

The Ombudsman receives numerous complaints about the Commission's last competitions

Press release no. 9/1998 - 07/10/1998

The European Ombudsman Mr **Jacob SÖDERMAN** received a large number of complaints after the competitions for recruitment organised by the Commission on 14 September 1998. Some of the complaints were signed by several persons. The most serious of the grievances put forward by the complainants was that some applicants had got to know the exam questions beforehand. In addition to that, the complaints criticised the way the competitions were carried out in various exam venues. For example in Italy, the exam venue was communicated as being in Milan, but was actually in a neighboring suburb, Assegno. In Rome, the tests took more than five hours, instead of two and a half, because the right exam questions were not available at the beginning. Furthermore in Brussels, according to the complainants, the applicants could go to the toilet during the exam, although the instructions forbade it. In Brussels and Rome, during a break between two exams, the applicants were able to consult each other or to phone outside to obtain the information for the previous exam. In Athens, the information was given only in Greek, although there were applicants of another mother tongue. In London, the exam premises were appalling. As the Commission later annulled the tests - a fact which the Ombudsman has also received complaints about - and launched an inquiry to establish the responsibility for the leak of exam questions and to re-examine the procedure, the European Ombudsman has asked to be informed about the outcome of this inquiry in due time. The complaints to the Ombudsman are thus far inadmissible, because, before making a complaint to the Ombudsman, the relevant institution has to have been previously approached. Therefore, the Ombudsman has advised the complainants to first present their grievances to the DG IX of the Commission. If they do not receive an adequate answer in due time, they may complain to the Ombudsman. A copy of the letter sent by the Ombudsman to the President of the European Commission, Mr Jacques SANTER, is attached. *For further information, please call Mr Peter DYRBERG, Senior Legal Advisor of the European Ombudsman, tel. + 32-2-284 2003* Strasbourg, 2 October 1998
Mr Jacques Santer President European Commission 200 rue de la Loi B-1049 Bruxelles Belgique Mr President, 1. On 14 September 1998 the Commission organised written tests under competitions COM/A/9/98, COM/A/10/98 and COM/A/11/98. Following the tests, the European Ombudsman received a large number of complaints concerning the way the tests were carried out. Some complaints are signed by several persons. The grievances put forward in the complaints are in particular: - that one exam venue was communicated to the participants as being in Milan whereas it appeared to be in a neighbouring suburb Assegno, - that in Rome, the tests took more than five hours whereas it had been announced that they would last approximately two and half hours, the delay being caused by the unavailability of the right exam questions, - that while the right exam questions were being photocopied by the Commission



officials responsible, applicants corrected the answers they had given in the first test, - that in Brussels, applicants were allowed to go to the toilet during the exams, in violation of the instructions given at the beginning of the exams, - that in Brussels, a 15 minutes break was announced between two exams, during which applicants consulted each other on the exams or telephoned to the exterior to obtain information relevant to respond to exam questions, - that in Rome, similar irregularities took place, - that in London, the physical condition of the exam premises was appalling, - that in Athens, information was only given in Greek, although there were applicants of another mother tongue, - that exam questions or the kind of exam questions were known beforehand by some applicants, - that it is not fair that the applicants have to bear the costs for participating in the tests, and - that the tests were organised on a weekday and not during a week-end. I understand that the Commission has now annulled the tests in question. I have also received complaints about this fact. 2. The complaints received until now appear to be inadmissible under Article 2.4 of the Statute of the European Ombudsman which provides: *"The complaint must be preceded by the appropriate administrative approaches to the institutions and bodies concerned."* The inadmissibility might follow either on the grounds that no such approaches had been made or, if they had been made, on the grounds that the Commission must still dispose of a reasonable delay for replying to the approaches. Art 2.4 pursues the purpose that the administration should have a possibility to undo the alleged instance of maladministration before a complaint is lodged with the Ombudsman. For this a reasonable delay is required. In accordance with Art 2.4 the complainants will be advised to contact DG IX of the Commission about their complaints. If they do not receive an adequate answer in due time, they may complain to the European Ombudsman. 3. According to a press communication from the Commission, the tests have been annulled on the grounds that there was a leak of exam questions. According to the press communication, the Commission - will launch an investigation in order to establish responsibility for the leak, - will organise new tests as soon as possible after a re-examination of its procedures, and - expresses solidarity with the applicants who have prepared for the tests. 4. Competitions for the Community civil service constitute for many young citizens their first contacts with the Community administration. It is important that these contacts are positive. The European Ombudsman trusts that the Commission will adequately inform applicants about the annulment of the tests and conduct the necessary inquiries to establish the causes of and the possible responsibilities for the events which have led to the present situation. The European Ombudsman would ask you to inform him in due time about the inquiry and its results. Yours sincerely, Jacob SÖDERMAN cc: Mr Eeckhout, Secretariat General of the Commission