



Directorate-General for Personnel
The Director-General

Luxembourg, 15 JUN 2010
PERS-COORD.GEN(10)D/30135
PRN/MD/bf

NOTE FOR THE ATTENTION OF Ms Erminia MAZZONI
Chairman of the Committee on Petitions

Subject : **Petition 0026/2010 by Peter Schönberger (German), on the award of merit points and the European Ombudsman's decision on complaint 344/2007(WP)BEH.**

By letter of 11 May 2010, you requested the opinion of the Directorate-General for Personnel concerning the above-mentioned petition.

It follows from the petitioners' opinion that he wants a review of his merit points for 2004 carried out and he wants to be sent a new decision on merit points for 2004.

Even though it is not within my competence to judge the admissibility of the petition, I nevertheless draw your attention to the administrative implications if it were to be accepted. In fact, accepting admissibility of the petition could entail opening a new appeal procedure which is not provided for in the Staff Regulations. Such new procedure could lead to rather substantial administrative implications in the sense that staff might prefer not to use the remedies explicitly established by the Staff Regulations but would prefer to make recourse to launch a petition.

As far as the substance is concerned, I would like to point out that Parliament has adopted a set of rules in order to guarantee the correct assessment of staff members' merits.

To this end, it should be noted that the detailed comparative assessment concerns staff reports' analytical assessments but also tasks performed, tasks achieved outside normal duties, participation in an administrative committee or body and wide-ranging language skills.

According to the established case law, to carry out such an assessment, the Administration enjoy a discretion, limited by the need to carry out a comparative assessment of the merits of

those subject to the staff reports procedure carefully and impartially, in the interests of the service and in accordance with the principle of equal treatment.

It appears from the detailed comparative assessment of Mr Schönberger's merits, carried out both at the meeting of the College of Assessors of his directorate-general and in the course of considering his complaint and his appeal before the European Ombudsman, that he did not deserve the award of a third point.

This finding is based, in particular, on the fact that the staff reports of the two officials whose merits were compared to those of the petitioner were better substantiated than that of the petitioner.

The comparative assessment of Mr Schönberger's merits conducted by his directorate-general in 2004 and in connection with both his complaint and his appeal before the European Ombudsman has revealed no manifest error and were carried out in accordance both with the relevant regulations and with the requirements of the relevant case-law.

In this view, it must be considered that the Secretary-General's decision of 25 October 2006 confirming the award of two merit points to the complainant for the 2004 exercise was well founded.

I remain at your disposal for any further information you may wish.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Yves QUITIN', written over a horizontal line.

Yves QUITIN