

Decision of the European Ombudsman on complaint 1161/2000/OV against the European Commission

Decision

Case 1161/2000/OV - Opened on 29/09/2000 - Decision on 22/08/2001

Strasbourg, 22 August 2001

Dear Mrs P.,

On 20 September 2000 you made a complaint to the European Ombudsman concerning open competition COM/C/3/99.

On 29 September 2000, I forwarded the complaint to the President of the European Commission. The Commission sent its opinion on 23 November 2000 and I forwarded it to you with an invitation to make observations, if you so wished. You did not submit observations on the Commission's opinion.

I am writing now to let you know the results of the inquiries that have been made.

THE COMPLAINT

According to the complainant, the relevant facts were as follows:

The complainant participated in open competition COM/C/3/99 for Dutch language typists. After having passed the written tests, the complainant was informed that she obtained 19/30 for the oral test and 0/10 for the practical test. She was therefore not put on the reserve list, as she only obtained a total mark of 19/40 which was just one below the minimum required mark. The complainant wrote to the Selection Board which confirmed its decision and mentioned a penalisation system which was not mentioned in the competition notice published in the Official Journal C 27 A of 2 February 1999.

The complainant wrote to the Ombudsman on 20 September 2001 alleging that 1) the Commission refused access to the practical tests papers, and that 2) the Commission applied a penalisation system, which was not mentioned in the competition notice.

THE INQUIRY



The Commission's opinion

In its opinion, the Commission first stated that the competition notice provided that the candidates had to obtain a minimum mark of 20/40 for the both test g) (treatment of a document in MS Word) and test h) (an oral test) together. The complainant who only obtained 19/40, respectively 0/10 and 19/30 for both tests, could therefore not be put on the reserve list.

Further to the complainant's appeal of 27 June 2000, the Selection Board confirmed its initial decision and informed the complainant on 6 July 2000 that her mark of 0/10 was the result of the marking method applied.

As regards the complainant's first allegation that it refused access to the practical tests papers, the Commission wondered whether there had been confusion, as the complainant never asked for access to her practical tests. As regards the access to the marked exam papers, the Commission confirmed its engagement of 7 December 1999 (President's Prodi letter to the Ombudsman) to give access for all competitions organised after 1 July 2000. The present competition being published on 2 February 1999 does not therefore fall under this rule.

As regards the complainant's second allegation concerning the penalisation system which was not foreseen in the competition notice, the Commission observed that the practical test g) consisted in transposing in an appropriate form on the computer a handwritten text and table. The paper with the instructions informed the candidates that the test would be corrected on basis of the possibilities of the programme and the general presentation.

For evaluating the tests, the Selection Board prepared a marking scheme which allowed to attribute the marks fixed by the competition notice. This marking scheme foresaw, as indicated in the competition notice, a maximum of 10 marks for the entire practical test g), namely for typing and formatting the text and the table. The Selection Board decided that for every omission or mistake marks would be deducted; hence the possibility for candidates to obtain a 0/10 mark. As well as the complainant, several other candidates in fact obtained such mark.

The Commission observed that this is a normal marking practice applied by Selection Boards for this kind of competition.

The complainant's observations

The complainant did not submit observations on the Commission's opinion.

THE DECISION

1 The alleged refusal of access to the practical exam papers

1.1 The complainant alleged that the Commission refused access to the practical test papers. The Commission observed that the complainant had never previously asked for access to her practical tests and confirmed its engagement of 7 December 1999 to give access for all competitions organised after 1 July 2000.

1.2 The Ombudsman notes that the competition COM/C/3/99 was published on 2 February 1999. The Commission's engagement to give access to the marked examination papers does



therefore not apply to the present competition. No instance of maladministration was therefore found with regard to this aspect of the case.

2 The alleged application of a penalisation system not foreseen in the competition notice

2.1 The complainant alleged that the Commission applied a penalisation system, which was not mentioned in the competition notice. The Commission observed that the Selection Board had prepared a marking scheme which allowed to attribute the marks fixed by the competition notice. This chart foresaw a maximum of 10 marks for the entire practical test g) and the Selection Board decided that for every omission or mistake marks would be deducted; hence the possibility for candidates to obtain a 0/10 mark.

2.2 The Ombudsman notes that test g) involved transferring a hand-written text and table to the computer. Such a test is therefore primarily assessing the accuracy of the candidates in copying these data to the computer. It therefore appears reasonable that the Selection Board deducted marks for omissions or mistakes made. No instance of maladministration was therefore found with regard to this aspect of the case.

3 Conclusion

On the basis of the European Ombudsman's inquiries into this complaint, there appears to have been no maladministration by the European Commission. The Ombudsman has therefore decided to close the case.

The President of the European Commission will also be informed of this decision.

Yours sincerely,

Jacob SÖDERMAN