

## **Decision in case 1303/2019/UNK on the Education, Audiovisual and Culture Executive Agency's handling of a complaint concerning the Erasmus Mundus scholarship programme**

Decision

**Case 1303/2019/UNK - Opened on 29/11/2019 - Decision on 29/11/2019 - Institution concerned** European Education and Culture Executive Agency ( No maladministration found )

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### **The complaint to the Education, Audiovisual and Culture Executive Agency**

1. The complainant is a PhD student who obtained an Erasmus Mundus action 2 scholarship at Bournemouth University and participated in the cLink project [1] .
2. Since the Education, Audiovisual and Culture Executive Agency (EACEA) is responsible for the implementation of the Erasmus Mundus action 2 programme, [2] the complainant turned to it with some of his concerns regarding Bournemouth University. Following an extensive email exchange with the EACEA, [3] the complainant considered that some of his concerns remained unresolved and, therefore, he submitted a complaint to the EACEA against Bournemouth University on 14 February 2018.
3. On 23 March 2018, the EACEA replied to the complainant's complaint and informed him that it would not reply to any further correspondence from him concerning the issue.
4. On 8 July 2019, the complainant turned to the Ombudsman arguing that the EACEA failed to investigate his complaint. The complainant also argued that the EACEA's decision to discontinue correspondence with him prevents him from providing further documentation relevant to the complaint and from reporting further mismanagement.

### **The Education, Audiovisual and Culture Executive Agency's response to the complainant**

5. The EACEA explained to the complainant that it awards grants to universities and ensures



that these are properly implemented. In that regard, it stated that it took note of the complainant's comments on the management of the cLink project. However, it is stated that it “*cannot interfere in the management of human resources at any university*”, and cannot “*substitute itself for the universities in their relationships with the students/PhD candidates*”. It added that it is also not in its remit “*to question academic content or outputs of publications*.”

6. The EACEA concluded that it has investigated the complainant's concerns to the extent possible within the limits of its mandate. It suggested that he seek legal advice at the national level if he wished to pursue the matter further. It informed the complainant that based on its findings, it would not reply to any further correspondence from him on this subject.

## The European Ombudsman's finding

7. According to the Guidelines on Erasmus Mundus students' concerns and complaints, [4] the EACEA may not intervene if a complaint concerns the assessment and supervision of academic performance and/or if it addresses issues relating to the internal regulations of the higher education institution in question. Therefore, the EACEA was correct to state that it is outside of its remit to question the management of the university's human resources and the academic content or outputs of publications.

8. The Ombudsman notes that Article 14.3 of the European Code of Good Administrative Behaviour [5] states that no reply needs to be sent in cases where correspondence is repetitive or pointless. Since the complainant's latest correspondence provided no new information falling within the EACEA's remit and the EACEA adequately replied to all complainant's concerns on several occasions [6], the EACEA's decision not to reply to any further correspondence concerning this subject is reasonable.

9. Based on the information provided by the complainant, the Ombudsman finds no maladministration in this case. [7]

Fergal Ó Regan

Head of Inquiries - Unit 2 Strasbourg, 29/11/2019

[1] cLink (Centre of excellence for Learning, Innovation, Networking and Knowledge) is an EU (Erasmus Mundus) project that aims to foster partnership between universities in Asian and EU countries by developing and enhancing co-operative teaching links, by enhancing established co-operative research on contemporary technology enhanced solutions, and by enhancing academic networks. More information available at the following link: <http://clink-edu.eu/> [Link].



[2] [Commission Implementing Decision 2013/776 of 18 December 2013 establishing the 'Education, Audiovisual and Culture Executive Agency'](#). [Link]

[3] The complainant's emails of 6 November 2017, 5 December 2017, 11 December 2017, 22 December 2017, 22 January 2018, 25 January 2018, 1 February 2018, 6 February 2018 and 9 February 2018. The EACEA'S replies of 30 November 2017, 20 December 2017 and 8 February 2018.

[4] [European Commission, Guidelines for Erasmus Mundus Joint Master Degrees/Erasmus Mundus students' concerns and complaints](#). [Link]

[5] [The European Code of Good Administrative Behaviour](#) [Link].

[6] The EACEA's replies of 30 November 2017, 20 December 2017, 8 February 2018 and 23 March 2018.

[7] This complaint has been dealt with under delegated case handling, in accordance with Article 11 of the [Decision of the European Ombudsman adopting Implementing Provisions](#) [Link]