



**P. Nikiforos Diamandouros**  
European Ombudsman

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Strasbourg, 14-12-2010

Complaint 2378/2010/AN

Dear Mr Marimón,

On 5 November 2010, you submitted a complaint to the European Ombudsman against the European Commission concerning its handling of recruitment procedure COM/2009/10222.

I have asked the Commission to submit an opinion on the following allegations and claims.

**Allegations:**

**1.** The Commission handled recruitment procedure COM/2009/10222 in a non-transparent way.

In support of this allegation, the complainant argues that the Commission departed from the policy set out in its Communication to the Council and the European Parliament COM(2009)552, and from the content of the call for competition.

**2.** The Commission failed to reply to the complainant's arguments contained in his letters dated 20 September and 19 October 2010.

**Claims:**

**1.** The Commission should apologise to the complainant for its actions.

**2.** The Commission should reply to the complainant's arguments contained in his letters dated 20 September and 19 October 2010.



**3.** The Commission should explain its reasons for closing recruitment procedure COM/2009/10222 without appointing a candidate, and state whether this was due to a change of policy.

In accordance with Articles 2(2) and 3(1) of the Statute of the European Ombudsman, I informed the President of the Commission of your complaint and invited him to submit an opinion on the allegations and claims included in my inquiry by 31 March 2011.

After I have received the Commission's opinion, I will forward it to you with an invitation to make observations and submit them to my office within one month of receiving the opinion.

Once my office receives your observations, or the deadline has passed, the Legal Officer responsible for your case, Ms Alina Nedea (+33 (0)3 88 17 67 84), will then examine your file. I will inform you if I need to inquire further into your complaint before making a decision on it.

Every effort is made to deal with cases as quickly as possible. I try to reach a preliminary conclusion in an inquiry on a complaint within one year of opening it.

In your complaint, you requested that the Commission's apologies to you, as well as its explanations concerning the reasons to close the recruitment procedure without appointing a candidate be public (first and third claims). Please note that, according to your own choice, the Ombudsman's inquiry into your complaint is public. As such, the final decision will be published on the Ombudsman's website, and therefore the Commission's position concerning your claims will be publicly available.

Yours sincerely,

P. Nikiforos Diamandouros