

Decision of the European Ombudsman on complaint 320/2001/GG against the European Commission

Decision

Case 320/2001/GG - Opened on 29/03/2001 - Decision on 12/07/2001

Strasbourg, 12 July 2001

Dear Dr. B.,

On 3 and 17 March 2001, you lodged a complaint with the European Ombudsman against the European Commission concerning the latter's Research Selection Procedure COM/R/A/01/2000.

On 29 March 2001, I forwarded the complaint to the Commission. The Commission sent its opinion on 17 May 2001, and I forwarded it to you on 22 May 2001 with an invitation to make observations, if you so wished, by 30 June 2001 at the latest. No such observations were received by me.

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

THE COMPLAINT

The complainant, a German scientist who had already worked for the EU in the Research Centre in Geel, applied to take part in Research Selection Procedure COM/R/A/01/2000. On 5 January 2001, he was informed that his application had been rejected since he had failed to submit supporting documents. When the complainant queried this result, the Commission explained in a further letter of 6 March 2001 that he had failed to provide a contract and a payslip. The Commission claimed that the complainant had signed a declaration according to which he was aware of the fact that his application would be turned down if copies of these documents were not provided.

The complainant claimed that the relevant documents were only to be provided on demand, given that the German version of the application form contained the words "Auf Verlangen kann ich die folgenden Belege vorlegen" (on demand, the applicant is able to submit the following documents). In his view, no such demand had been made previously. He therefore took the view that the decision to reject his application was wrong.



THE INQUIRY

The complaint was sent to the Commission for its comments.

The Commission's opinion

The Commission submitted a copy of a declaration dated 13 September 2000 and signed by the complainant which states inter alia:

"I am also aware of the fact that my application will be turned down if I fail to submit photocopies of the following documents:

- (.)
- (.)
- Statement(s) of employment, or contract(s) and the latest payslip."

The Commission also made reference to point III.C of the notice of competition according to which candidates had to enclose copies of the supporting documents with their application, which otherwise would not be valid.

As far as the Commission was concerned, it was not clear why the complainant had stated that the application form had contained the words quoted by him. The Commission noted that these words appeared in a form called "NPPR" (= new staff policy arising from the research budget) that allowed interested parties to ask to be entered in the NPPR database, in which the Commission's Directorate-General Research can search for any experts it has been unable to recruit otherwise. An expert recruited in this way receives a non-renewable three-year temporary agent contract. The Commission informed the Ombudsman that the complainant had submitted an NPPR application on 21 June 1999 and supplied a copy thereof. In the Commission's view, the applicant must have confused his application under selection procedure COM/R/A/01/2000 with that for the NPPR database.

The complainant's observations

No observations were received from the complainant.

THE DECISION

1 Rejection of application to take part in selection procedure

1.1 The complainant applied to take part in Research Selection Procedure COM/R/A/01/2000. He was subsequently informed by the Commission that his application had been rejected since he had failed to submit supporting documents, namely a contract and a payslip. The complainant claimed that the relevant documents were only to be provided on demand, and that no such demand had been made previously. He therefore takes the view that the decision to reject his application was wrong.

1.2 The Commission replies that the complainant signed a declaration according to which he



was aware of the fact that his application would be turned down if copies of these documents were not provided. It also refers to point III.C of the notice of competition according to which candidates had to enclose copies of the supporting documents with their application, which otherwise would not be valid. Finally, the Commission submits that the complainant appears to have confused his application for the selection procedure with another form.

1.3 The Ombudsman considers that the Commission's views put forward are confirmed by the copies of the relevant documents that the Commission has submitted to him.

1.4 On the basis of the above, there appears to have been no maladministration on the part of the Commission.

2 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 Commission. The Ombudsman therefore closes the file.

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

Yours sincerely,

Jacob SÖDERMAN