

Decision of the European Ombudsman concerning complaint 1138/2020/DDJ against the Council of the European Union

Decision

Case 1138/2020/DDJ - **Opened on** 09/09/2020 - **Decision on** 09/09/2020 - **Institution concerned** Council of the European Union (No maladministration found) |

Dear Mr X,

On 5 July 2020, you submitted a complaint to the European Ombudsman against the Council of the European Union (the Council). Your complaint concerns the Council's decision to reject your application for a paid traineeship during the period September 2020 to January 2021.

You say that your application was not considered due to measures taken by the Council in the context of the COVID-19 crisis. More specifically, because the Council did not function as usual under the COVID-19 lockdown in Brussels, certain trainees from the February-June 2020 traineeship period were offered the possibility to restart their traineeship in September 2020. For the traineeship period starting in September 2020, new trainees were thus selected only for departments in which the current trainee was not interested in restarting the traineeship. In the two domains that you applied for, there were no new trainees selected. You argue that these measures are discriminatory.

After a careful examination of the information provided by you, the Ombudsman finds no maladministration by the Council. [1]

The traineeship policy of an EU institution falls under its internal organisation related to staff management. As the Court of Justice of the EU has consistently recognised, the EU institutions have wide discretionary powers in this field. [2] [\[Link\]](#) The Ombudsman's review of complaints regarding such matters is therefore inherently limited.

In general, the selection of trainees by the EU institutions depends on the candidates' skills and interests, as well as the capacity of the institution to provide the candidates with a valuable learning experience. [3] The COVID-19 outbreak is exceptionally challenging, with an impact on many aspects of our lives. To date, it has required far-reaching action also from the EU institutions to ensure business continuity. It is in this context that the EU institutions have to consider whether and how to continue their traineeship schemes in a meaningful manner.



Given the EU institutions' discretion in staff related matters, the Ombudsman considers it reasonable for the Council to have taken the decision to extend the traineeships of the current trainees to ensure that the traineeships will meet the requirements laid down in the Council's traineeship rules. As a result, it was not possible for the Council to take on new trainees in the domains for which you applied. The Council has taken its decision on objective grounds and there is nothing to suggest discrimination.

I realise that this decision is likely to disappoint you. I do hope that the above information and explanations are nevertheless helpful.

Yours sincerely,

Tina Nilsson Head of Inquiries - Unit 4

Strasbourg, 09/09/2020

[1] [Link] Full information on the procedure and rights pertaining to complaints can be found at <https://www.ombudsman.europa.eu/en/document/70707> [Link].

[2] [Link] For instance, in the judgement of the Court of First Instance of 22 October 2002, *Plugrad v European Central Bank*, Joined Cases T-178/00 and T-341/00, <http://curia.europa.eu/juris/document/document.jsf?text=&docid=47813&pageIndex=0&doclang=EN&mode=lst&dir=> [Link].

[3] [Link] See: Article 2 of Decision n° 40/17 of the Secretary-General of the Council on rules relating to traineeships at the General Secretariat of the Council of the European Union: <https://www.consilium.europa.eu/media/29412/de00040en17.pdf> [Link].