

Ombudsman calls on Commission to abolish age limit for trainees

Press release no. 20/2004 - 16/07/2004

The European Ombudsman, **P. Nikiforos Diamandouros**, has called on the European Commission to abolish the age limit in its in-service traineeship programme. This follows a complaint concerning the rules governing the programme, which has an age limit of 30 years.

The complainant alleges that the age limit constitutes discrimination and is contrary to the EU Charter of Fundamental Rights. Article 21 of the Charter states that: "Any discrimination based on any ground such as ... age ... shall be prohibited". According to the established case law of the European Court of Justice, a difference in treatment is discriminatory, if it is not justified by objective factors.

The Commission argues that the age limit is objectively justified because the programme is aimed at young university graduates at the beginning of their careers.

According to the Ombudsman, "the Commission has not explained why it considers it to be justified to discriminate between 'young' and 'old' university graduates." He states that the age limit constitutes unjustified discrimination and, in a draft recommendation, has called on the Commission to abolish it (1). Already in April 2002, the Commission agreed to abolish age limits in its recruitment competitions, following criticism from the Ombudsman.

The Commission should reply to the Ombudsman's draft recommendation by 15 September 2004. In its reply, the Commission should also take into account its commitment to promote lifelong learning, as set out in its Communication on "Making a European Area of Lifelong Learning a Reality" (2).

Background

The complaint was submitted by a student at the Copenhagen Business School (3). The complainant stated that it was part of his course to do a traineeship of 3-6 months, and that he had inquired into the possibility of doing so at the European Commission. The complainant, who was forty years old at the time of submitting his complaint, noticed that the Commission applies an age limit of 30 to trainees. He decided to complain to the European Ombudsman.

The draft recommendation can be found on the Ombudsman's website at:

<http://www.ombudsman.europa.eu/recommen/en/022107.htm> [Link]



For further information, please call Mr. Peter Bonnor, Legal Officer, tel. +33 3 88 17 25 41.

(1) Concerning the statistics provided by the Commission about exemptions granted for the age limit rule, the Ombudsman notes that the proportion of applications where age is an issue appears to be very small. This indicates that removing the age limit would be unproblematic. Doing so would furthermore eliminate the need to deal with requests for exemptions and thereby simplify the Commission's administrative tasks.

(2) Commission Communication on "Making a European Area of Lifelong Learning a Reality" (COM(2001) 678 final).

(3) A similar complaint was subsequently received by the Ombudsman from a citizen in the UK and the same draft recommendation was made.