

Decision of the European Ombudsman on complaint 511/2001/GG against the European Commission

Decision

Case 511/2001/GG - Opened on 10/04/2001 - Decision on 25/10/2001

Strasbourg, 25 October 2001

Dear Dr. T.,

On 6 April 2001, you submitted a complaint against the Commission which concerned the way in which the Commission selects trainees. You claimed that "contacts" appeared to play an overly important role in this process.

On 10 April 2001, I forwarded the complaint to the Commission for its comments.

The Commission sent its opinion on your complaint on 8 August 2001. I forwarded the Commission's opinion to you on 21 August 2001 with an invitation to make observations, if you so wished. On 15 October 2001, you sent me your observations on the Commission's opinion.

Your observations were drafted in English. I therefore asked you whether you wanted to receive the decision in English as well. You replied that any of the five Community languages you master would be welcome and asked us to pick the one that was most convenient and that would cause the least costs. I have therefore decided to use the English language.

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

THE COMPLAINT

The complainant is a Greek national with a Greek law degree. She speaks five Community languages. In the summer of 2000, she was awarded a doctorate from the law faculty in Munich (Germany) for a thesis on Greek, German and EU consumer law. The complainant applied for a traineeship with the European Commission. However, although she was placed on the list of eligible candidates she was not chosen by the Commission.

The complainant then turned to the Committee on Petitions which transferred the complaint to the Ombudsman (220/2001/GG). On 27 February 2001, the complainant was informed that the Ombudsman was unable to deal with her complaint since she did not appear to have made any



prior administrative approaches.

The complainant subsequently renewed her complaint, submitting evidence that she had contacted the Commission. It emerged that when the complainant had asked the relevant Directorate-General of the Commission why she had not been selected, she had been informed that candidates normally contacted the Commission's Traineeships Office in order to find out to whom they should turn in the Directorate-General they wished to work for "in order to establish contacts or to send their CV".

The complainant objected to this approach. In her complaint to the Ombudsman, she alleged that "contacts" appeared to play an overly important role in so far as traineeships were concerned.

THE INQUIRY

The complaint was sent to the Commission for its opinion.

The Commission's opinion

In its opinion, the Commission made the following comments:

The complainant applied for the in-house training period starting on 1 March 2001 and finishing on 31 July 2001. As she had all the pre-required qualifications, her file was presented to the Pre-selection Committee for examination. The Pre-selection Committee examined her file and, in view of her qualifications, added her name to the list of candidates to be considered for recruitment (known as the "Blue Book"). This list (which contained about twice the number of candidates as there were places) was distributed to all the different Directorates-General in order for them to make their final independent selection. It should be noted that the Traineeships Office ("Bureau de Stages") had no involvement in this selection procedure which was entirely the competence of the Directorates-General.

The complainant was informed in writing on 10 November 2000 that she had been pre-selected, i.e. that her name appeared on the list for possible recruitment.

Whilst it may be true that, as a general rule, the Traineeships Office does not encourage prospective candidates to contact the Directorates-General, in practice, many of them ignore this advice and contact the services directly (heads of unit, resources managers, trainee co-ordinators etc.). In this respect Directorate-General Health and Consumer Protection was no different from any other service.

The Directorate-General's trainee co-ordinator was contacted by the complainant in early January 2001. By that time the requests for trainees ("stagiaires") for the period in question had already been sent to the Traineeships Office by the Directorate-General on 18 December 2000. The co-ordinator merely confirmed the practice that pre-selected candidates sometimes contact services directly (despite the fact that many Directorates-General, including Directorate-General Health and Consumer Protection, do not at all encourage such a practice).



There was no procedure that would have guaranteed the complainant's selection since within Directorate-General Health and Consumer Protection trainees were selected by the individual services on the basis of their aptitude, their past experience/studies and their interest in the work of the Directorate-General as well as on the basis of the specific and in many cases specialised needs of the units to which posts were assigned.

The Commission provided an anonymised list of the 16 trainees that had been recruited by the relevant Directorate-General. This list contains information on the nationality and on the qualifications of the candidates.

The complainant's observations

In her observations, the complainant made the following comments:

The Commission admitted that candidates had been expressly instructed to refrain from contacting either the Traineeships Office, or the Commission. Its efforts to belittle the 'practice' that nevertheless existed was most regrettable. It was untrue to say that Directorate-General Health and Consumer Protection did not encourage that practice. The fact that the Commission actually accepted and preserved this policy could indeed not have been more evident. The correspondence submitted by the complainant showed that in the view of the Commission official concerned, if the complainant did not try to contact somebody she was too stupid to work for the Commission anyway. The Commission had not at all distanced itself from these shameful statements. This was not only a wrong to the complainant but also a wrong to the elementary decency and fairness that the Commission owed to citizens.

The Ombudsman should force the Commission to reconsider the terrible abuse of power and the disrespect to the people it was supposed to serve. The Commission had been forced to admit that 'contacts' were so important that people with respect for themselves and the institutions (who were not willing to get "intermediaries" to speak on their behalf) would not have a chance to work for it. The Ombudsman should not allow bad practices destroy the chances for good people to work for the great purpose the EU was all about.

THE DECISION

1 Procedure to select trainees

1.1 The complainant, a highly-qualified Greek national, applied for a traineeship with the European Commission. However, although she was placed on the list of eligible candidates she was not chosen by the Commission. The complainant alleges that "contacts" appear to play an overly important role in so far as traineeships are concerned.

1.2 The Commission points out that the names of pre-selected candidates are added to the list of candidates to be considered for recruitment (known as the "Blue Book"). This list (which contains about twice the number of candidates as there are places) is distributed to all the different Directorates-General in order for them to make their final independent selection. The Commission notes that when the complainant contacted Directorate-General ("DG") Health and Consumer Protection in January 2001, this DG had already chosen the trainees it wished to



recruit. According to the Commission, candidates sometimes contact its services directly although many Directorates-General, including DG Health and Consumer Protection, do not at all encourage such a practice. When the complainant contacted the DG in question, she was merely informed of this practice. The Commission claims that there was no procedure that would have guaranteed the complainant's selection. Finally, the Commission submitted an anonymised list of the trainees that had been chosen, including information on their qualifications.

1.3 The complainant strongly objects to the Commission's explanations.

1.4 It emerges from the Commission's opinion that some of the candidates whose names were included in the 'Blue Book' appear to have contacted the DG for which they wished to work. The Commission claims that its services, including DG Health and Consumer Protection, do not normally encourage such contacts. The Ombudsman considers, however, that the complainant's doubts regarding the correctness of this claim are not unreasonable. The correspondence submitted by the complainant shows that the trainee co-ordinator of DG Health and Consumer Protection considered it wise for candidates to try and make contacts with the Commission's services. It has to be remembered, however, that maladministration occurs when the administration fails to comply with a rule or principle that is binding on it. In the present case, it has not been established that there was a rule obliging candidates to refrain from making such contacts which the Commission could have infringed by tolerating or even encouraging these contacts.

1.5 According to the information provided to the Ombudsman in the course of his inquiry, some candidates appear to have contacted the Commission's services in order to inform them that they wished to work for them and to provide them with their CV. The Ombudsman is not convinced that 'contacts' of such a nature are liable to affect the impartiality or objectivity of the selection procedure. The Commission's services remain free to choose any of the persons whose names appear in the 'Blue Book'. Such contacts may even be useful since they indicate to the Commission's services who among the numerous candidates would be particularly interested to work for them. The Ombudsman notes, furthermore, that the complainant herself eventually contacted the trainee co-ordinator of the DG where she wished to work. The Ombudsman therefore considers that the principle of fairness does not appear to have been infringed, either.

1.6 The Ombudsman takes the view that it would indeed be improper if candidates tried to use 'contacts' inside the Commission to obtain places as trainees that they could not have obtained otherwise. He considers, however, that there is no evidence to show that this has been the case here. The Commission has provided a list of the trainees chosen by DG Health and Consumer Protection and their respective qualifications. There is nothing to suggest that the candidates that were selected did not have the qualifications or experience that were required.

1.7 The Ombudsman therefore takes the view that there appears to be no maladministration on the part of the Commission.

2 Conclusion



On the basis of the European Ombudsman's inquiries into this complaint, it appears that there is no maladministration on the part of Commission. The Ombudsman therefore closes the case.

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

Yours sincerely,

Jacob SÖDERMAN