

WRITTEN QUESTION E-1024/09

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to the Commission

Subject: Failure to hire successful civil service competition candidates at the Ministry of Defence

In Italy the Ministry of Defence alone has a waiting list of more than 500 people, with varying profiles, who passed a public competition years ago and are still waiting to be hired. In the meantime new competitions continue to be organised, at considerable cost. The ministries concerned will not release any information on the possibility of employment and the only justification provided for the continual delays is the absence of authorisation from the Civil Service, which, under Article 66 of Law No 133/06, imposes heavy restrictions on hiring new recruits in the public sector.

Taking into consideration the following:

- a) Article 41 of the Charter of Fundamental Rights of the European Union, which sanctions the right to good administration and in particular states that 'every person has the right to have his or her affairs handled impartially, fairly and within a reasonable time by the institutions and bodies of the Union';
- b) Paragraph 2 of the same Article, which sanctions, in addition:
 - the right of every person to be heard, before any individual measure which would affect him or her adversely is taken;
 - the right of every person to have access to his or her file, while respecting the legitimate interests of confidentiality and of professional and business secrecy;
 - the obligation of the administration to give reasons for its decisions;
- c) Paragraph 3, which provides for the right to compensation for any damage incurred;
- d) Title VIII (Employment) of the Treaty establishing the European Community,

Could the Commission indicate:

Whether it is aware of these facts?

Does the Commission not consider that:

1. the Member States should respect the right of all citizens to good administration, guaranteeing the standards set for the European institutions by Article 41 of the Charter of Fundamental Rights?
2. the Member States should guarantee the provision of clear and detailed information concerning the recruitment of those citizens that have passed a public competition?
3. public competitions should not be organised if the Civil Service is not in a position to secure jobs for the successful candidates of previous competitions?
4. those public authorities that have failed to fulfil their obligations should be required to provide compensation for any damage suffered by citizens as a result of bad administration?