

Decision of the European Ombudsman on complaint 976/99/IP against the European Commission

Decision

Case 976/99/IP - Opened on 06/09/1999 - Decision on 17/05/2000

Strasbourg, 17 May 2000 Dear Mr R., On 3 August 1999 you lodged a complaint with the European Ombudsman against the European Commission (DG I/B). The complaint concerned the handling by the European Commission of the applications you sent in December 1997 and June 1998, following the call for applications published by the Commission in the Official Journal (OJ 97/C 342 A/01). On 21 August 1999, you sent an additional letter to the Ombudsman. On 6 September 1999, I forwarded the complaint to the President of the European Commission for its opinion. The Commission sent the translation into Italian of its opinion on 9 December 1999 and I forwarded it to you with an invitation to make observations, if you so wished. On 2 January 2000, I received your observations on the Commission's opinion. I am writing now to let you know the result of the inquiries that have been made.

THE COMPLAINT

In December 1997, the complainant sent his application to Directorate General I/B of the European Commission in the framework of the call for applications concerning technical assistance to third countries and in the context of humanitarian or food aid from the European Community (1). On 7 May 1998, the Commission's services informed the complainant that following the examination of his application by the selection board, he was not included in the list of eligible applicants for missions in third countries, because the required original optical reader form was not provided. On 12 June 1998, the complainant complained to the Commission about his exclusion. In its reply dated 23 June 1998 the Commission stressed that there were no reasons to change its original decision and, at the same time, informed the complainant that an updating of the list from which experts would be selected to carry out missions in third countries would be initiated at the end of June. On 12 July 1998, the complainant sent a new application to the Commission. Since he had not received any communication from the Commission, Mr R. wrote to the institution on 27 March 1999, asking to be informed on the progress of the selection proceedings. Against this background, Mr R. lodged a complaint with the European Ombudsman on 3 August 1999, in which he put forward the following: (i) as concerns the first call for applications sent in December 1997, he stated that he had sent the original optical reader as required in the call for applications; (ii) as regards the second one, the Commission did not give him any information on the progress of the selection procedure. In a further letter received by the Ombudsman on 25 August 1999, the complainant informed him that the Commission had finally included his name in the list of applicants



published on the Commission's web-site, and expressed his satisfaction.

THE INQUIRY

The Commission's opinion In its opinion on the complaint the Commission explained that, in order to cover its needs for outside assistance, it has established a database of individual experts, from which it recruits technical assistants to third countries or for the purposes of humanitarian or food aid operations. The Commission pointed out that when the complainant submitted his application following the first call for applications by mail in December 1997, he omitted to enclose the required original optical reader form. As a result, his application could not be processed. In May 1998 the institution notified this decision to the complainant, first by a standard electronic note and later by a personalized letter dated 23 June 1998. In this letter, the institution invited the complainant to resubmit his application for the next round of selections. The complainant sent a new application via Internet on 12 July 1998. Regarding the length of time it took the institution to acknowledge receipt of the second application sent by the complainant, the Commission regretted such delay. However, it explained that in order to facilitate the processing of the applications the second call was also published on the European Union's web-site. Nevertheless, of a total of about 3000 applications, only 1800 were received via Internet. A huge number of applications had therefore to be dealt with manually. Furthermore, due to an internal reorganization of the competent Commission services, the evaluation process was inevitably slowed down. The results of the selection proceedings could therefore only be available in July 1999. **The complainant's observations** The Ombudsman forwarded the Commission's opinion to the complainant with an invitation to make observations. In his reply, the complainant made the following observations on the Commission's opinion: As concerns the alleged disappearance of the original optical reader, the complainant maintained his original position, even though he acknowledged the fact that it was impossible for him to support his allegation with more evidence. Regarding the alleged lack of reply to his second application, the complainant was disappointed with the Commission's explanation. He considered that, in any case, a period of 15 months to give a reply was excessively long. Since it could be considered that this aspect of the case -which the Commission dealt with in its opinion- was dropped by the complainant in his letter of 21 August 1999, the Ombudsman does not consider it necessary to deal with this aspect of the case anymore.

THE DECISION

1 Alleged disappearance of the original optical reader form 1.1 The complainant complained against the Commission's decision to reject his application sent in December 1997 following the call for applications concerning technical assistance to third countries and in the context of humanitarian or food aid from the European Community. 1.2 The Commission informed that, following the examination by the selection board, the complainant's application was not retained because he had not enclosed the required original optical reader form. 1.3 In his observation the complainant insisted on the fact that he did send the original optical reader as required by the call for applications. 1.4 After examining his allegations and the documents enclosed with the complaint, the Ombudsman notes that the complainant has not provided irrefutable proofs on the basis of which the European Commission could be considered responsible for the alleged disappearance of the relevant optical reader. The Ombudsman considers therefore that there is no maladministration by the Commission in this aspect of the



case. **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
(1) OJ C 342 A, 12.11.1997