

## **Decision of the European Ombudsman on complaint 1992/2003/OV against the European Personnel Selection Office**

Decision

**Case** 1992/2003/OV - **Opened on** 04/11/2003 - **Decision on** 07/05/2004

Strasbourg, 7 May 2004

Dear Mrs P.,

On 20 October 2003, you made a complaint to the European Ombudsman concerning your exclusion from open competition EPSO/A/2/03 organised by the European Personnel Selection Office.

On 4 November 2003, I forwarded the complaint to the Director of EPSO. EPSO sent its opinion on 6 February 2004. I forwarded it to you with an invitation to make observations, if you so wished. 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 Czech citizen and applied for open competition EPSO/A/2/03 (Assistant administrators A8 of Czech citizenship, Field 1 "European public administration") (1) . She used the on-line registration facility that was offered. The Guide for Applicants indicated that it is possible for the network to be overwhelmed by a large number of applicants and that an attempted connection may therefore fail. In that case, the Guide for Applicants indicated that it is necessary to repeat the registration process.

The complainant indeed encountered several problems when she wanted to transmit her on-line application for the competition, for the field "European public administration". Due to the lack of confirmation of acceptance of her application, she decided to fill out another application form, and in order to avoid double registration for one field, she decided to register for the field "Economics". The problems with the connection continued, perhaps because, at the time, the complainant was living in the United States. When the complainant accessed her EPSO profile



some days later, she found out that her application for the field "European public administration" had been accepted and was correctly registered under n° 9768. The complainant thus assumed that the other application would be automatically deleted by the system. This was a misunderstanding due to her lack of experience with on-line registration for EU competitions, but also due to the unclear description provided by EPSO of the phases of the registration. It finally appeared that the other application had also been registered. On 1 August 2003, the complainant was informed through her EPSO profile that her application had been rejected because of the double application.

The complainant wrote to the Selection Board on 4 September 2003 to ask for reconsideration of her exclusion from the competition. The Selection Board rejected the request on 7 October 2003, claiming that the complainant had not followed the rules of the competition notice published in the Official Journal. The letter stated that the complainant had four weeks between the submission of her double application and the closing date of the competition to inform EPSO that she had experienced difficulties with the registration of her application.

The complainant maintains that she did not intend to apply twice and that her rejection was due to the problems with the on-line application system.

On 20 October 2003, the complainant lodged the present complaint with the Ombudsman. The complainant claims that her exclusion from open competition EPSO/A/2/03 should be reviewed on the basis of the arguments in her complaint.

## **THE INQUIRY**

### **EPSO's opinion**

In summary, EPSO's opinion was as follows:

The purpose of competition EPSO/A/2/03 was to constitute a reserve list of assistant administrators (A/8) of Czech nationality. The competition notice (OJ C 120 A of 22 May 2003) was published at the same time as the notices of open competitions for assistant administrators for citizens of the nine other future Member States. The competition notice foresaw 4 fields: 1) European public administration, 2) law, 3) economics and 4) auditing.

Candidates had to apply via the internet by going to the EPSO website and following the instructions there. In accordance with the competition notice provisions, candidates could apply for one competition only, and one field only, on pain of disqualification. The registration deadline was 24 June 2003 at 12.00 Brussels time. As mentioned under point II.1 of the "Guide for Applicants", detailed instructions on how to apply were available in the Help Manual on the EPSO website.

The complainant stated that she encountered several registration problems when she wanted to register electronically for field 1. As she did not receive confirmation of her application, she decided to fill out another form for the open competition, but chose another field, namely field 3) "economics", in order to avoid making a second application for field 1). The complainant states



that in doing so, she complied with the instructions in the "Guide for Applicants" according to which, in the event of connection problems of computer failure, the electronic registration procedure has to be repeated. The complainant assumed that, if the first application had indeed been registered, the second would be cancelled automatically.

The Help Manual describes the registration process very precisely, stage by stage. The first stage consists of creating an electronic address and password. The complainant is then automatically redirected to a screen reserved for the electronic registration form for the selected competition. According to the instructions, after having completed the form, the information has to be "saved" so as to make it possible to check on screen that all the boxes have been completed. At that point, applicants are strongly advised to print the form and, if there are still corrections to be made, they must use the "edit" function to make them. The next stage consists in validating the form. It is only possible to move on to this stage if the system has checked that the form is correctly completed and it must be stressed that, if the contrary were the case, the "register" button would not be activated on the screen.

Once the form is registered, no more corrections can be made in respect of the data already entered on the electronic registration form. However, provided that the registration is made before the deadline, it is always possible to cancel a registration and to start again with a new one. Once the form is registered, the applicant receives a message confirming his or her registration and giving the registration number. Applicants encountering technical difficulties could contact the "Task Force" set up within the framework of these competitions, either by telephone on the "EPSO Reply Service" open from Monday to Friday (from 9 a.m. to 6 p.m.), or by electronic mail, as indicated in the Help Manual.

According to the information provided by the computerised registration scheme, the complainant lodged her first application on 27 May 2003 giving a "yahoo.com" electronic address and the second on 28 May 2003 giving an "atlas.cz" electronic address. The complainant therefore had enough time (the deadline being 24 June 2003) to check, in accordance with the instructions and information set out in the "Guide for Applicants" and the "Help Manual", whether her first application had indeed been registered and whether a registration number had been allocated to her. During this four-week period she could also have contacted the EPSO services with a view to pointing out the computer problems encountered and to inform them of her doubts concerning the actual registration of her applications. If necessary, she could have requested, by electronic mail, fax, or telephone, that one of the registrations be cancelled.

According to the "Help Manual", an applicant who successfully registers the form sees on screen a reference number which is unique and personal. If this did not appear, the applicant should access the EPSO profile in order to check the form. The complainant did not carry out this check before the deadline for lodging applications, although she clearly states that she was not sure that she had not made more than one application.

The system for registering applications was devised in such a way as to make it impossible to introduce more than one application using the same electronic address. The complainant's applications were not automatically rejected by the system because the electronic addresses



used by her in her "EPSO profile" were different.

In order to respect the principle of equal treatment of applicants, EPSO applied the same rule set out in the competition notice to the thousands of applicants for these open competitions. Applicants who lodged more than one application for the same competition, or who selected more than one field within this competition, were all rejected, in accordance with the provisions of the competition notice.

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

No observations were received from the complainant.

## **THE DECISION**

### **1 The claim for the reconsideration of the complainant's exclusion from the competition**

1.1 The complainant was excluded from open competition EPSO/A/2/03 because she selected more than one field within the competition. She claims that her exclusion should be reviewed on the basis of the arguments in her complaint. According to the complainant, she applied on 27 May 2003 for field 1 "European public administration" of the competition, but encountered registration problems. Thinking that this was due to the network being overwhelmed - a possibility that was mentioned in the competition notice -, the complainant decided to register again, this time for field 3 "Economics" in order to avoid double registration. When the complainant accessed her EPSO profile some days later, she found out that her application for the field "European public administration" had indeed been accepted and was correctly registered under n° 9768. On 1 August 2003, the complainant was informed that her application had been rejected by the computerised system because of her double application. The complainant argues that she did not intend to apply twice and that her rejection was due to problems with the on-line application system and the unclear description provided by EPSO of the phases of the registration.

1.2 EPSO described in detail the electronic registration process. It pointed out that the complainant had enough time to check, in accordance with the instructions and information set out in the "Guide for Applicants" and the "Help Manual", whether her first application had indeed been registered and whether a registration number had been allocated to her. During the four-week period between her registrations and the deadline, she could also have contacted the EPSO services with a view to pointing out the computer problems encountered and to inform them of her doubts concerning the actual registration of her applications. If necessary, she could have requested, by electronic mail, fax, or telephone, that one of the registrations be cancelled. Applicants who lodged more than one application for the same competition or selected more than one field within this competition were all rejected, in accordance with the provisions of the competition notice.

1.3 The Ombudsman has carefully examined the relevant documents and notes that the electronic registration process for the competition is described in the competition notice (2) as well as in the Help Manual which can be found on the EPSO Website (3). The Help Manual on EPSO's website describes in detail the registration process, and points that *"you may also contact 'Inforecruitment' if you have a difficulty that you cannot resolve. 'Inforecruitment is*



*open from 9 a.m. to 4 p.m. from Monday to Friday (Thursdays until 6 p.m.). They can be contacted at the e-mail Info-recruitment or by telephone +32 2 299.31.31". The Ombudsman also notes that, according to point A of the competition notice "you may apply for one competition only, and one field only within that competition - applying for more than one of either will entail disqualification from all."*

1.4 In the present case, there is nothing in the file to show that the complainant, who had doubts with regard to her registration for the competition, tried to use the possibility mentioned in the Help Manual to contact EPSO's "Info-recruitment" before the deadline of 24 June 2003 in order to clarify her situation and/or to ask for the cancellation of an eventual second registration.

1.5 On the basis of the above, it appears that EPSO's has provided the Ombudsman with a reasonable explanation for its decision to exclude the complainant from the competition because of her double application. No instance of maladministration was thus found.

## **2 Conclusion**

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

The Director of EPSO will also be informed of this decision.

Yours sincerely,

P. Nikiforos DIAMANDOUROS

(1) OJ 2003 C 120 A.

(2) OJ 2003 C 120 A/24, under the section C "How to apply", 1 "Stage 1: electronic registration form and pre-selection tests".

(3) [http://europa.eu/epso/on-line-applications/manual\\_en.htm](http://europa.eu/epso/on-line-applications/manual_en.htm) [Link]