

Decision and recommendations of the European Ombudsman on complaint 46/27.07.95/FVK/PD against the European Environment Agency

Decision

Case 46/95/VK - Opened on 14/11/1995 - Recommendation on 20/12/1996 - Decision on 10/03/1997

According to the information given to the European Ombudsman, there is no indication that the Environment Agency discriminated by sex in the selection procedure.

As regards the non-disclosure of the selection criteria to the candidate and the qualification profile of the person who obtained the post, the European Ombudsman states the following:

Mrs. von K., received no reasoned decision for the rejection of her candidature. According to the case law of the European Court of Justice the authority responsible for the selection of candidates is required to give reasons for its decision. This obligation to state reasons is valid in particular at the stage when a complaint by an unsuccessful candidate is rejected. The purpose of that obligation is both to enable the Community judicature to review the legality of the decisions and to give the person concerned a sufficient indication to determine whether such decisions are well founded or contain defects allowing their legality to be challenged.

The extent of the obligation must be determined on the basis of the particular facts of each case. Mrs. von K. requested to be informed about the reasons for her failure. The European Ombudsman did not see why the reasons could not have been disclosed to her.

The European Ombudsman considers that the Environment Agency should have disclosed the reasons for its decision to reject the candidature to Mrs. von K.

After having attempted to achieve a friendly solution in accordance to Article 3.5 of the Statute, he informed the European Environment Agency that he considered the non-disclosure to Mrs. von K. of the reasons for the rejection of her candidature to be an instance of maladministration.

He therefore asked the European Environment Agency for the detailed opinion foreseen by Article 3(6) of the Statute of the European Ombudsman by no later than 30 April 1997. The detailed opinion could consist of acceptance of the Ombudsman's decision and informing him that the recommendation has been implemented.



The European Environment Agency informed the European Ombudsman by a letter of 6 February 1997 that it had accepted the recommendation made by the Ombudsman and disclosed the reasons to the candidate.

As the European Environment Agency's response to his draft recommendation had been satisfactory, the European Ombudsman therefore closed the case on 10 March 1997.