

Decision of the European Ombudsman on complaint 1744/2005/IP against the European Personnel Selection Office

Decision

Case 1744/2005/IP - Opened on 20/06/2005 - Decision on 13/12/2006

Strasbourg, 13 December 2006

Dear Ms G.,

On 4 May 2005, you made a complaint to the European Ombudsman against the European Personnel Selection Office ("EPSO") concerning your participation in Open Competition EPSO/LA/18/04 for assistant translators of Italian language (1) .

On 14 June 2005, you forwarded to me a copy of the correspondence between you and EPSO in the framework of the above-mentioned Open Competition. On 20 June 2005, I forwarded the complaint to the Director of EPSO. On 14 September 2005, EPSO sent to me the Italian translation of its opinion, which I forwarded to you on 21 September 2005 with an invitation to make observations which you submitted to me on 18 September 2005.

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

THE COMPLAINT

From the information submitted with the complaint, the relevant facts can be summarised as follows.

The complainant participated in Open Competition EPSO/LA/18/04 for Italian-language assistant translators. She passed the pre-selection tests and the Selection Board therefore proceeded to the correction of her written tests. By letter of 21 March 2005, EPSO informed the complainant that, since she had failed written test c), the Board had excluded her from the Open Competition. The complainant had in fact obtained in her test 16 points out of 40, the pass mark being 20. In its letter, EPSO further informed the complainant that her test had been corrected according to detailed guidelines foreseen by the Board and that for every mistake or omission in the translation, and depending on the severity of each error, a certain number of points had been deducted from the maximum of 40 points that she could have obtained.



On 22 April 2005, the complainant asked EPSO to have access to her corrected test or to receive one or more correct translations in order to understand her mistakes.

In its reply of 2 May 2005, EPSO pointed out that, in its work, it followed the principles of access to documents and transparency, as well as the principle of confidentiality of the Selection Board's work. In accordance with the European Ombudsman's approach on the relevant issue, EPSO allowed candidates who request so access to their original tests and to the evaluation sheet drafted by the Board.

EPSO further referred to the fact that, in view of the principle of secrecy of the work of the Selection Board as set out in Article 6 of the Staff Regulations and defined by the Court of Justice, the documents sent to the complainant were the only documents that Boards could make available to candidates. Finally, EPSO stressed that Council Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (2) ("Regulation 1049/2001") was not applicable to these categories of documents.

As regards the complainant's case, EPSO stated that in the case of Open Competition EPSO/LA/18/04, the evaluation of each test had been made on the basis of a correction grid ("*grille de correction*") drawn up by the Selection Board. In light of the fact that the relevant sheet was part of the decision-making process of the Board, it was confidential and therefore not accessible to candidates.

In her complaint to the Ombudsman, the complainant alleged that the decision taken by EPSO not to grant her access to a copy of her marked written test and to the correction grid drawn up by the Selection Board was unfair and discriminatory for candidates in Open Competition EPSO/LA/18/04.

The complainant claimed that EPSO should grant her a copy of her marked written test and a copy of the correction grid or of a correct translation of test c).

THE INQUIRY

EPSO's opinion

In its opinion on the complainant, EPSO made the following points.

The complainant participated in Open Competition EPSO/LA/18/04 for Italian-language assistant translators.

The pre-selection tests a) and b) were taken by the complainant in "language 2" as chosen in her application. Test a) comprised a series of multiple-choice questions which were designed to assess the general ability of the candidate, in particular his verbal reasoning skills. The maximum number of points in this test was 20, the minimum necessary for a pass mark being 10. Test b) comprised a series of multiple-choice questions designed to assess the knowledge of the candidate about the main developments of the European unification process and the



different Community policies. The maximum number of points in this test was 10, the minimum necessary for a pass being 5.

For organisational reasons, written tests c) and d) were held on the same day. Test c), which allowed use of a non-electronic dictionary, consisted of a translation into the candidate's main language of a general text of approximately 45 lines in length, which related to the activities of the European Union and was drafted in the language chosen by the candidate for the pre-selection tests. Test d) consisted in a translation into the candidate's main language, using a non-electronic dictionary, of a general text of approximately 45 lines in length, which concerned the activities of the European Union and was drafted in one of the languages referred to in point A.II.3 c) of the Notice of Competition. This language could not be the language chosen by the candidate for the pre-selection tests and for the written test c). The maximum number of points in each one of the written tests was 40, the minimum necessary for a pass mark being 20.

The complainant obtained one of the 210 highest marks for both tests a) and b) combined, as well as the pass mark in each of them. In addition, she fulfilled the conditions of admissibility for the Open Competition. The Selection Board therefore corrected her written test c), in accordance with point B.2 of the Notice of Competition. The complainant obtained 16 points out of 40 in test c). Since the minimum necessary for a pass mark was 20, the Board did not correct the complainant's written test d) and, consequently, did not admit her to the oral test.

By letter of 21 March 2005, EPSO informed the complainant of the results that she had obtained in her pre-selection tests and in written test c). In the same letter, EPSO also informed the complainant, on behalf of the Selection Board, that her written test c) had been corrected in an anonymous manner by at least two specialised markers whose main language was the language chosen by the complainant to take the relevant test and added that the corrections had been made on the basis of the instructions given to the markers by the Board before the test. The letter also stated that, for each error or omission in the translation, and depending on the gravity of the error or omission involved, a certain number of points were deducted.

Following the complainant's request of 22 April 2005 to have access to her corrected test or to receive one or more correct translations in order to understand her mistakes, EPSO replied to her on 2 May 2005. In its reply, EPSO informed the complainant that it grants candidates access to their original examination papers as well as to the evaluation sheet drafted by the Selection Board. A copy of both documents was therefore forwarded to the complainant. On 4 May 2005, the complainant wrote a further message to EPSO asking again for a copy of an example of a correct translation in order to understand her mistakes and to improve her performance in view of her potential participation in future competitions. On 10 May 2005, EPSO informed the complainant that a model translation of test c) did not exist.

Concerning the allegation and claim submitted by the complainant in her complaint to the Ombudsman, EPSO underlined that, in its message of 2 May 2005, it informed the complainant that candidates who participate in an open competition can have access to a copy of their original tests and to a copy of the evaluation sheet established by the Selection Board.



EPSO also recalled that, according to case-law on this matter, and as observed by the Ombudsman in his decision on complaint 324/2003/MF (3) , there is no rule obliging a Selection Board to make annotations to the copy of the candidate's test and that corrections do not need to appear on the copy of the candidate's test. Furthermore, the mark itself constitutes a sufficient statement of reasons for an evaluation made by the Board when assessing candidates' tests in an Open Competition. Furthermore, EPSO added that the method used to correct tests should guarantee that the corrections made by a first marker do not affect the evaluation of the relevant test made by a further marker (4) .

Concerning the procedure followed in the correction of written tests in the field of translation, EPSO explained that each test was corrected anonymously by at least two markers serving in an advisory role. In order to be able to assess and to compare the quality of the translations made by candidates, the Selection Board had established a certain number of correction criteria and had drawn up a list of possible errors: errors of meaning, omissions, errors in grammar, in vocabulary, in spelling, in punctuation or in syntax. These errors were penalised with a certain number of points depending on the gravity of the error. On the other hand, the Board could also have awarded positive points in the case of a very good-quality translation. In order to guide the markers in their work, the Board had provided them with its instructions and with the correction criteria which it had established before the tests.

After having taken note of the markers' remarks and having verified the correct application of the correction criteria by the latter, the Selection Board decided on the final mark for each test and recorded it on the evaluation sheet corresponding to the relevant test. If candidates so requested, these sheet were provided to them.

EPSO further added that, by establishing criteria which had been applied fairly during each correction of a test, the Selection Board was in a position to carry out a comparative examination of all the candidates' performances in a fair and homogeneous manner. It went on to point out that the Board is the sole competent body to decide on the admission of a candidate to the next stage of the relevant competition.

Concerning more specifically the complainant's test, EPSO stated that the Selection Board had judged her translation as insufficient in view of many weaknesses with regard to the knowledge of the language of origin and to drafting in the main language. In real working conditions, very exhaustive re-working would have been necessary.

EPSO took the view that the evaluation sheet provided to the complainant contained sufficient information to explain the reasons for which the Selection Board had given her a mark for her test that was lower than the minimum requested mark. Furthermore, EPSO stated that a Board is by no means obliged to explain in what way a candidate's performance was not sufficient or to give more detailed reasons for its evaluation by indicating, for example, in which point of a given test the candidate had made a specific error.

EPSO expressed, however, the hope that its comments on the present complaint would enable



the complainant better to understand the working method used by the Selection Board in the correction of her test and in deciding on her results.

Concerning the complainant's request to obtain a copy of the correct translation of test c), EPSO stressed that the Selection Board had not prepared a model translation, given that no single correct translation could exist. The Board had only fixed criteria to guide the markers in their work. EPSO further emphasised the difference between an examination to test the aptitude of a candidate in the relevant field and a competition like the one in which the complainant had participated. In such a competition, the Board sought to find the best translators. This result could have been achieved only by carrying out a comparative assessment of the tests made by all candidates.

Concerning the complainant's point that the knowledge of her mistakes would have helped her to improve her performance in view of her potential participation in future competitions, EPSO emphasised that each Selection Board is independent when carrying out its work and enjoys wide discretionary power concerning the organisation of an open competition, including, for example, the contents of the tests and the correction criteria. Consequently, the work of a Board is in no way linked to the work of previous ones. Furthermore, the goal of an open competition is not pedagogical in nature but is meant to allow institutions to recruit high-level officials, in accordance with the provisions of the Staff Regulations.

The complainant's observations

In her observations on EPSO's opinion, the complainant basically stated that EPSO had not added any new element in its opinion with respect of the information already given to her in its correspondence with her before she lodged the present complaint.

Concerning EPSO's explanation that there were no corrections on her test c) in order not to influence the different markers who had corrected the relevant test, the complainant considered this approach to be reasonable. The complainant further took note of and accepted that, as stated by EPSO in its opinion, it had not been possible to grant her a copy of a correct translation of written test c), since the Selection Board had not drafted a model translation.

On 2 May 2005, she received a copy of her original written test c) without corrections and a copy of the evaluation grid consisting of four boxes, each of which containing what the heading for these boxes described as *general comments*. In each of the four boxes there was an indication concerning ranking points (0-19 points, 20-27 points, 28-35 points and 36-40 points) and the Selection Board had ticked the box corresponding to the points obtained by the complainant in the relevant test. However, these documents did not correspond to those she had requested.

The complainant finally argued that after the conclusion of the Selection Board's work and the publication of the results of the Open Competition in question, there should have been no obstacles for candidates to have access, upon request, to the document containing the corrections made by the markers. Furthermore, since EPSO also stressed that the Boards had established correction criteria in order to guide the markers in their work, the complainant asked whether it was possible to have access to these correction criteria and to the comments and



observations made by the markers or, alternatively, to have access to anonymised copies of some of the best translations.

THE DECISION

1 Preliminary remarks

1.1 In its opinion on the complaint, the European Personnel Selection Office ("EPSO") stated that it was not possible to grant to the complainant, as requested, a copy of the correct translation of written test c) of Open Competition EPSO/LA/18/04. EPSO explained that the Selection Board had not prepared a model translation of test c), given that no single correct translation could exist.

1.2 The European Ombudsman notes that, in her observations on EPSO's opinion, the complainant took note of and accepted the explanations given by EPSO to justify its position concerning the impossibility of granting her a copy of a correct translation of the relevant test. However, the complainant further asked whether it was possible to have access to anonymised copies of some of the best translations done by other candidates.

1.3 The Ombudsman notes that this claim was submitted for the first time in the complainant's observations. Article 2(4) of the Statute of the Ombudsman provides that "*[a] complaint (...) must be preceded by the appropriate administrative approaches to the institutions and bodies concerned*" (5) .

1.4 In light of the above, the Ombudsman cannot deal with the complainant's new claim in the present decision. If the complainant wishes to pursue this aspect of his case, he should first submit it to EPSO. In the absence of a reply by the institution or in case of unsatisfactory reply, the complainant remains free to lodge a new complaint with the Ombudsman.

2 The alleged unfair and discriminatory decision taken by EPSO not to grant the complainant access to a marked copy of her written test and to the correction grid drawn up by the Selection Board

2.1 The complainant participated in Open Competition EPSO/LA/18/04 for Italian-language assistant translators. She failed written test c) and was excluded from the Open Competition. On 22 April 2005, the complainant asked EPSO to have access to her corrected written test c) or to receive a model translation in order to understand her mistakes.

In its replies of 2 and 10 May 2005, EPSO informed the complainant that it gives candidates access to their original examination papers as well as to the evaluation sheet drafted by the Selection Boards. EPSO sent both documents to the complainant. Concerning her request to have access to an example of correct translation of test c), EPSO informed the complainant that a model translation did not exist, given that no single correct translation could exist.

In her complaint to the Ombudsman, the complainant alleged that the decision taken by EPSO not to grant access to a copy of her marked written test and to the correction grid drawn up by the Selection Board was unfair and discriminatory for candidates in Open Competition EPSO/LA/18/04.



2.2 In its opinion, EPSO explained in detail the procedure followed by the Selection Board in correcting translation tests. Each test was corrected anonymously by at least two markers serving in an advisory role. In order to be able to assess and to compare the quality of the translations made by candidates, the Board had established a certain number of correction criteria and had drawn up a list of possible errors: errors of meaning, omissions, errors in grammar, in vocabulary, in spelling, in punctuation or in syntax. These errors were penalised with a certain number of points depending on the gravity of the error. On the other hand, the Board could also award positive points in the case of a very good-quality translation. In order to guide the markers in their work, the Board had provided them with its instructions and with the correction criteria which it had established before the tests.

After having taken note of the markers' remarks and having verified the correct application of the correction criteria by the latter, the Board decided on the final mark for each test and recorded it on the evaluation sheet correspondent to the relevant test. If candidates so request, this sheet is provided to them.

Concerning the complainant's test, EPSO stated that the Selection Board had judged her translation insufficient in view of many weaknesses with regard to the knowledge of the language of origin and to the drafting in the main language. In real working conditions, very exhaustive re-working would have been necessary.

EPSO took the view that the evaluation sheet provided to the complainant contained sufficient elements to explain the reasons for which the Board had marked her test lower than the minimum requested. Furthermore, EPSO stated that a Board is by no means obliged to explain in what way a candidate's performance was not sufficient or to give more detailed reasons for its evaluation.

Concerning the complainant's request to obtain a copy of the correct translation of test c), EPSO stressed that the Selection Board had not prepared a model translation, given that no simple correct translation could exist. The Board had only fixed criteria to guide the markers in their work. EPSO further emphasised the difference between an examination to test the aptitude of a candidate in a given field and a competition like the one in which the complainant had participated. In such competitions, the Board sought to find the best translators. This result could have been achieved only by carrying out a comparative assessment of the tests made by all candidates.

Concerning the complainant's point that knowledge of her mistakes would have helped her to improve her performance in view of her potential participation in future competitions, EPSO emphasised that each Selection Board is independent when carrying out its work and enjoys wide discretionary power concerning the organisation of an open competition, including, for example, the contents of the tests and the correction criteria. Consequently, the work of a given Board is in no way linked to the work of previous ones. Furthermore, the goal of an open competition is not pedagogical in nature but is instead meant to allow institutions to recruit high-level officials, in accordance with the provisions of the Staff Regulations.



2.3 In her observations, the complainant considered as reasonable the explanation provided by EPSO that there were no corrections on her test c) in order not to influence the different markers who had corrected the relevant test. She further took note of and accepted that, as stated in EPSO's opinion, it was not possible to grant her a copy of a correct translation of written test c), since the Selection Board had not drafted a model translation.

Nevertheless, she stressed that the documents that EPSO forwarded to her on 2 May 2005, that is, a copy of her original written test c) without corrections and a copy of the evaluation sheet did not correspond to those she had requested.

The complainant also argued that, after the conclusion of the Selection Board's work and the publication of the results of the Open Competition in question, there should have been no obstacles for candidates to have access, upon request, to the document containing the corrections made by the markers. Furthermore, since EPSO also stressed that the Boards had established correction criteria in order to guide the markers in their work, the complainant also asked to have access to these correction criteria and to the comments and observations made by the markers.

2.4 The Ombudsman notes that the complainant has accepted that the explanation provided by EPSO in its opinion, with regard to the decision not to grant her access to a marked copy of her written test, was reasonable. The Ombudsman therefore considers it is not necessary to pursue the present inquiry into this issue further. The Ombudsman considers however useful to recall that the Court of First Instance has indeed held that a Selection Board is under no obligation to write its comments relating to the assessment of a candidate on the candidate's test paper itself (6). Furthermore, in previous decisions on complaints (7), the Ombudsman had referred to the Court's case-law and had considered that the position adopted by the institution (the Commission in the concerned case) appeared to be reasonable.

2.5 Concerning the complainant's argument that, after the conclusion of the Selection Board's work and the publication of the results of the Open Competition in question, there should have been no obstacles for candidates to have access, upon request, to the document containing the corrections made by the markers and to the correction criteria established by the Board, the Ombudsman notes that these criteria have been established in order to guide the work of the markers and of the Board when making a comparative assessment of candidates.

According to the case-law of the Community Courts, the secrecy inherent in the proceedings of the Selection Board precludes the communication of the criteria for marking the competition tests, which form an integral part of the comparative assessment of the candidates' respective merit made by the Board (8). The Ombudsman also notes that, according to the case-law of Community Courts, the duty, foreseen in Article 6 of Annex III to the Staff Regulations, to treat secretly this kind of information continues even after the completion of the Board's work. As explicitly confirmed by the Court of First Instance in Case T-118/99 *Bonaiti v Commission*, the principle of secrecy of the Board's work is justified on the basis of considerations of public order with a view to guaranteeing the independence of Boards and the objectivity of their



proceedings, by protecting them from all external interference and pressures whether these come from the Community administration itself, from candidates or from third parties. Furthermore, the Court considered that the secrecy of the proceedings of the Board should be guaranteed even after the conclusions of the activity of the Board (9) .

2.6 Nevertheless, the Ombudsman considers it important to analyse the actual evaluation sheet used by the Selection Board which was forwarded to the complainant in light of the Ombudsman recommendations concerning transparency in recruitment procedures and of the issue of candidates' access to information in relation to their performance, namely, concerning the seriousness and the extent of the various types of errors or deficiencies identified by the Boards in the candidates' tests.

In this regard, the Ombudsman wishes to recall that on 18 October 1999 he addressed a special report to the European Parliament (10) following his own-initiative inquiry (1004/97/(PD)GG) into the secrecy which formed part of the Commission's recruitment procedure and that the Report included, among others, a formal recommendation that, in future recruitment competitions, the Commission should, upon request, grant candidates access to their own marked examination papers.

2.7 More recently, in the course of his inquiry 674/2004/(MF)PB (11) , the Ombudsman stated that providing candidates with a copy of the Selection Board's final evaluation sheet could be an adequate indication of the Board's assessment regarding the errors and weaknesses it identified in a candidate's examination paper. The adequacy of the information provided in the evaluation sheet is to be appraised in view of the purpose of providing a candidate with a copy of his/her marked examination paper, set out in the above-mentioned special report. Hence, the evaluation sheet must provide the candidate concerned with sufficiently clear and detailed information in light of those purposes. This requirement implies that, where the evaluation sheet concerns a translation test, it must provide information not only on the types, but also on the seriousness and the extent of the errors or weaknesses identified by the Board in the candidates' paper, without, however, imposing an unreasonable administrative burden on Boards. Such information would be particularly useful to candidates who, like the complainant in the present case, may wish to know in which respects they should seek to improve their performance in future competitions. The Ombudsman also pointed out that in light of the above, and in view of the wide margin of discretion that the Board enjoys when it evaluates the performance of candidates in tests, the Board is under no legal obligation, or any obligation deriving from principles of good administration, to provide candidates with a detailed opinion on the *specific* errors or weaknesses that it has identified.

As a result of his inquiry into this complaint, the Ombudsman addressed a draft recommendation to the Commission and to EPSO, in which he considered that where, as in the present case, the evaluation sheet prepared by the Selection Board concerned a translation test it must provide information not only on the types, but also on the seriousness and the extent of the errors or weaknesses identified by the Board in the candidate's paper, without, however, imposing an unreasonable administrative burden on Boards. The Commission and EPSO responded by providing more information on the *types* of errors committed by the complainant



in the test. However, EPSO stated that it is not the Board's responsibility to indicate the gravity and importance of the different types of errors identified during the correction of the paper concerned. EPSO, thus, did not accept the Ombudsman's draft recommendation. Considering that EPSO had not indicated any valid reasons for its failure to give the relevant information to the complainant, the Ombudsman maintained his finding of maladministration and made a critical remark in his closing decision.

2.8 The Ombudsman notes that, in the present case, the evaluation sheet developed and used by Selection Board for assessing test c), consisted simply of four boxes, each of which contained what the heading for these boxes described as *"general comments"*. These comments were pre-printed and were standard. In the complainant's case the box with the lowest ranking mark (0-19) was ticked (12). The information contained in this box was a standard text, namely *"translation is insufficient. Weaknesses with regards to the knowledge of the language of origin and to the drafting in the language of translation. In real working conditions, very exhaustive re-working would be necessary"*.

The Ombudsman considers that the evaluation sheet completed by the Selection Board and transmitted to the complainant is too general and does not comply with the requirements that, in his opinion, should be fulfilled in order to give candidates sufficient information, namely, on the types, on the seriousness, and on the extent of the errors or weaknesses identified by the Board in the candidate's test.

2.9 The Ombudsman also notes that neither EPSO's messages of 2 and 10 May April 2005 to the complainant nor EPSO's opinion on the present complaint contain any information on the errors or weaknesses identified by the Selection Board in the complainant's test c), not even on the types of the errors. Furthermore, the Ombudsman considers that EPSO has neither argued that the provision of the above information would entail an unreasonable administrative burden nor indicated any other valid reasons for its failure to give this information to the complainant.

The Ombudsman considers that the failure by EPSO to provide the complainant with sufficient information on the types, the seriousness, and the extent of the errors or weaknesses identified by the Selection Board in her test (without, however, imposing an unreasonable administrative burden on the Board), constitutes an instance of maladministration.

2.10 Taking into consideration the position of EPSO in case 674/2004/(MF)PB and in its opinion on the present complaint, the Ombudsman considers that there is no reasonable prospect that EPSO would accept a friendly solution or react positively to a draft recommendation in the present case.

Furthermore, the Ombudsman recalls that on 10 October 2005, he opened an own-initiative inquiry (OI/5/2005) into the issue of access to the evaluation criteria established by the Selection Boards. Given that the issue will be dealt with in detail in that inquiry, the Ombudsman considers it appropriate to await the outcome of that inquiry. He therefore takes the view that there are no grounds to pursue the issue any further in the context of the present complaint.



Nevertheless, the Ombudsman makes a critical remark below.

3 The complainant's claims

3.1 In her complaint to the Ombudsman, the complainant claimed that that EPSO should give her a copy of her marked written test and a copy of the correction grid or of a model translation of test c).

3.2 In light of the conclusion reached in points 2.3, 2.4 and 2.5 above, both claims presented by the complainant must fail.

4 Conclusion

On the basis of the Ombudsman's inquiry into this case and also on the basis of the Ombudsman's findings in case 674/2004/(MF)PB, which is similar to the present one, it is necessary to make the following critical remark:

As stated in his decision on complaint 674/2004/(MF)PB, the Ombudsman considers that "*[p]roviding candidates with a copy of the Selection Board's final evaluation sheet can be an adequate indication of the Board's assessment regarding the errors and weaknesses it identified in a candidate's examination paper. The adequacy of the information provided in the evaluation sheet is to be appraised in view of the purpose of providing a candidate with a copy of his or her marked examination paper, as indicated in the Ombudsman's special report of 18 October 1999 to the European Parliament, which was accepted by the European Commission on 7 December 1999. Hence, the evaluation sheet should provide the candidate concerned with sufficiently clear and detailed information in light of those purposes. This requirement implies that, where the evaluation sheet concerns a translation test, it must provide information not only on the types, but also on the seriousness and the extent of the errors or weaknesses identified by the Selection Board in the candidates' paper, without, however, imposing an unreasonable administrative burden on Selection Boards.*" In the present case, the evaluation sheet concerning the complainant's test c) did not contain any of the above information. Moreover, in its opinion, EPSO also failed to provide such information. This was an instance of maladministration.

For the reasons stated in point 2.10 above, the Ombudsman closes the case.

The Director of EPSO will be informed of this decision.

Yours sincerely,

P. Nikiforos DIAMANDOUROS

(1) OJ 2004 C 37A, p. 1.

(2) OJ 2001 L 145, p.43.

(3) The text of this decision can be found at the Ombudsman's website (<http://www.ombudsman.europa.eu> [Link]).



- (4) Case T-19/03 *Konstantopoulou v Court of Justice* [2004] ECR-SC I-A-25 and II-107, paragraph 61.
- (5) Decision of the European Parliament on the regulations and general conditions governing the performance of the Ombudsman's duties, adopted by Parliament on 9 March 1994 (OJ 1994 L 113, p. 15) and amended by its decision of 14 March 2002 (OJ 2002 L 92, p. 13).
- (6) See Case T-19/03 *Konstantopoulou v Court of Justice* [2004] ECR-SC I-A-25 and II- 107, paragraph 61.
- (7) Decisions on complaint 324/2003/MF and on complaint 774/2003/ELB can be found on the Ombudsman's website (<http://www.ombudsman.europa.eu> [Link]).
- (8) See Case T-72/01 *Pyres v Commission* [2003] ECR-SC I-A-169 and II-861, paragraphs 63-66; Case T-233/02 *Alexandratos and Panagiotou v Council* [2003] ECR-SC I-A-20 and II-989, paragraphs 30-31; and Case T-19/03 *Konstantopoulou v Court of Justice*, cited above, paragraphs 23-26.
- (9) See Case T-118/99 *Bonaiti v Commission* [2001] ECR-SC I-A-25 and II-97, paragraphs 46-47.
- (10) The special report can be found on the Ombudsman's website (<http://www.ombudsman.europa.eu> [Link]).
- (11) The text of the Ombudsman's decision in this case can be found on the Ombudsman's website (<http://www.ombudsman.europa.eu> [Link]).
- (12) The other boxes indicated the following ranking points: 20-27 points, 28-35 points and 36-40 points.