

Decision of the European Ombudsman on complaint 1257/99/BB against the European Commission

Decision

Case 1257/99/BB - Opened on 15/11/1999 - Recommendation on 04/07/2000 - Decision on 12/12/2000

Strasbourg, 12 December 2000 Dear X, On 15 October 1999 you made a complaint to the European Ombudsman concerning age limits for recruitment to the European Commission and, particularly, about Open Competition COM/A/2/99. The Commission had not allowed you to take part in Open Competition COM/A/2/99 (Head of Unit A3 for a Swedish national) for which you had applied. According to point B.1 of the notice of competition published in the Official Journal, candidates had to be born after 4 June 1943. You were born on 2 June 1943. In your complaint to the Ombudsman, you alleged discrimination on grounds of age.

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. **The complainant's observations** In his observations the complainant made the following points: The Commission has ignored and disrespected the draft recommendation as the requested inter-institutional meeting has not taken place. According to the complainant the Commission should set an example as it has stated in Part II of the White Paper on reforming the Commission of 1 March 2000 (Action 27 and 50). The White Paper and other actions indicated are working tools for the administrative redrafting of the present Staff Regulations and other rules and regulation to comply with the Treaty of Amsterdam. The date of compliance is the date of the ratification of the Treaty of Amsterdam, 1 May 1999.

THE DECISION

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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