

Decision of the European Ombudsman in case 1083/2015/ANA concerning Eurojust's reimbursement of travel expenses to candidates invited to an interview

Decision

Case 1083/2015/ANA - **Opened on** 20/07/2015 - **Decision on** 12/07/2016 - **Institutions concerned** European Union Agency for Criminal Justice Cooperation (No maladministration found) | European Union Agency for Criminal Justice Cooperation (Settled by the institution) |

The case concerned Eurojust's policy for the reimbursement of travel expenses of candidates invited to an interview.

The complainant turned to the Ombudsman alleging that Eurojust's reimbursement policy was unfair and discriminatory towards candidates residing outside the EU. In support of his allegation, the complainant noted there was a ceiling of 500 EUR for candidates residing outside the EU whilst, in some cases, a higher ceiling applied for travel from within the EU.

The Ombudsman inquired into the issue and found that, by increasing the reimbursement for candidates residing outside the EU to the highest ceiling applicable to candidates travelling inside the EU, Eurojust has taken appropriate action to settle the case.

The background to the complaint

1. The case concerned Eurojust's policy for the reimbursement of travel expenses of candidates invited to an interview.
2. On 12 June 2015, the complainant, an EU national residing in Uganda, was invited to attend an interview with Eurojust in The Hague on 6 July 2015.
3. The complainant contacted Eurojust and made inquiries about his trip.
4. On 15 June 2015, Eurojust informed the complainant that he was free to make suitable travel arrangements, but reminded him that the ceiling for travel expenses, for a flight from Uganda, was EUR 500.
5. On 23 June 2015, the complainant contacted Eurojust arguing that its reimbursement policy



was unfair and discriminatory towards EU candidates residing outside the EU. He noted that flights from outside the EU were not fully reimbursed whereas flights from inside the EU were. He also claimed that travelling from outside the EU is obviously more expensive.

6. On the same day, Eurojust confirmed that the ceiling of EUR 500 was in accordance with its reimbursement policy, and that it had to respect that ceiling.

7. On 23 June 2015, the complainant turned to the European Ombudsman.

The inquiry

8. On 20 July 2015, the Ombudsman opened an inquiry into the following allegation and claim:

Allegation:

Eurojust's reimbursement policy is unfair and discriminatory towards EU citizens residing outside the EU.

In support of this allegation, the complainant pointed out that the ceiling for the reimbursement of travel costs was set at EUR 700 for travel from the Czech Republic and Denmark, EUR 900 from Germany (Dresden, Erfurt and Leipzig) and EUR 1500 for French overseas departments and territories. In contrast, the ceiling was set at EUR 500 for travel from Australia or, in his case, from Uganda. According to the complainant, this was unfair and could not be objectively justified.

Claim:

Eurojust should revise its reimbursement policy (a) in order to address the unfairness and discrimination towards EU citizens residing outside the EU and (b) if possible, in good time, in order to give the complainant a fair reimbursement for attending an interview with Eurojust.

9. In the course of the inquiry, the Ombudsman received the opinion of Eurojust on the complaint and, subsequently, the comments of the complainant in response to Eurojust's opinion. In conducting the inquiry, the Ombudsman has taken into account the arguments and opinions put forward by the parties.

Allegation that Eurojust's reimbursement policy towards EU citizens residing outside the EU is unfair and discriminatory and the related claims

Arguments presented to the Ombudsman



10. In its opinion, Eurojust stated that it had now revised its policy following the Ombudsman's letter opening an inquiry into the complaint. As a result, the highest general flight ceiling applicable to flights from EU Member States would now be applicable to flights from non-EU countries.

11. As regards the complainant's second claim that its policy should be revised in a timely manner in order to reimburse him for attending an interview with Eurojust, Eurojust stated that, as the complainant decided not to take part in the interview, there were no costs to be reimbursed.

12. In his observations, the complainant argued that, although the new reimbursement policy was a step in the right direction, the new ceiling would still not be sufficient to cover the travel costs for a number of countries outside the EU.

13. Regarding his claim for reimbursement, the complainant stated that he declined to take part in the interview only because the reimbursement of his travel expenses would not have covered his travel costs. He argued that he missed the job interview due to Eurojust's delay in responding to his claim. In this connection, the complainant enclosed his e-mail dated 9 November 2015, in which he acknowledged the change in Eurojust's reimbursement policy and argued that Eurojust should still allow him to be interviewed on an alternative date so as to give him the chance to be included on the reserve list.

14. In its reply of 1 December 2015, Eurojust noted that that it had already asked the complainant to confirm by 1 July 2015 whether he was going to attend the interview scheduled for 6 July 2015. In response, the complainant had simply asked to know whether, were he to travel via Sweden, where he might be because of another possible interview at the end of July, the reimbursement ceiling would be raised. Eurojust replied that it considered that the complainant had clearly indicated that he did not intend to attend the interview stage of the recruitment procedure in question. Eurojust informed the complainant that, in the meantime, a reserve list had already been drawn up and the selection procedure closed and implicitly rejected the complainant's request.

The Ombudsman's assessment

15. As regards the allegation, the Ombudsman notes that Eurojust has now revised its reimbursement policy. The new highest applicable ceiling of EUR 750 [1] for flights from EU Member States now also applies to flights from non-EU countries [2]. The Ombudsman takes the view that the new policy is reasonable. She underlines that the concept of a cost ceiling also implies that, in certain circumstances, travel within the EU will not be fully reimbursed, even if the ceiling applied is the maximum EUR 750. Therefore, Eurojust settled the complainant's allegation and first claim.

16. As regards the complainant's second claim that he should be reimbursed for the costs of the interview of 6 July 2015, the Ombudsman only discovered from Eurojust's opinion that the



complainant did not in fact attend the interview. As a result, this aspect of the complainant's claim is now devoid of purpose.

17. The Ombudsman also notes that, on 30 June 2015, Eurojust asked the complainant to confirm by 1 July 2015 whether he intended to attend the interview of 6 July 2015. On 1 July 2015, the complainant stated that he might be in Sweden for another interview towards the end of July and asked whether the reimbursement ceiling for travelling from Sweden might apply to him. The complainant states that he was implicitly asking to be interviewed at the end of July. The Ombudsman considers that it would have been desirable, as a matter of courtesy, for Eurojust to respond to that question. However, that said, given the words used by the complainant, Eurojust was entitled to consider that the complainant did not intend to take part in the interview scheduled for 6 July. Eurojust thus acted within the bounds of reasonableness.

18. During the inquiry, the complainant raised a new claim, namely that Eurojust should invite him to an interview on an alternative date that would enable him to benefit from the new revised reimbursement policy. The Ombudsman notes that the reserve list in question has already been drawn up. Thus, no interview can now be carried out. Thus, there are no grounds to extend the inquiry to cover this new claim.

19. In light of these considerations, the Ombudsman closes the case with a finding that Eurojust has taken appropriate action to settle the case.

Conclusion

On the basis of the inquiry into this complaint, the Ombudsman closes it with the following conclusions:

Eurojust has taken appropriate action to settle the complainant's allegation and first claim.

There is no maladministration in relation to the remainder of the complaint.

The complainant and Eurojust will be informed of this decision.

Emily O'Reilly

Strasbourg, 12/07/2016

[1] Annex - " *Ceiling on flight costs for candidates travelling to Eurojust* ".

[2] Article 3 of Decision on the reimbursement of travel expenses for persons invited to attend a recruitment interview at Eurojust, AD 2015-22, The Hague, 29 October 2015.

