

Decision of the European Ombudsman on complaint 1119/99/BB against the European Commission

Decision

Case 1119/99/BB - Opened on 12/10/1999 - Recommendation on 04/07/2000 - Decision on 12/12/2000

Strasbourg, 12 December 2000 Dear X, On 8 September 1999, you made a complaint to the European Ombudsman concerning age limits in the Community recruitment procedures. You alleged that the use of age limits in the Community recruitment procedures is highly discriminatory and you claimed that the current system should be changed.

THE DRAFT RECOMMENDATION

On 4 July 2000, the Ombudsman addressed the following draft recommendation to the Commission in accordance with Article 3 (6) of the Statute of the European Ombudsman: *The Commission should organise an inter-institutional meeting in order to consider a common inter-institutional agreement to abolish age limits as expressed in its opinion to the Ombudsman on 2 March 1998.* Full details of the inquiry and the draft recommendation are provided in the decision of 4 July 2000, a copy of which was also forwarded to the complainant.

THE COMMISSION'S DETAILED OPINION

The Ombudsman informed the Commission that, according to Article 3(6) of the Statute, it should send a detailed opinion before 31 October 2000 and that the detailed opinion could consist of acceptance of the Ombudsman's draft recommendation and a description of how it had been implemented. On 4 October 2000, the Commission sent to the Ombudsman the following detailed opinion: *"The European Commission can inform the European Ombudsman that it has already considered this issue with the other institutions on a number of occasions. Vice-President Kinnock wrote to the Presidents of the other European Institutions on 3 February 2000 setting out his intention to abolish age limits in open competitions, and seeking their views on a co-ordinated approach. For the most part other institutions felt that the matter required further discussion and examination. Part II of the White Paper on reforming the Commission of 1st March 2000, and in particular in actions 27 and 50, has reconfirmed the Commission's commitment to abolish age limits to open competitions and consultation with the other Institutions on the abolition of age limits for recruitment to all EU Institutions is underway. The abolition of age limits was also on the agenda of the meeting of the College of Heads of Administration held on 12 May 2000, which is the appropriate interinstitutional framework for discussion such matters. It has been decided to examine further the legal implications of abolishing age limits. This examination has already been launched by a letter of 22 June 2000*



from Mr Grass, President of the College of Heads of Administration. The European Ombudsman will be kept informed of any further significant developments in this matter." The Commission's detailed opinion was forwarded to the complainant. No observations appear to have been received from the complainant.

THE DECISION

On 4 July 2000, the Ombudsman addressed the following draft recommendation to the Commission in accordance with Article 3 (6) of the Statute of the European Ombudsman: *The Commission should organise an inter-institutional meeting in order to consider a common inter-institutional agreement to abolish age limits as expressed in its opinion to the Ombudsman on 2 March 1998.* On 4 October 2000, the Commission informed the Ombudsman that it has already considered this issue with the other institutions on a number of occasions.

Vice-President Kinnock wrote to the Presidents of the other European Institutions on 3 February 2000 setting out his intention to abolish age limits in open competitions, and seeking their views on a co-ordinated approach. For the most part other institutions felt that the matter required further discussion and examination. Part II of the White Paper on reforming the Commission of 1st March 2000, and in particular in actions 27 and 50, has reconfirmed the Commission's commitment to abolish age limits to open competitions and consultation with the other Institutions on the abolition of age limits for recruitment to all European institutions is underway. The Ombudsman considers that the Commission's detailed opinion shows that it has accepted the draft recommendation and has taken satisfactory measures to implement it. The Commission has shown its commitment to abolish age limits to open competitions and is in consultation with the other European institutions on the abolition of age limits for recruitment to all European institutions. The Ombudsman therefore closes the case.

FURTHER REMARKS

In the light of the Charter of Fundamental Rights proclaimed recently at the Nice European Council Meeting the Ombudsman may in the near future open an own initiative inquiry into the use of age limits for recruitment to the European institutions and bodies. The President of the European Commission will also be informed of this decision. Yours sincerely, Jacob SÖDERMAN