

Decision of the European Ombudsman on complaint 800/97/VK against the European Environment Agency

Decision

Case 800/97/VK - Opened on 06/10/1997 - Decision on 01/03/1999

Strasbourg, 1 March 1999 Dear Mrs K., On 7 July 1997, you made a complaint to the European Ombudsman against the European Environment Agency. You alleged that the Environment Agency had wrongly rejected the application for a post which you made to it. On 6 October 1997, I forwarded the complaint to the Director of the European Environment Agency. The Environment Agency sent its opinion on 6 November 1997. I forwarded the opinion to you with an invitation to make observations, which you sent on 23 January 1998. I am writing now to let you know the results of the inquiries that have been made. I apologise for the length of time that it has taken to deal with your complaint.

THE COMPLAINT

According to your complaint, the relevant facts were as follows: On 3 January 1996, the complainant applied under the competition EEA/A/2/M for a position of project manager with the European Environment Agency. She then was informed by the Environment Agency that she was not chosen for the post in question. She was not given any reasons for the rejection of her application. The complainant thereafter lodged a complaint with the Ombudsman. She stated that she should have been given the reasons for her rejection. As a result of the Ombudsman's investigation, the Environment Agency submitted the reason for her rejection. The reason given was that the complainant did not have the required 5 years of professional experience. The complainant thereafter addressed the Ombudsman again. She put forward that she had 2 years of professional experience, 1 year of vocational training and 2 years of time spent of doctorate studies which should be recognised as 5 years of professional experience as it was general practice in Germany. The complainant alleged that the Environment Agency was therefore wrong in its assessment.

THE INQUIRY

The opinion of the Environment Agency The Environment Agency stated the following: - The complainant did not have the required 5 years of professional experience in the field concerned. - The question whether doctorate studies are equivalent to professional experience was investigated by the selection committee. It came to the conclusion that this was not the case as only those conditions could be recognised which were laid down mentioned in the notice of competition. The notice of competition did not mention any recognition of doctorate studies. It could therefore not be taken into account. **The complainant's observations** In her



observations, the complainant maintained her complaint.

THE DECISION

1. Professional experience 1.1 It is undisputed that a minimum of 5 years professional experience are required for the post in question. It is also established that the complainant had 2 years of professional experience, 1 year of professional qualification training and 2 years of study for her doctorate. 1.2 The contentious question is what other activity can be recognised as professional experience. 1.2.1 The complainant brought forward that German authorities recognise the time spent for doctorate studies as professional experience. The question whether doctorate studies are generally recognised in Germany may remain undecided as this selection procedure does not fall under national legislation but under the regulations of Community law. 1.2.2 The notorious practice of the Community institutions is to recognise doctorate study periods for up to half of the required professional experience. From the claimed doctorate study period again a maximum of 50 % is recognised. The complainant claimed 2 years of doctorate studies. According to the Community practice, a maximum of 1 year of doctorate studies would be recognised. The complainant could therefore claim 2 years of professional experience plus 1 year, which counts as equivalent to professional experience according to the above mentioned practice of the Community institutions; plus 1 year of vocational training. This would still not be a sufficient, as a total of 5 years of professional experience was required for the post in question. 1.2.3 The condition for the application of this Community practice is that it is explicitly stated in the notice of competition. In the current case, the notice of competition for the post in question did not provide any information on the equivalent recognition of other activity as professional experience. It appears therefore that the Environment Agency has acted in accordance with the rules binding upon it. **2. Conclusion** On the basis of the European Ombudsman's inquiries into this complaint, there appears to have been no maladministration by the European Environment Agency. The Ombudsman has therefore decided to close the case. The Director of the European Environment Agency will also be informed of this decision. Yours sincerely Jacob SÖDERMAN