

Decision of the European Ombudsman on complaint 1458/2001/IP against the European Commission

Decision

Case 1458/2001/IP - Opened on 31/12/2001 - Decision on 04/09/2002

Strasbourg, 4 September 2002

Dear Mr A.,

On 9 October 2001, you made a complaint to the European Ombudsman concerning the selection procedure of trainees held by the Commission.

On 31 December 2001, I forwarded the complaint to the President of the European Commission. The Commission sent its opinion on 6 March 2002. I forwarded it to you with an invitation to make observations, which you sent on 8 April 2002.

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

THE COMPLAINT

In September 2000 and in March 2001, the complainant applied for an in-service traineeship at the European Commission. He was pre-selected in both occasions and his name was put in the so-called "blue book" without, nevertheless, being finally selected.

In his complaint to the Ombudsman, the complainant claimed that:

(i) the Commission should give objective reasons for its decision not to admit him for an in-service training, in view of his very high standard qualifications. The complainant furthermore claimed that Directorate General Development should not have referred to the "internal rules" to justify its rejection of the complainant's application for the in-service training, since the only applicable legislation are the Rules governing in-service training with the Commission of the European Communities, adopted by the Commission's Decision of 7 July 1997;

(ii) the Commission should publish a list of the successful candidates, in order to enhance the transparency of the selection procedure.



THE INQUIRY

The European Commission's opinion

The complaint was forwarded to the Commission for an opinion, in which it made the following comments:

On 28 March 2001, the complainant applied for an in-service training with the Commission for the period October 2001-February 2002. In his application, the complainant indicated the External Relations Directorate-General (DG RELEX) as his first preference, followed by the Regional Policy Directorate General (DG REGIO) and by the Development Directorate General (DG DEV).

As a matter of fact, the number of applications from well qualified candidates always far exceeds the number of places available. For the period chosen by the complainant, between 600 and 700 applications were received for 30 places available in DG RELEX, between 200 and 300 applications for 20 places in DG REGIO and between 300 and 400 applications for 24 places in DG DEV. After the pre-selection carried out by the Secretariat General, the name of the complainant was included in the "blue book", distributed to all Directorates General (DGs) and Services of the Commission, which are solely responsible for the final selection.

As regards the "internal rules" mentioned by DG DEV, they concern the DG's common practice for the recruitment of trainees. DG DEV, like DGs, considers above all applicants who have chosen it as first priority and those who have shown a direct interest in DG DEV, such as for example sending a CV. Furthermore, DG DEV encourages its services to make their own choice on the basis of the best match between the applicant's CVs and the profile established by the Unit. In the case of the complainant, he gave DG DEV the third priority and he contacted the relevant services only on 19 June 2001, shortly before the deadline of 25 June 2001 set up by the Traineeships Office. The complainant was informed that DG DEV had already made its choices by that date and that his name was put on a reserve list to be reconsidered in case of possible withdrawals of other candidates.

The Commission finally pointed out that, within the improvement measures currently undertaken by the Traineeships Office, it has been foreseen that in the near future the lists of names of all pre-selected candidates will be published on the Internet site of the Traineeships Office.

The complainant's observations

In his observations on the Commission's opinion, the complainant stressed that the selection of trainees by DGs should be based only on the Rules governing in-service training with the Commission of the European Community. The reference made by DG DEV to its internal rules and to the fact that it considers above all applicants who have chosen it as first priority and those who have shown a direct interest in DG DEV was therefore unfair, because the "first priority" given by candidates in their applications cannot be considered as an entrance requirement for a traineeship. According to the complainant, the internal rules should not be invoked as a basis for the selection of trainees.

Furthermore, the complainant pointed out that he cannot accept DG DEV's statement that when he contacted its services on 19 June 2001, they had already made a selection of trainees,



because the Commission had set up 31 August as a deadline for accepting or rejecting the candidatures. No final decision should have been taken before this time.

He finally stressed that the Commission Traineeships Office's undertaking to publish on its Internet site the lists of names of all pre-selected candidates would not be enough to enhance the transparency of the selection procedure. Only by publishing the list of the successful candidates, inclusive of their own qualifications, it could be possible to ascertain the accuracy of the selection carried out by the DG's services and the respect of the Rules governing in-service training.

THE DECISION

1 The Commission's handling of the complainant's application

1.1 The complainant applied for an in-service training with the Commission. Although he was included in the "blue book" he was finally not selected. He claimed that the Commission should give objective reasons for its decision not to admit him for an in-service training, in view of his very high standard qualifications. Furthermore, the complainant claimed that Directorate General Development should not have referred to the "internal rules" to justify its rejection of the complainant's application for the in-service training, since the only applicable legislation are the Rules governing in-service training with the Commission of the European Communities, adopted by the Commission's Decision of 7 July 1997.

1.2 The Commission explained that after the pre-selection carried out by the Secretariat General, the name of the complainant was included in the "blue book", distributed to all Directorates General (DGs) and Services of the Commission, which are solely responsible for the final selection.

As regards the "internal rules" mentioned by DG DEV, they concern the DG's common practice for the recruitment of trainees. DG DEV, as others DGs, considers above all applicants who have chosen it as first priority and those who have shown a direct interest in DG DEV, such as for example sending a CV.

1.3 The Rules governing in-service training with the Commission establish that applicants are selected on the basis of qualification and that an appropriate geographical distribution will be maintained (Article 13). Article 14 reads that candidates should offer as wide a range of academic disciplines as possible in order to provide Commission departments with a large choice of specializations. Priority is given to applicants on the basis of the results obtained during their studies. Applications will also be considered from those who have completed or started a course on European integration and from those who hold posts in the public service which require a thorough knowledge of Community activities.

On the basis of these criteria, a pre-selection is carried out under the responsibility of the Traineeship office which transmits the "blue book" to all Commission services. The first step of the pre-selection is carried out by the relevant desk officer at the Traineeship Office, who examines the applications to ensure that they meet the requirements of the relevant Rules. The



second step is performed by pre-selection committees, which are set up by nationality. The final selection is made by the Directorates-General and Services of the Commission.

1.4 According to the information given by the Commission in its opinion and those contained in the web-site of the Traineeship Office (ec.europa.eu/stages/), the number of candidates always far exceeds the limited number of places available. It appears to be therefore unavoidable that good candidates are excluded in the final selection.

1.5 The Ombudsman considers the approach chosen by DG DEV to consider above all applicants who have chosen it as first priority and those who have shown a direct interest in DG DEV does not appear to be in contrast with any of the Rules governing the in-service training with the Commission.

1.7 As regards the complainant's point that he could not accept that on 19 June 2001 he was told by DG DEV that the selection of trainees had already been made, the Ombudsman notes that the deadline of 31 August had been set up by the Commission for accepting or rejecting the candidatures. The Ombudsman is not aware of any rules which prevent the service involved with the final selection of trainees to make their choice when they receive the "blue book", even before the deadline.

In these circumstances, there appears to be no maladministration on the part of the Commission as regards its handling of the complainant's application.

2 The transparency of the selection procedure

2.1 The complainant claimed that the Commission should publish a list of the successful candidates, in order to enhance the transparency of the selection procedure.

2.2 The Commission pointed out that, within the improvement measures currently undertaken by the Traineeships Office, it has been foreseen that in the near future the list of names of all pre-selected candidates will be published on the Internet site of the Traineeships Office.

2.3 In his observations, the complainant stressed that it would be only possible to ascertain the accuracy of the selection carried out by the DG's services and the respect of the Rules governing in-service training by publishing the list of the successful candidates, inclusive of their own qualifications.

2.4 In view of the Commission's undertaking concerning the publication, in the near future, of the list of names of all pre-selected candidates on the Internet site of the Traineeships Office, the Ombudsman does not consider it necessary to inquire further into this aspect of the case.

3 Conclusion

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

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

Yours sincerely,



Jacob SÖDERMAN