( No maladministration found ) |

The complainant applied for a traineeship at the European Commission and was asked to submit supporting documents. When she checked her online application account, she noticed that the deadline set for doing so had already expired by six months. When she logged in again, one week later, she learned that the actual deadline had expired earlier that day. Dissatisfied with the Commission's decision to exclude her from the selection procedure, she turned to the Ombudsman.

The Ombudsman finds it regrettable that the Commission initially gave an incorrect deadline in the application accounts. While the Commission corrected the error within 15 minutes, it was alerted to the fact that some candidates had seen it. As such, it should have sent a notification to all candidates about the correct deadline.

At the same time, the complainant herself was required to check her application account at least twice a week and, in this case, failed to do so. It was therefore reasonable for the Commission not to accept her supporting documents. The Ombudsman closes the case, welcoming the steps the Commission has taken to avoid similar mistakes happening in the future.

## **Background to the complaint**

1. The complainant applied for a traineeship at the European Commission. She passed the preselection phase [1] and was asked to upload supporting documents on her qualifications and experience in her application account.
2. On 22 October 2019, the complainant logged in to her account, where it said that the deadline for uploading the documents was 22 March 2019. The complainant did not upload any supporting documents at that point. On 29 October 2019, she logged in again to upload the documents. She then discovered that the deadline for uploading the documents had expired



earlier that day.

3. The complainant wrote to the Commission the same day. She said that she had not uploaded the supporting documents on time because, as the deadline initially communicated in her account was wrong, she was convinced she had time.

4. After sending a holding reply to the complainant, the Commission then acknowledged that the application account had initially given the wrong date for submitting supporting documents. This was due to an IT issue. Had the complainant refreshed the webpage of the application account, the correct deadline would have appeared. However, all applicants were informed of the correct deadline in due time.

5. The Commission said that, because the deadline for uploading the supporting documents had expired, it could not accept the complainant's documents, as that would be against the principle of equal treatment of applicants. Dissatisfied with the Commission's reply, the complainant turned to the Ombudsman in November 2019.

## The inquiry

6. The Ombudsman opened an inquiry into the complaint that the Commission did not properly inform pre-selected applicants about the deadline for submitting supporting documents and that the Commission should therefore accept the complainant's supporting documents after the deadline.

7. In the course of the inquiry, the Ombudsman received the reply of the Commission on the complaint. The complainant also informed the Ombudsman's inquiry team that, on 4 December 2019, she received a notice in her application account informing her that she had been selected. However, later the same day, she received another notice informing her that she had *not* been selected because she had not submitted the supporting documents before the deadline.

## Arguments presented to the Ombudsman

8. The complainant said that it was unfair of the Commission to exclude her from the traineeship selection procedure because of an error that the Commission had made. She considered that the Commission had not properly informed her about the deadline for submitting the documents, nor had it informed her that there had been an error in the application account. She could not have known that to correct the error she would have had to refresh the webpage.

9. The Commission said that it communicates with applicants through the application account only. The Commission uses the application account to inform pre-selected applicants of any news regarding their application, including the deadline to submit supporting documents. Applicants might receive notifications when there is a message in the application account,



although this is not always the case. The application account contains the information that applicants need to check their accounts at least twice a week and that they cannot use the absence of a notification to argue that they were not aware of the information in the account.

**10.** The Commission stated that the erroneous deadline (which was the deadline from the previous selection procedure) had been visible for about 15 minutes only. The Commission did not notify applicants that their application accounts had initially indicated an incorrect deadline. The Commission received the same amount of supporting documents as usual. Some applicants contacted the Commission to verify the date. Regrettably, the complainant did not check her application account as regularly as expected, nor did she contact the Commission to verify the deadline. The Commission therefore did not consider the complainant's arguments sufficient to warrant accepting her supporting documents after the deadline. The Commission encouraged the complainant to apply again to the next traineeship period.

**11.** The Commission informed the Ombudsman that it would review its internal procedures by establishing a checklist to ensure that all required steps (including deleting deadlines in previous selections) are duly completed before publishing messages on the application accounts.

## The Ombudsman's assessment

**12.** It is regrettable that the Commission initially gave an incorrect deadline in the application accounts. While the Commission corrected the error within 15 minutes, it was alerted to the fact that some candidates had seen it. As such, the Commission should have sent a notification to all candidates about the correct deadline. There is nothing to suggest that doing so would have been particularly onerous.

**13.** At the same time, the erroneous deadline had expired more than six months earlier. As such, it would have been reasonable for the complainant to question it, as other applicants had. Moreover, had she followed the instructions in the application account to check her account at least twice a week, she would have seen the correct deadline. However, the complainant let one week pass between noticing a deadline that must have been incorrect and checking her application account again. The complainant has not provided any information to suggest that she was prevented from checking her application account during this period.

**14.** On the basis of the above, the Ombudsman finds that while the Commission should have alerted candidates to the error, its decision not to accept the complainant's supporting documents in this case was reasonable.

**15.** The Ombudsman welcomes the measures taken by the Commission to avoid similar mistakes being made in the future. In that context, the Ombudsman also trusts that the further mistake the complainant drew her attention to (see paragraph 7) will not be repeated

**16.** As a final remark, the Ombudsman considers that the way the Commission formulated its first e-mail (holding) reply to the complainant could be perceived as discourteous and thus



recalls the importance of always addressing individuals appropriately, in line with the European Code of Good Administrative Behaviour [2] .

## Conclusion

Based on the inquiry, the Ombudsman closes this case with the following conclusion:

**While the Commission should have alerted candidates to the error in this case, the Ombudsman finds that its decision not to accept the complainant's supporting documents was reasonable.**

The complainant and the Commission will be informed of this decision.

Emily O'Reilly

European Ombudsman

Strasbourg, 19/02/2020

[1] For more information, see [https://ec.europa.eu/stages/information/selection\\_en](https://ec.europa.eu/stages/information/selection_en) [Link]

[2] See Article 12 of the European Code of Good Administrative Behaviour, available at <https://www.ombudsman.europa.eu/en/publication/en/3510> [Link]