

Decision of the European Ombudsman on complaint 2712/2004/TN against the European Parliament

Decision

Case 2712/2004/TN - Opened on 18/10/2004 - Decision on 22/11/2004

THIS COMPLAINT WAS TREATED AS CONFIDENTIAL. THE DECISION HAS THEREFORE BEEN ANONYMISED. THE MASCULINE FORM HAS BEEN USED THROUGHOUT.

Strasbourg, 22 November 2004

Dear Mr X.,

On 31 August 2004, you made a complaint to the European Ombudsman against the European Parliament concerning your application to a certain open competition.

In your complaint, you alleged that the European Parliament had made an incorrect assessment of your application.

On 18 October 2004, I forwarded your complaint to the President of the Parliament.

By e-mail of 7 November 2004, you informed me that you have brought an action before the Court of First Instance regarding certain aspects of your complaint. You submitted a copy of your application to the court and asked me to inform you of any aspects of your complaint that I would consider not to be covered by your application, into which I therefore would be able to continue my inquiries.

By e-mail of 15 November 2004, the European Parliament's services confirmed that an action has been brought before the court.

Article 195 of the Treaty establishing the European Community provides that:

"[T]he Ombudsman shall conduct inquiries for which he finds grounds, ..., except where the alleged facts are or have been the subject of legal proceedings."

Furthermore, Article 2 (7) of the Statute of the European Ombudsman stipulates that:

"When the Ombudsman, because of legal proceedings in progress or concluded concerning facts which have been put forward, has to declare a complaint inadmissible or terminate consideration of it, the outcome of any inquiries he has carried out up to that point shall be filed



without further action."

Having considered your application to the Court of First Instance, invoking a violation of the notice of competition and a manifest error of assessment, I have concluded that the case pending before the court concerns the same facts as have been put forward in your complaint to the Ombudsman. I have therefore decided, in accordance with Article 2.7 of the Statute of the European Ombudsman, to terminate the consideration of the entirety of your complaint and to file the outcome of the inquiries carried out so far without further action.

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

Yours sincerely,

P. Nikiforos DIAMANDOUROS