

Decision of the European Ombudsman in case 377/2021/VS concerning the European Commission's decision to reject an application from a candidate for a Technical Assistance and Information Exchange (TAIEX) expert

Decision

Case 377/2021/VS - Opened on 18/03/2021 - Decision on 18/03/2021 - Institution concerned European Commission (No maladministration found) |

Dear Mr X,

On 23 February 2021, you submitted a complaint to the European Ombudsman regarding the European Commission's decision to reject your application for a Technical Assistance and Information Exchange (TAIEX) [1] expert.

In your complaint, you say that the terms of reference for the TAIEX call require applicants to be public officials. You argue that as a freelancer with experience working for a state authority, you were discriminated against.

After a careful analysis of all the information you have sent us, **we do not find any indication of maladministration in how the Commission handled your application.** [2]

We note that on 23 November 2020, the Commission wrote to you saying that under section 2.1 of the applicable terms of reference and as per the nature of the TAIEX instrument, private experts are not eligible to apply. The Commission went on to explain that only experts belonging to the public administration are engaged under TAIEX.

The European Commission's TAIEX instrument supports public administrations with regard to the approximation, application and enforcement of EU legislation as well as facilitating the sharing of EU best practices. TAIEX promotes peer-to-peer exchange of expertise between "public experts" working in public administrations.

Against this background, it is reasonable to require TAIEX experts to be public officials and the Commission's decision not to accept your application to become a TAIEX expert is correct.

On the basis of the above, we have closed the case. [3]



We understand that this may not be the outcome that you expected, nevertheless, we hope you find these explanations helpful.

Yours sincerely,

Tina Nilsson Head of the Case-handling Unit

Strasbourg, 18/03/2021

[1] https://ec.europa.eu/neighbourhood-enlargement/tenders/taix_en

[2] This complaint has been dealt with under delegated case handling, in accordance with Article 11 of the

Decision of the European Ombudsman adopting Implementing Provisions,

<https://www.ombudsman.europa.eu/en/legal-basis/implementing-provisions/en#hl10>.

[3] Full information on the procedure and rights pertaining to complaints can be found at

<https://www.ombudsman.europa.eu/en/document/70707>.