

## **Decision of the European Ombudsman on complaint 342/2003/IP against the European Parliament**

Decision

**Case 342/2003/IP - Opened on 25/02/2003 - Decision on 23/07/2003**

Strasbourg, 23 July 2003

Dear Mr M.,

On 19 February 2003, you made a complaint to the European Ombudsman against the European Parliament concerning your participation in open competition EUR/A/158/2000. This complaint was forwarded to me by MEP Eija-Riitta Anneli KORHOLA.

On 25 February 2003, I forwarded the complaint to the President of the Parliament. The Parliament sent its opinion on 10 June 2003. I forwarded it to you with an invitation to make observations, which you sent by e-mail on 28 June 2003.

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

### **THE COMPLAINT**

The complainant participated in competition EUR/158/2000 organised by the European Parliament. Since he failed test 1.A.d) he was excluded from the competition. The complainant was informed of his exclusion by letter of 17 July 2002 from the Parliament's recruitment services.

On 23 July 2002, he asked the Selection Board to re-examine his test. By letter of 21 October 2002, the Selection Board informed the complainant that the Selection Board had carried out a re-examination of test 1.A.d) in its meeting of 11 October and confirmed its original decision not to admit him to the next tests.

On 28 October 2002, the complainant wrote a further letter to the Selection Board, asking for a copy of both the test he had failed and the correction grid. On 12 November 2002, the Selection Board replied to the complainant and refused to give him a copy of the requested documents because the request had not been made within the period prescribed for that purpose. In accordance with Parliament's reply, the complainant should have made his request within 30 days from the notification of the Selection Board's decision to exclude him from the competition.



On 19 November 2002, the complainant wrote a further letter to the Selection Board, in which he contested the above decision. The complainant pointed out that on 23 July 2002, he had asked the Selection Board for the re-examination of the test he had failed. A request for access to the concerned documents was therefore not justified at that moment since it was still possible for the Selection Board to modify its decision. In the complainant's view, the period of 30 days to make the request for access to documents started to run from 21 October 2002, when the Selection Board took the final decision to confirm his exclusion from the competition. The complainant received no reply to his letter of 19 November 2002.

In his letter to the Ombudsman, the complainant alleged that the Selection Board's refusal to allow him access to the requested documents was unfair and that the Parliament had failed to reply to his letter of 19 November 2002.

The complainant claimed that he should have access to test A.1.d), which he failed, and to the correction grid.

## **THE INQUIRY**

### **The European Parliament's opinion**

As regards the complainant's allegation that its services had failed to reply to his letter of 19 November 2002, the Parliament regretted this and explained that due to unfortunate circumstances related to the move of the competition services, it appeared that the complainant's letter had been mislaid.

As regards the complainant's request to have access to test 1.A.d) and to the correction grid, the Parliament recalled that according to the rules concerning candidates' access to their marked tests, which had been distributed to all candidates during the written tests, candidates had to make the relevant request in writing and within one month from the communication of the final results. The complainant was informed of the results of his tests on 17 July 2002 and he required to have access to the documents concerned on 28 October 2002. The complainant's request had therefore not been made in accordance with the relevant rules on the matter. Nevertheless, the Parliament agreed to forward to the Ombudsman the documents requested by the complainant.

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

In his observations, the complainant informed the Ombudsman that the Parliament had forwarded to him the requested documents already on 26 May 2003, together with a letter explaining the reasons of the failure to reply to his letter of 19 November 2002. He expressed his satisfaction at the outcome of the case and thanked the Ombudsman and his staff for their efforts in dealing with his case.

## **THE DECISION**

### **1 The complainant's allegations and claim**

1.1 In his complaint, the complainant, a candidate in open competition EUR/158/2000, alleged



that the Selection Board's refusal to allow him access to his test A.1.d) and to the correction grid was unfair and that the Parliament had failed to reply to his letter of 19 November 2002. The complainant claimed that he should have access to test A.1.d), which he had failed, and to the correction grid.

1.2 In its opinion, the Parliament regretted that its services had failed to reply to the complainant's letter of 19 November 2002. It explained that due to unfortunate circumstances related to the move of the competition services, it appeared that the complainant's letter had been mislaid.

As regards the complainant's request to have access to test 1.A.d) and to the correction grid, the Parliament recalled that according to the rules concerning candidates' access to their marked tests, which had been distributed to all candidates during the written tests, candidates had to make the relevant request in writing and within one month from the communication of the final results. The complainant was informed of the results of his tests on 17 July 2002 and he required to have access to the documents concerned on 28 October 2002. The complainant's request had therefore not been made in accordance with the relevant rules on the matter. Nevertheless, the Parliament agreed to forward to the Ombudsman the documents requested by the complainant.

1.3 In his observations, the complainant confirmed that Parliament had forwarded to him the requested documents already on 26 May 2003, together with a letter explaining the reasons of the failure to reply to his letter of 19 November 2002. He expressed his satisfaction at the outcome of the case and thanked the Ombudsman and his staff for their efforts in dealing with his case.

## **2 Conclusion**

It appears from the Parliament's opinion and the complainant's observations that Parliament has taken steps to settle the matter and has thereby satisfied the complainant. The Ombudsman therefore closes the case.

The President of the Parliament will also be informed of this decision.

Yours sincerely,

P. Nikiforos DIAMANDOUROS