

## **Decision of the European Ombudsman on complaint 1620/2002/(MM)(VK)ADB against the European Commission**

Decision

**Case 1620/2002/ADB - Opened on 12/09/2002 - Decision on 01/07/2003**

Strasbourg, 1 July 2003

Dear Mr R.,

On 19 July 2002, you made a complaint to the European Ombudsman concerning selection procedure COM/R/A/01/2000 (B).

On 12 September 2002, my predecessor forwarded the complaint to the President of the European Commission. The European Commission sent its opinion on 21 November 2002. It was forwarded to you with an invitation to make observations before 31 January 2003. On 20 March 2003, you asked for additional time to hand in your observations. A new deadline was set to 30 April 2003. On 29 April 2003, you informed me of your wish to drop the complaint. I am writing now to let you know the results of the inquiries that have been made.

### **THE COMPLAINT**

The complainant, a German citizen residing in Ethiopia, was invited to Brussels in order to participate in the oral examination of selection procedure COM/R/A/01/2000. According to the complainant, just before the examination, he had been mixed up with another candidate. In the end, his examination started with a 15-minute delay and according to the complainant went well. The results were to be sent to him by post before the end of 2001.

Having received no notification by the beginning of March 2002, the complainant wrote to the selection board and asked for his results. The Commission sent him the copy of a letter, dated 3 December 2001, explaining that his results did not allow him to be among the best candidates included in the reserve list for recruitment. The complainant however noticed that the letter, albeit addressed to him, mentioned an address in Italy which was unknown to him. The complainant considered that there was a formal error.

The complainant unsuccessfully addressed himself to the president of the selection board and the Secretary General of the Commission. He therefore lodged a complaint with the European



Ombudsman and alleged that the Commission had mixed up his results in selection procedure COM/R/A/01/2000 with those of another candidate. The complainant claimed that the Commission should clarify the matter and admit him to the reserve list of the selection procedure in question.

## THE INQUIRY

### **The European Commission's opinion**

The Commission's opinion of 21 November 2002 on the complaint was in summary the following:

In his complaint to the European Ombudsman, the complainant failed to mention that he had lodged a complaint in accordance with Article 90(2) of the *Staff Regulations of Officials of the European Communities*. This complaint was addressed to the Secretary General of the Commission on 2 April 2002 and a formal reply had been sent to the complainant on 19 July 2002. The Commission did not wish to add anything to the explanations given in this letter.

In summary, the letter of 19 July 2002 explained that the postal addressed of several candidates had been mixed up. In the complainant's case, the letter had not been sent back by the postal services and the Commission had therefore not been aware of the mistake before the complainant asked for the results. The selection board had checked the file and confirmed that the selection procedure was regular and that the marks sent to the complainant were indeed his own. The mistake made by the Commission had no bearing on the validity of the selection board's decision regarding the refusal to include the complainant in the reserve list.

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

On 29 April 2003, the complainant informed the Ombudsman that he had been successful in another selection procedure and that he therefore wished to drop his complaint.

## THE DECISION

### **1 Alleged irregularities in a selection procedure**

1.1 The complainant alleged that the Commission had mixed up his results in selection procedure COM/R/A/01/2000 with those of another candidate. The complainant claimed that the Commission should clarify the matter and admit him to the reserve list of the selection procedure in question.

1.2 The Commission explained that it had already clarified its position in the framework of an appeal procedure foreseen by Article 90(2) of the *Staff Regulations of Officials of the European Communities*. The addresses of several candidates had been mixed up. The complainant had however been sent his results and the aforementioned mistake had had no bearing on the validity of the selection board's decision regarding the refusal to include him in the reserve list.

1.3 In his observations, the complainant informed the Ombudsman that he had decided to drop the complaint in view of the fact that he had in the meantime been included in a reserve list in the framework of another selection procedure.



## **2 Conclusion**

It appears from the information supplied to the Ombudsman by the complainant that he wishes to drop the complaint. The Ombudsman therefore closes the case.

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

Yours sincerely,

P. Nikiforos DIAMANDOUROS