

## **Decision of the European Ombudsman on complaint 70/2001/GG against the European Parliament**

Decision

**Case 70/2001/GG - Opened on 24/01/2001 - Decision on 25/06/2001**

Strasbourg, 25 June 2001

Dear Mrs L.,

On 15 January 2001, you lodged a complaint with the European Ombudsman against the European Parliament concerning the latter's handling of your application to take part in competition EUR/C/148/98.

On 24 January 2001, I forwarded the complaint to the European Parliament. The European Parliament sent its opinion on 17 April 2001, and I forwarded it to you on 19 April 2001 with an invitation to make observations, if you so wished. On 17 May 2001, you sent me your observations on the European Parliament's opinion.

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

### **THE COMPLAINT**

In January 1999, the complainant applied to take part in competition EUR/C/148/98 organised by the European Parliament ("EP"). On 10 May 1999, she was informed that the application form filled in by her had been received but that the selection committee had not yet been able to start its work. The complainant would however be kept informed. She was also advised that she should refrain from contacting the EP so as not to delay the administrative process.

In November 2000, the complainant began to work as an auxiliary agent at the EP. She then contacted the EP's services in charge of competitions in order to find out what had become of the competition for which she had been applied. The complainant was thereupon informed that she had not been admitted to the tests since she had failed to provide the necessary supporting documents. According to the EP, the complainant had been informed accordingly in a letter sent on 26 October 1999. A copy of this letter was forwarded to her.

The complainant claimed that she had never received this letter. However, when she remonstrated with the EP, she was told that the competition was already over. She was given



access to her file which contained the application form but not the supporting documents that testified to her work experience.

In her complaint to the Ombudsman, the complainant claimed that she had included the relevant documents with her application but admitted that she was not able to prove this. The complainant argued, however, that she had described her professional experience in detail on the application form. She also pointed out that she had included the necessary documents when she applied to take part in another competition (competition COM/B/1/98 organised by the Commission) and that the references that her previous employers had given her showed that she was a conscientious person. The complainant also claimed that in view of the contents of the acknowledgement of receipt sent by the EP on 10 May 1999 she had had to assume that her application was complete.

In substance, the complainant made the following allegations in her complaint:

- (1) The EP was wrong not to admit her to the competition since she had submitted the relevant documents
- (2) She should have been admitted anyway on the basis of the information provided in the application form
- (3) The EP should have sent its letter informing her that she had not been admitted by registered mail.

## THE INQUIRY

The complaint was sent to the European Parliament for its comments.

### **The opinion of the European Parliament**

In its opinion, the European Parliament made the following comments:

The acknowledgement of receipt sent in May 1999 did not have the purpose of reminding careless applicants of their possible oversights. It had been stressed in that letter, however, that applicants should inform the EP's services of any change of address. The complainant had failed to comply with this since she had not informed the EP when her name had changed subsequently.

By letter of 26 October 1999, the Selection Board had informed the complainant that her application had been rejected since she had not submitted documents showing that she had the professional experience required. This letter had not been returned to the relevant service of the EP by the post. The Selection Board could only take into consideration the documents submitted together with the application. The certificates submitted by the complainant in her complaint to the Ombudsman could thus not be taken into account.

The Selection Board's letter had been sent to the complainant under the same name and to the



same address as a previous letter that the complainant had received. Only on 16 November 2000 had the complainant informed the EP's services that she had married in 1999 and that her name had changed as a consequence. This change of name could explain the fact that she had not received the letter of 26 October 1999. However, the notice of competition had instructed applicants to inform the EP in case of such changes. It would have been up to the complainant to notify her change of name and to inform herself regarding the progress of the competition.

Letters concerning competitions had been sent by registered mail in the past. However, this practice had had to be discontinued due to a number of problems. In some member states the periods during which registered mail was kept waiting for the addressee was too long to allow the EP's services to try and contact by other means those candidates the letters to whom were returned. There were also administrative (supplementary work) and budgetary reasons for this decision, given that a registered letter costs LUF 100 more than a normal letter.

According to the notice of competition, applicants could not rely on the fact that they had been admitted to other competitions.

#### **The complainant's observations**

In her observations, the complainant maintained her complaint. She claimed that her change of name that had occurred in October 1999 was not the reason why the EP's letter had not reached her, given that she still received letters addressed to her under her previous name. The complainant acknowledged the EP's concern to restrict the administrative and budgetary burden but insisted that measures be taken in order to ensure that communications from the Selection Board reached the applicants.

## **THE DECISION**

### **1 Failure to admit complainant on the basis of supporting documents**

1.1 In January 1999, the complainant applied to take part in competition EUR/C/148/98 organised by the European Parliament ("EP"). The EP rejected the application on the grounds that the complainant had failed to submit documents showing that she had the professional experience required. The complainant claims that she did enclose these documents with her application.

1.2 The European Parliament claims that the complainant's application did not contain the relevant documents.

1.3 The Ombudsman considers that the complainant has not submitted sufficient evidence to prove her allegation that she did submit the relevant documents with her application. The acknowledgement of receipt sent by the European Parliament on 10 May 1999 only confirms that the latter had received the application submitted by the complainant. It does not deal with the question as to whether this application was complete.

1.4 The fact that the complainant submitted all the necessary documents in another competition and that she appears to be a conscientious person does not affect the conclusion that the complainant has been unable to show that she included the relevant documents with her



application to take part in competition EUR/C/148/98.

1.5 On the basis of the above, there appears to have been no maladministration on the part of the European Parliament in so far as the complainant's first allegation is concerned.

## **2 Failure to admit complainant on the basis of information provided on application form**

2.1 The complainant claims that the European Parliament should have admitted her to the competition on the basis of the information provided in the application form.

2.2 The European Parliament replies that the Selection Board could only take into consideration the documents submitted together with the application and that no documents showing that the complainant had the professional experience required had been submitted with the application.

2.3 The Ombudsman considers that the European Parliament's view appears to be reasonable and in conformity with the rules governing competitions.

2.4 On the basis of the above, there appears to have been no maladministration on the part of the European Parliament in so far as the complainant's second allegation is concerned.

## **3 Failure to send communications by registered mail**

3.1 The complainant claims that the European Parliament ought to have sent its letter of 26 October 1999 in which her application was rejected by registered mail.

3.2 The European Parliament replies that letters concerning competitions used to be sent by registered mail in the past but that this practice had been discontinued due to a number of problems. In this context, the European Parliament points out inter alia that a registered letter costs LUF 100 more than a normal letter.

3.3 The Ombudsman considers that it is most unfortunate that the European Parliament's letter of 26 October 1999 does not seem to have reached the complainant. However, the arguments put forward by the European Parliament in order to justify why such letters are sent by normal rather than registered mail are plausible. The financial implications of resorting to registered mail in all cases appear to be considerable indeed. The Ombudsman furthermore considers that applicants always maintain the possibility to inquire about the progress of a competition where they have not heard from the Selection Board for some time. It is true that the European Parliament's acknowledgement of receipt advised applicants not to do so. However, there is no prohibition on making such contacts in a case like this. The Ombudsman would like to add, finally, that it would of course be appropriate to reconsider the EP's present practice if it should prove that more such letters fail to reach their destination.

3.4 On the basis of the above, there appears to have been no maladministration on the part of the European Parliament in so far as the complainant's third allegation is concerned.

## **4 Conclusion**

On the basis of the European Ombudsman's inquiries into this complaint, there appears to have been no maladministration on the part of the European Parliament. The Ombudsman therefore closes the file.



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

Yours sincerely,

Jacob SÖDERMAN