

## Decision of the European Ombudsman on complaint 207/2003/OV against the Court of Auditors

Decision

**Case 207/2003/OV - Opened on 10/02/2003 - Decision on 08/12/2003**

Strasbourg, 8 December 2003

Dear Mr M.,

On 29 January 2003, you made a complaint to the European Ombudsman against the European Court of Auditors concerning your participation in open competition CC/A/12/02.

On 10 February 2003, I forwarded the complaint to the President of the Court of Auditors. On 14 February 2003 you sent additional information concerning your complaint. The Court of Auditors sent its opinion on 12 May 2003. I forwarded it to you with an invitation to make observations. No observations appear to have been received from you.

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

### THE COMPLAINT

According to the complainant, the relevant facts were as follows:

The complainant is a candidate in open competition CC/A/12/02 organised by the Court of Auditors for the recruitment of administrators (career A7/A6) in the field of information technology (OJ C 145 A of 18 June 2002).

By letter of 29 November 2002, the Secretariat of the Selection Board informed the complainant that unfortunately it could not accept the complainant's participation because *"after a comparative examination of the titles, degrees and the professional experience of all the candidates, your name is not included among the best candidates that are asked to compete, as stipulated in part VII of the competition notice"* (translation by the Ombudsman's services).

Part VII of the competition notice provides that *"once the qualifications have been marked, the 50 candidates with the highest marks will be admitted to the written tests"*. Part VI of the competition notice provides that the qualifications of the candidates will be awarded a maximum of 40 marks (10 marks for degrees or diplomas additional to that required for admission to the



competition, and 30 marks for professional experience additional to that referred to in section III(B)(3) of the competition notice).

On 8 December 2002, the complainant wrote to the Selection Board to have his candidature re-examined. He asked to be informed about a) the criteria used for the evaluation (marking) of the titles, degrees and professional experience, b) his mark and c) the mark of the last successful candidate. He received no reply.

On 29 January 2003, the complainant lodged the present complaint with the Ombudsman, claiming:

1) that the Court of Auditors should inform him of a) the evaluation (marking) criteria of the titles, degrees and professional experience of the candidates, b) his mark and c) the mark of the last successful candidate;

2) that his candidature should be re-examined.

On 14 February 2003, the complainant sent additional information concerning his complaint. He had received a reply from the Selection Board, which communicated the marks he obtained (0/10 for his degrees and 14.64/30 for his professional experience). But the Selection Board communicated neither the specific criteria used for evaluating the degrees and professional experience of the candidates, nor the mark of the last successful candidate.

The Selection Board stated that candidates with better marks had obtained at least one more degree above the one which was required for participating in the competition. The complainant however pointed out that both degrees he had obtained give access to doctoral studies and are relevant to the nature of the tasks.

As regards the professional experience, the complainant stated that the Selection Board has answered that candidates with a better ranking had around 10 years of experience or more. Point III.B.3 of the competition notice however provides that the required experience should be of at least 3 years. The complainant had 7 years of experience, but he obtained a mark of only 14.64/30.

The complainant finally indicated that he was aware of a candidate without an additional diploma and without 10 years of experience who was accepted in the written examinations. Taking into account that the written examinations will take place on 28 February 2003, the complainant asked for his complaint to be dealt with as soon as possible.

## THE INQUIRY

### **The Court of Auditors' opinion**

In its opinion, the Court of Auditors observed that, by letter of 8 December 2002, the complainant asked the President of the Selection Board for information on a) the evaluation (marking) criteria of the titles, degrees and professional experience of the candidates, b) his



mark and c) the mark of the last successful candidate. By letter of 30 January 2003, the President of the Selection Board responded to the complainant's request providing him with some more general information and with his own mark.

After having reviewed the matter further, the Court decided to provide the complainant in addition with the information he had asked for under a) and c). In a letter of 2 May 2003, the President of the Selection Board outlined to the complainant the detailed evaluation criteria of the titles, degrees and professional experience and informed him that he had obtained 14.64/30 points on the basis of that calculation. In addition, the complainant was informed that the last successful candidate obtained 32 points. The Court enclosed with its opinion the correspondence between the President of the Selection Board and the complainant.

The President of the Selection Board has recalculated the points obtained by the complainant and confirmed that no error occurred. In view of the fact that the complainant obtained less than half of the points of the last successful candidate, the decision not to admit him to the written examinations of the competition was maintained. The complainant has now received all the information he requested.

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

The complainant made no observations on the opinion of the Court of Auditors.

## **THE DECISION**

### **1 Information concerning the selection procedure**

1.1 The complainant claims that the Court of Auditors should inform him of a) the evaluation (marking) criteria of the titles, degrees and professional experience of the candidates, b) his mark and c) the mark of the last successful candidate.

1.2 In its opinion, the Court of Auditors observed that, by letter of 30 January 2003, the President of the Selection Board responded to the complainant's request by providing him with some more general information and with his own mark. In an additional letter of 2 May 2003, the President furthermore provided the complainant with the information requested under a) and c), namely the detailed evaluation criteria of the titles, degrees and professional experience and the fact that the complainant obtained a mark of 14.64/40 points. The complainant was also informed that the last successful candidate obtained a mark of 32/40 points.

1.3 It appears from the above that the complainant has obtained all the information that he asked for. This aspect of the complaint therefore appears to have been settled by the Court of Auditors to the satisfaction of the complainant.

### **2 The claim for a re-examination of the complainant's candidature**

2.1 The complainant claims that his candidature should be re-examined.

2.2 The Court of Auditors observed that the Selection Board has recalculated the points obtained by complainant and confirmed that no error occurred. As the complainant obtained less than half of the points of the last successful candidate, the decision not to admit him to the written examinations of the competition was maintained.



2.3 The Ombudsman notes that, in its letter of 2 May 2003, the Selection Board first explained to the complainant how his marks had been calculated, both for the additional diploma and the additional professional experience. For the latter, the Selection Board explained that for each period of professional experience a mark was given equal to the number of months, multiplied by a coefficient of relevance according to certain fields of experience.

2.4 The Ombudsman considers that the explanations provided to the complainant by the Selection Board appear to be reasonable. The Ombudsman therefore finds no instance of maladministration as regards this aspect of the complaint.

### **3 Conclusion**

It appears from the Court of Auditors' comments that it has taken steps to settle part 1 of the complaint and has thereby satisfied the complainant.

On the basis of the Ombudsman's inquiries into part 2 of this complaint, there appears to have been no maladministration by the Court of Auditors. The Ombudsman therefore closes the case.

Yours sincerely,

P. Nikiforos DIAMANDOUROS